Religious Hostility Measures (Human Rights Compatibility) Policy 2026 — RHM-P 2026/01

Protect persons. Do not manage beliefs, history, theology or politics.

Companion instruments: Religious Hostility Measures (Human Rights Compatibility) Bill 2026 and Explanatory Memorandum EM-RHM 2026/01. 21 September 2026.

Document	RHM-P 2026/01
Applies to	The National Response to Islamophobia (12 September 2025); the Australian Government response (18 July 2026); and every later Commonwealth measure that uses "Islamophobia", "anti-Muslim hostility", or any equivalent term as an operative standard.
Legal basis	ICCPR Articles 2, 6, 9, 14, 15, 17, 18, 19, 20, 21, 22, 25, 26 and 27; ICERD; ICESCR; CRC; CEDAW; CRPD; ILO Convention 111; 1981 Declaration; Constitution section 116; Human Rights Committee General Comments 22, 25 and 34; Rabat Plan of Action; Siracusa Principles.
Authority	Circulated by authority of Alecomm (Australian Legislative Ethics Commission). This paper is not an exposure draft.

1 Determination

This paper is Australian Government policy on the only line the International Covenant on Civil and Political Rights permits a State to draw when it acts against religious hostility. The Commonwealth may protect persons. It may not manage ideas.

Muslim Australians, and every other person in Australia, have a right to be protected from violence, threats, vandalism of places of worship, and unlawful discrimination because of religion or perceived religion. That duty is not in dispute. It is restated here so that it cannot be caricatured away.

What is in dispute, and what this paper settles, is the use of that duty as a vehicle to protect Islam as a system of ideas from criticism; to racialise a religion; to compel training in an official theology; to condition grants, university registration, visas and parliamentary conduct on viewpoint; or to treat "social cohesion" as if it were a criminal offence.

This paper is the single parent of the Religious Hostility Measures (Human Rights Compatibility) Bill 2026. Departments administering the Racial Discrimination Act 1975, the Online Safety Act 2021, the Tertiary Education Quality and Standards Agency Act 2011, the Migration Act 1958, the Australian Federal Police Act 1979, the Criminal Code Act 1995, parliamentary workplace legislation, and every grant, training, curriculum and tasking instrument issued under the National Response or the Government response are to apply this paper until the companion Act commences and, after commencement, consistently with it.

Operative rule

The Commonwealth may act to protect persons. The Commonwealth must not act to manage beliefs, history, theology or politics.

An Islamophobia measure has no effect unless its operative definition is confined to person-protection conduct: a violent offence, a threat, stalking or damage to property motivated by hostility to a person because of religion or perceived religion; unlawful discrimination against such a person; or advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, assessed by the six factors in the Rabat Plan of Action.

Protected criticism — speech, teaching, research, art, journalism, parliamentary debate, protest or worship that criticises, rejects, satirises or analyses a religion, a religious text, a religious law, a religious movement, a religious state, or a foreign-policy position connected with a religion, including Islam — is not a civil, criminal, professional, educational or funding wrong.

2 Status of the National Response and the Government response

On 12 September 2025 the Special Envoy to Combat Islamophobia, Mr Aftab Malik, submitted A National Response to Islamophobia: A Strategic Framework for Inclusion, Safety and Prosperity, containing 54 recommendations across twelve Commonwealth institutions.

On 18 July 2026 the Australian Government published Combatting Islamophobia: Australian Government Response to the Special Envoy's National Response to Islamophobia. That response accepted a package of education, grants, security, mental-health, policing and online-safety measures. It declined or deferred several structural proposals, including a commission of inquiry into Islamophobia, a commission of inquiry into anti-Palestinian and anti-Arab racism, and amendment of the definition of a terrorist act.

Those two documents contain measures that can lawfully protect Muslim Australians from violence and discrimination. They also contain, or enable, measures that can restrict freedom of thought, conscience, religion and expression by treating criticism of Islam as a civil, professional, educational or funding wrong. This paper does not withdraw the first class. It forbids the second.

The envoy report itself records that there is no universally accepted definition of Islamophobia and traces the term to "dread or hatred of Islam." Where a term is undefined, it is not a legal standard. Agencies must not use it as a trigger until they publish an operational definition confined to person-protection conduct.

3 Purpose

This policy does two things and forbids a third.

First, it requires the Commonwealth to protect every person, including every Muslim Australian, from person-protection conduct. The duty is religion-neutral. It applies to a Christian, a Jew, a Hindu, a Buddhist, a Sikh, an Ahmadi, an apostate, a person of no religion, and a Muslim, on the same legal test.

Second, it makes it unlawful, as a matter of policy and under the companion Act, for the Commonwealth to treat criticism of a religion, including Islam, as a civil, criminal, professional, educational or funding wrong, except where the speech is advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence within the meaning of Article 20(2) of the ICCPR, applied through the Rabat Plan of Action.

Third, it forbids the racialisation of a religion, compelled training in an official theology, viewpoint conditions on grants and university registration, parliamentary speech codes that catch policy argument, and the use of "social cohesion" as a substitute for a criminal offence.

4 Documents and measures in scope

This paper binds every Islamophobia measure. An Islamophobia measure is a Commonwealth Act, instrument, policy, grant guideline, training module, curriculum direction, code of conduct, regulatory condition, database rule, visa criterion, or tasking document that uses "Islamophobia", "anti-Muslim hostility", "anti-Muslim sentiment", or any equivalent term as an operative standard.

The class includes, without limitation: the Islamophobia Education Taskforce; the Social Cohesion Education Advisory Council; AFP Community Liaison and Social Cohesion arrangements; the National Hate Crimes Database; eSafety guidelines and any digital duty of care; parliamentary behaviour codes and Independent Parliamentary Standards Commission processes; TEQSA conditions and National Student Ombudsman pathways; AHPRA engagement; multicultural and media grants targeted to Muslim communities; visa character assessments that treat religious criticism as hate speech; and any later instrument that inherits the same operative vocabulary.

5 The problem this policy treats as established

5.1 Persons and ideas have been collapsed

A strategy that begins with assaults on worshippers, vandalism of mosques and street harassment can lawfully occupy criminal law, anti-discrimination law and physical-security funding. The same strategy becomes a speech architecture when “Islamophobia in any form”, “harmful stereotype”, “narrative” or “anti-Muslim sentiment” is used as the trigger for training, grants, platform removal, curriculum, professional discipline or visa refusal. Those phrases are not foreseeable legal standards. They fail the prescribed-by-law test in Article 19(3).

5.2 A religion is being prepared for racialisation

A multi-ethnic faith community is not a race. Recasting theological or political disagreement as racial vilification under the Racial Discrimination Act 1975 would convert Article 19 argument into an Article 26 preferment and stretch Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. CERD General Recommendation 35 itself requires Article 4 to be read with freedom of expression. It is not a blasphemy tool.

5.3 The enforcement surface is administrative, not judicial

The National Response and the Government response operate through taskforces, grant guidelines, training slide decks, curriculum directions, platform duties and police liaison. Those instruments do not come back to the Parliament. Without an Act and a published checklist, “Islamophobia” can remain undefined while still costing a person a grant, a registration, a visa, a teaching ticket or a place on a reading list.

5.4 The stack is the restriction

Human Rights Committee General Comment No. 34 treats pervasive chill as a restriction even without a conviction. Training plus codes plus grants plus eSafety plus TEQSA plus AHPRA plus an AFP portal plus a hate-incidents database is a prior-restraint ecosystem. Each component can be described as modest. Together they tell a speaker to stay off the subject.

5.5 Intra-faith dissent is the first casualty

Apostates, reformers, Ahmadis, Quranists, secular Muslims, Muslim feminists and lesbian, gay, bisexual or transgender Muslims hold Articles 18, 19 and 27 in their own right. A consultation confined to peak religious bodies, and a definition that codes their criticism as Islamophobia, is capture, not minority protection.

6 Legal tests every measure must pass

Any limitation of a Covenant right is lawful only if all of the following are satisfied. These tests are the tests the companion Act enacts. They are not a commentary.

6.1 Legality

The restriction is prescribed by a clear, accessible and foreseeable rule. “Islamophobia”, “anti-Muslim sentiment”, “harmful stereotype”, “narrative” and “social cohesion” are not, without further definition, foreseeable legal standards.

6.2 Legitimate aim

The only aims capable of limiting ICCPR Article 19 are respect for the rights or reputations of others, and protection of national security, public order, public health or morals. Preventing offence to a religion is not a legitimate aim. General Comment No. 34 so provides.

6.3 Necessity and proportionality

The measure is the least restrictive means of achieving the aim. Existing offences for assault, threat, stalking, property damage and incitement already occupy the field of violence and true incitement. Broader speech, training and curriculum controls are surplus restriction.

6.4 Article 20(2) ceiling

The only speech the Covenant requires the State to prohibit is advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Rabat Plan of Action six-part test applies: context, speaker, intent, content and form, extent, and likelihood or imminence of harm. Everything short of that remains protected. An assessment of incitement must record each factor in writing.

6.5 Equality

The same standard must apply to hostility against every religion and against non-belief. A denser apparatus for one faith than for others requires an objective and reasonable justification tied to specific, evidenced harm and a published time-limit of not more than 24 months — not to identity as such.

6.6 Non-coercion of belief

ICCPR Article 18 forum internum is non-derogable. No training, curriculum, code or complaint process may compel a person to affirm an official account of Islam or of "Islamophobia". A student, teacher or parent may refuse to affirm a proposition about a religion.

7 Operative principles

Implementing agencies shall apply the following principles as binding policy. They are the principles the companion Act converts into clauses 7 to 15 and 25 to 33.

7.1 Principle 1 — Persons, not ideas

Protected conduct is violence, threats, vandalism, and adverse treatment of a person because that person is or is perceived to be of a particular religion. Unprotected by this policy, and protected by the Covenant, is criticism of Quranic texts, hadith, sharia, apostasy and blasphemy norms, political Islam, jihadist ideology, the record of particular states, the treatment of women, LGBT people and religious minorities, and any foreign-policy position including on Israel and Palestine.

7.2 Principle 2 — No racialisation of a religion

The Commonwealth must not treat a religion, including Islam, as a race for the purpose of the Racial Discrimination Act 1975 or any other Commonwealth law. A later amendment that classifies Muslims, or any other religious community as such, as a racial or ethno-religious group does not take effect unless the Parliamentary Joint Committee on Human Rights has reported by reference to Articles 19 and 26 of the Covenant and Article 1 of ICERD, and each House has passed a resolution that the amendment is compatible with those Articles. A later Parliament can repeal that manner-and-form rule. Until it does, this is the rule.

7.3 Principle 3 — One speech rule for every religion

No definition, training module, platform rule, university policy or parliamentary code may make it harder to criticise Islam than to criticise Christianity, Judaism, Hinduism, Buddhism, Sikhism, or non-belief. Reciprocity is the Article 26 test.

7.4 Principle 4 — No official theology

Curriculum reviews, Social Cohesion Frameworks, "faith literacy", and grants for communal stories may fund accurate history and voluntary cultural expression. They may not prescribe an official narrative of a religion's history, values, or relationship to the Australian constitutional order as a condition of teaching, public employment or public funding. A curriculum review or faith-literacy module must state that criticism of every religion is lawful.

7.5 Principle 5 — Political speech is core speech

Parliamentary discourse, election material, journalism, academic work and protest about immigration, integration, counter-terrorism, religious law and foreign policy sit at the centre of Articles 19 and 25. Behaviour codes and IPSC processes have no effect to the extent that they treat protected criticism as misconduct. A person's political

opinion about immigration, integration, religious law, counter-terrorism or a foreign conflict is not, of itself, Islamophobia.

7.6 Principle 6 — Intra-faith dissent is protected

Protected criticism includes criticism of a religion by a current or former adherent of that religion. An agency must not treat an apostate, a reformer, an Ahmadi, a Quranist, a secular Muslim, a Muslim feminist or an LGBT Muslim as engaging in Islamophobia by reason only of that criticism. Consultation on an Islamophobia measure is not valid if it is confined to peak religious bodies and excludes those persons.

7.7 Principle 7 — Security law is religion-neutral

Counter-terrorism investigation follows evidence. It shall not be softened or redirected in order to manage a community's image, and it shall not be applied in a discriminatory way against Muslims as a class. Both distortions engage Articles 2, 6, 9 and 26. The definition of a terrorist act in the Criminal Code must not be altered for the purpose of managing the reputation of a religious community. "Social cohesion" is not an offence.

7.8 Principle 8 — Temporary measures stay temporary

Taskforces, special grants and heightened monitoring shall have published sunsets, evaluation criteria, and an independent rights review before renewal. "Ongoing commitment" is not a legal standard. Under the companion Act the Education Taskforce, any school Social Cohesion Framework that treats Islamophobia as an operative harm, official training modules, and grant guidelines confined to Muslim organisations by reason only of religion cease to have effect 12 months after commencement unless both Houses resolve compatibility. A resolution cannot authorise a thing this policy or the Act prohibits.

8 What the Commonwealth must do

The Commonwealth must take reasonable and appropriate measures to protect every person in Australia, including every Muslim Australian, from person-protection conduct. Physical security assistance for a place of worship may be provided only on evidenced risk, not on the identity of the faith as such.

If the Commonwealth prohibits or restricts speech on the ground of religious hatred, it must use the Article 20(2) definition of incitement and record each Rabat factor in writing. It must not treat stereotype, satire, theology, apostasy narrative, historical claim, security analysis or foreign-policy argument as incitement.

A structured protection, complaint pathway or wellbeing program for a child facing religious hostility must be available on the same legal test regardless of the child's religion or lack of religion.

Accurate, disaggregated recording of crimes against persons because they are or are perceived to be of a particular religion remains required. Mental-health care after assaults and threats remains required. Ordinary anti-discrimination law in work, housing, education and services on the ground of religion as religion remains required.

9 What the Commonwealth must not do

An agency must not, by an Islamophobia measure or otherwise: treat protected criticism as a criminal offence, a civil penalty, professional misconduct, a funding breach, a visa character failure, or an educational harm; require a person to refrain from protected criticism as a condition of employment, office, registration, grant, enrolment or platform access that the Commonwealth controls or directs; or direct a private body to do a thing the agency itself could not do.

An Islamophobia measure has no effect unless it uses an operative definition confined to person-protection conduct. A definition that includes "dread or hatred of Islam", "hatred of Islam", "anti-Muslim sentiment", "harmful stereotype", "Islamophobic narrative", or "Islamophobia in any form" is not so confined. The definition must be published before the measure takes effect.

Employment, retention and advancement in the Australian Public Service must not be decided by religion or by willingness to affirm an official account of Islamophobia. A recruitment or leadership pathway designed around a particular religion is invalid. That rule is in addition to section 116 of the Constitution.

The eSafety Commissioner, and any digital duty of care imposed by or under a Commonwealth Act, must not treat protected criticism as a ground for removal, de-ranking, account restriction or penalty. The only religious-speech ground for such action is incitement or another offence against a law of the Commonwealth. A guideline that uses "Islamophobic material" as an operative category has no effect unless the category is confined as required by section 6 of this paper.

A Commonwealth grant for media, journalism, documentary or the arts must not be conditioned on "positive representation" of a religion. The Commonwealth must not fund the monitoring of protected criticism as such.

Protected criticism is not, of itself, a character concern, a ground to refuse a visa, or a ground to refuse circulation of a film, book or lecture. Reasons for a visa refusal that rely on a speaker's views about a religion must be given in writing and are reviewable.

The Australian Federal Police and any other Commonwealth enforcement body must not task against lawful speech on the ground that the speech is a threat to social cohesion. A National Hate Crimes Database, or any similar system, must distinguish a crime from a non-criminal incident. A non-criminal incident must not be used as an enforcement list, a security-assessment input, or a basis for professional or immigration action.

The Australian Health Practitioner Regulation Agency and a National Board must not treat clinical or ethical disagreement with a religious practice as Islamophobia. Culturally safe care does not authorise a clinician to withhold treatment, information or a safeguarding report because a religious community objects.

Analysis of guardianship, inheritance, testimony rules, compelled covering, forced marriage or honour-based abuse is protected criticism. A grant program for women must not be confined to organisations that deny or minimise those issues.

The Commonwealth must not treat a position on a foreign conflict, including a position on Israel, Palestine, Hamas, Hezbollah or the Islamic Republic of Iran, as a racial or religious characteristic, or as Islamophobia, by reason only of that position. Observance of the International Day to Combat Islamophobia, or of any similar day, is voluntary.

10 Who must be protected from the policy itself

Covenant rights are held by everyone. Implementation that ignores the following classes will systematically miss Article 2 duties:

- Journalists, documentary-makers and publishers.
- Parliamentarians, candidates and political staff.
- Teachers, academics and students.
- Police and intelligence officers conducting evidence-based counter-terrorism work.
- Apostates, reformers and secular Muslims.
- Jewish Australians speaking about Islamist ideology, including after mass-casualty attacks.
- Feminists and LGBT people criticising religious gender and sexuality rules.
- Christian, Hindu, Ahmadi and other religious minorities criticising persecution in Islamic states.
- Refugees who fled Islamist regimes and wish to describe what they fled.
- Parents who do not want a state account of Islam taught as "tolerance".

- Foreign authors and speakers facing visa exclusion.
- Ordinary users of digital platforms.

11 What remains required and compatible

This policy does not weaken protection of persons. The following are not only compatible with the Covenant; in many cases they are required by it (Articles 6, 9, 17, 18 and 26):

- Criminal law against assault, threat, stalking, arson, vandalism of places of worship, and Article 20(2) incitement, applied without fear or favour.
- Physical security assistance for prayer houses of every faith on evidenced risk, not on identity entitlement.
- Ordinary anti-discrimination law in work, housing, education and services on the ground of religion as religion.
- Mental-health care after assaults and threats.
- Accurate, disaggregated recording of crimes against persons because they are or are perceived to be Muslim, Jewish, Christian, Hindu, Sikh, or of no religion.
- Voluntary intercultural contact that no person is compelled to join.

None of the above requires an undefined "Islamophobia" concept, a racialisation of a religion, speech codes for parliamentarians, curriculum orthodoxy, or platform pre-censorship.

12 Human rights this policy applies

12.1 Treaties written out

Every treaty named in this paper is applied as written. Short names are used only after the instrument has been written out once.

International Covenant on Civil and Political Rights

Article 2 — respect, ensure, and an effective remedy
Article 6 — life
Article 9 — liberty
Article 14 — fair hearing
Article 15 — no penalty without a foreseeable law
Article 17 — privacy and reputation
Article 18 — thought, conscience and religion, including the forum internum
Article 18(4) — parental liberty in the religious and moral education of the child
Article 19 — opinion and expression, including the right to seek, receive and impart information
Article 20(2) — incitement: the ceiling, not a solvent
Article 21 — assembly
Article 22 — association
Article 25 — political participation
Article 26 — equality before the law
Article 27 — minorities

Human Rights Committee General Comment No. 22 protects theistic, non-theistic and atheistic belief, including the right to criticise and to leave a religion.

Human Rights Committee General Comment No. 34: restrictions on discussion of religious doctrines are not permitted merely because the ideas are regarded as insulting to a faith.

Human Rights Committee General Comment No. 25 protects political participation without a viewpoint test.

International Convention on the Elimination of All Forms of Racial Discrimination

Article 1 — definition of racial discrimination
Article 2 — obligations to eliminate racial discrimination
Article 4 — prohibition of racial hatred, read with freedom of expression
Article 5 — equal enjoyment of rights
CERD General Recommendation 35 requires Article 4 to be read with freedom of expression. Article 4 is confined to racial hatred. It does not authorise the export of a racial-hate regime onto religious controversy.

International Covenant on Economic, Social and Cultural Rights

Article 6 — work
Article 7 — just and favourable conditions of work
Article 13 — education
Article 15 — science and culture

Convention on the Rights of the Child

Article 2 — child equality
Article 13 — child freedom of expression
Article 14 — child freedom of thought, conscience and religion
Article 17 — child access to information
Article 29 — aims of education
Tolerance and critical human-rights education must both remain possible.

Convention on the Elimination of All Forms of Discrimination against Women

Article 2 — condemn discrimination against women
Article 5 — social and cultural patterns; stereotypes
Article 16 — marriage and family
Analysis of religious gender rules is not Islamophobia.

Convention on the Rights of Persons with Disabilities

The patient's health, capacity and freedom from exploitation prevail over communal sensitivity.

ILO Convention 111

No adverse treatment or preferment on the ground of political opinion or religion.

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

Persons are protected. Ideas are not.

Universal Declaration of Human Rights

Article 18 — thought, conscience and religion
Article 19 — opinion and expression
"Defamation of religions" is not revived under a domestic label.

Australian Constitution

Section 116 — no law for establishing a religion, imposing a religious observance, or imposing a religious test for any office or public trust under the Commonwealth

12.2 Rights this policy promotes

Articles 6, 9, 17, 18 and 26 are promoted by the duty to protect every person, including every Muslim Australian, from person-protection conduct. Articles 18 and 19 are promoted by the prohibition on treating criticism of a religion as a wrong. Article 20(2) is promoted, not diluted: the Rabat test is mandatory so that the incitement duty cannot empty Article 19. Article 25 is promoted by protecting parliamentary and electoral speech. Article 26 is promoted by forbidding a denser speech regime for one religion than for others. Article 27 is promoted by protecting a minority's own practice while refusing to convert minority rights into a speech-control power, and by protecting intra-Muslim dissenters.

12.3 Limits this instrument itself imposes — and why they clear

The only speech this policy allows the Commonwealth to restrict on a religious-hatred ground is incitement. That limit is prescribed by law, pursues a legitimate aim (protection of the rights of others, and public order), and is necessary and proportionate because it is the limit the Covenant itself draws. Broader "Islamophobia in any form" restrictions are what this policy forbids, because they fail those tests.

The manner-and-form rule for racialising a religion limits the ease of future amendment. It does not limit a human right. It protects Articles 19 and 26 from being rewritten by a side-wind.

Standing and injunction powers in the companion Act limit an agency's freedom to implement an uncleared measure. That is a limit on executive power, not on a Covenant right.

This paper does not create a new human-rights cause of action of itself. The companion Act does, by declaration and injunction. Damages stay with existing law except where the duty to protect persons overlaps another statute. The covenants are the test the Parliament already applies to its own legislation. On that test the present implementing stack is the rights problem. The companion Act is the narrower answer.

13 Legislative instructions

The companion Act must contain operative provisions, not recitals, giving effect to the following. Clause numbers refer to the Religious Hostility Measures (Human Rights Compatibility) Bill 2026 as circulated with this paper.

1. Clause 7 is the operative heart: protect persons; do not manage beliefs, history, theology or politics. It prevails over every Islamophobia measure.

2. Clauses 8 and 9 enact the positive duty and the single incitement test, with written Rabat analysis.

3. Clauses 10 to 15 enact the prohibitions: no restriction of protected criticism; no undefined operative term; no racialisation; equality of religions; no official theology; intra-faith dissent and valid consultation.

4. Clauses 16 to 18 lock parliamentary speech, public-service merit and political opinion.

5. Clauses 19 to 21 lock schools, universities and equal child protection.

6. Clauses 22 to 24 lock eSafety and any digital duty of care, media and arts funding, and visas.

7. Clauses 25 to 27 lock policing, databases and the terrorist-act definition.

8. Clauses 28 to 30 lock health regulation, work and sex-based rights.

9. Clauses 31 to 33 lock inquiries, official days and imported war frames.

10. Clauses 34 to 36 enact the compatibility statement against Schedule 1 in full, PJCHR examination of the 18 July 2026 response and every later Islamophobia Act or legislative instrument, and an Independent Reviewer who is not a serving special envoy.

11. Clauses 37 to 40 enact inconsistency, standing and expedited Federal Court remedies. A person cannot waive a right under the Act by grant condition, contract, code or enrolment term.

12. Clauses 41 to 44 enact the 12-month sunset of named existing measures, the three-year review, the rule-making limit, and the relationship with other laws including Constitution section 116.

13. Schedule 1 is enacted text. A compatibility statement that summarises, paraphrases, cross-refers to an external document, or omits an item is not a compatibility statement. One uncleared engaged item blocks commencement of the measure.

14. Schedule 2 flags the statutes that will need reading down or later amendment. Inconsistency under clause 37 operates immediately. Those amendments are tidy-up, not a precondition of protection.

14 Operational rules for agencies

14.1 Definitions that may be used

For the purpose of this policy, agencies may act against: a criminal offence motivated by hostility to a person because that person is or is perceived to be of a particular religion; unlawful discrimination against such a person in an area already covered by statute; and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, assessed under the Rabat six-part test.

Agencies may not, without a further Act of Parliament that itself passes a published compatibility statement addressing every item in section 15, act against: criticism of Islamic doctrine, history, law or political movements; satire, theology, apostasy narratives, or ex-Muslim testimony; journalism or academic work on integration, terrorism, grooming, foreign influence, or the human-rights record of Islamic states or movements; or political positions on immigration, religious law, or any armed conflict.

14.2 Training, codes and curriculum

Every module shall state, in the first screen or first page, that criticism of every religion is lawful. No module shall require affirmation of a definition that includes “hatred of Islam” as a religion. Parliamentary codes shall incorporate an express carve-out for political speech that does not amount to Article 20(2) incitement. School and early-childhood materials shall be published in draft for public consultation for at least 28 days and shall be reviewable on Article 18(4) and CRC Articles 13, 14 and 29 grounds. A parent may withdraw a child from a module that concerns religious belief. University regulation shall not treat failure to adopt an envoy definition as non-compliance with anti-discrimination obligations.

14.3 Funding

Identity-targeted grants shall be time-limited, independently evaluated, and open to organisations that criticise aspects of a religious practice as well as to those that do not. No grant condition shall require the recipient to suppress protected criticism. Media and arts funding shall not be conditioned on “positive representation” of any religion. A funding agreement that requires a recipient to do a thing prohibited by this policy is unenforceable to that extent.

14.4 Policing, data and online safety

The National Hate Crimes Database shall distinguish crimes from non-criminal incidents and shall not treat the latter as an enforcement list. AFP social-cohesion functions shall not become a channel for disrupting lawful assembly or political speech. eSafety and any digital duty of care shall use the Rabat test, not communal offence, as the removal threshold for religious subject-matter. Visa character decisions about “hate speech” shall publish reasons capable of review and shall not rest on criticism of a religion.

14.5 Health and professional regulation

AHPRA and National Boards shall not treat clinical or ethical disagreement with religious practices as Islamophobia. Culturally safe care shall not override a patient’s CRC, CEDAW or CRPD rights.

14.6 Compatibility statement before a measure takes effect

A Minister who proposes an Islamophobia measure must table, before the measure takes effect, a compatibility statement that addresses every item in section 15. A statement that marks an item “not engaged” must state the facts that make the item inapplicable. Silence is not “not engaged”. A measure must not take effect if any engaged item is uncleared. The completed checklist stays on the agency file with the measure.

15 Compatibility checklist — Schedule 1 of the companion Act

This table is the policy form of Schedule 1 to the companion Act. It is not an annex for information. How it is to be used: the decision-maker asks the question in the third column; the measure is cleared against that item only if the condition in the fourth column is met; the potential violation named in the item crystallises if the condition in the fifth column is met. An item that does not apply must be marked “not engaged” with reasons. One uncleared engaged item is enough. The measure must not take effect.

No.	Instrument / article	Question the decision-maker must ask	Cleared only if	Potential violation crystallises if
1	**ICCPR 19 — expression**	Does the measure use an undefined term ("Islamophobia", "narrative", "sentiment", "any form") as the trigger for a penalty, removal, funding condition or professional consequence?	The operative term is defined in foreseeable language confined to violence, threats, unlawful discrimination or incitement as defined in the companion Act.	The trigger is undefined or includes "hatred of Islam" as a religion.
2	**ICCPR 19 — expression**	Does the measure restrict criticism of Islamic doctrine, history, law, political Islam, jihadist ideology or foreign policy?	No such restriction, or the only restriction is incitement assessed under the Rabat Plan of Action.	Criticism of ideas is treated as harm, misconduct or intolerance.
3	**ICCPR 19 — expression**	Does an inquiry, taskforce or review examine media, film or political discourse as a "driver" of hostility?	Terms of reference expressly protect journalism, academic work and parliamentary speech.	Political speech or journalism is an object of official investigation.
4	**ICCPR 19 and 25 — parliamentary speech**	Do parliamentary behaviour codes or Independent Parliamentary Standards Commission processes treat debate on immigration, integration, sharia, counter-terrorism or Gaza as "Islamophobic behaviour"?	The codes contain an express carve-out for political speech that is not incitement.	A parliamentarian or staffer can be investigated for a policy argument.
5	**ICCPR 19 — compelled training**	Do training modules for parliamentarians, the APS, police, teachers or lawyers require staff to treat specified arguments as illegitimate prejudice?	Training addresses person-protection conduct only, and states that criticism of Islam is lawful.	Completion or affirmation of an official narrative is a condition of work.
6	**ICCPR 19 — online platforms**	Will the eSafety Commissioner or a digital duty of care remove "Islamophobic material" below the incitement threshold?	Removal is limited to an offence against a law of the Commonwealth or to incitement; communal offence is not the test.	Offence to a religion, a stereotype or a "narrative" is enough to take content down.
7	**ICCPR 19 — press**	Are grants used to monitor media or to "counter Islamophobic narratives"?	Grants do not condition funding on suppressing protected criticism or on "positive representation".	The Commonwealth funds monitoring of one side of a public argument.
8	**ICCPR 19(2) — receive information**	Can a visa or film restriction exclude a foreign speaker or work because it criticises Islam?	Character or classification decisions rest on incitement or ordinary criminality, with reviewable reasons.	Criticism of a religion is a bar to entry or to circulation.
9	**ICCPR 19 — universities**	Does TEQSA or the National Student Ombudsman treat failure to adopt a definition of Islamophobia, or hosting a critical speaker, as non-compliance?	University duties are limited to unlawful discrimination and incitement; academic freedom is preserved.	Reading lists, protests or invited speakers are policed as Islamophobia.
10	**ICCPR 19 — arts**	Is arts or cultural funding conditioned on approved communal stories?	Funding is viewpoint-neutral as to religion.	Critical, satirical or ex-Muslim work is ineligible because of its viewpoint.
11	**ICCPR 19 and 17 — data**	Will a hate-crimes database or AFP portal log non-criminal speech as "Islamophobic hate"?	Only crimes are listed for enforcement. Non-crime incidents are not an enforcement list.	Lawful speech is catalogued as hate data.

No.	Instrument / article	Question the decision-maker must ask	Cleared only if	Potential violation crystallises if
12	**ICCPR 20(2) — incitement**	Does the measure collapse stereotype, satire, theology or foreign-policy argument into "incitement"?	The Rabat six-part test is applied in writing: context, speaker, intent, content, extent, likelihood.	Prejudice or offence is treated as incitement.
13	**ICCPR 20(2) — incitement**	Are speaker and intent ignored (an apostate, a survivor or an analyst treated as equivalent to a person urging violence)?	Speaker status and intent are recorded in every incitement assessment.	The identity of the target group replaces the Rabat factors.
14	**ICCPR 20(2) — equality of duty**	Is the incitement machinery built around one religion only?	The same incitement test applies to every religion and to non-belief.	Only anti-Muslim speech is administratively prioritised as incitement.
15	**ICCPR 18 — belief**	Is the purpose of the measure to change what people may think about a religion, rather than to stop assaults on persons?	The purpose is protection of persons from violence and unlawful discrimination.	The purpose is official management of beliefs about Islam.
16	**ICCPR 18 — dissenters**	Are apostates, reformers, Ahmadis, secular Muslims, Muslim feminists or LGBT Muslims coded as Islamophobic when they criticise doctrine?	Intra-Muslim and ex-Muslim dissent is expressly protected.	A peak-body narrative is treated as the community's only lawful voice.
17	**ICCPR 18 — compelled manifestation**	Must a public servant, teacher or parliamentarian affirm an official account of Islam or of Islamophobia?	Training is informational, optional as to belief, and does not require affirmation.	Affirmation or "correct" answers on belief are a condition of office.
18	**ICCPR 18(4) — parents**	Does a school framework treat specified views of Islam or of the Middle East as intolerance that parents may not counter?	Parents can withdraw from or contest prescribed belief content; materials are published in draft.	A state account of a religion is taught as "tolerance" with no parental remedy.
19	**ICCPR 18 — official day**	Is observance of 15 March compelled in workplaces or schools?	Any recognition is voluntary and does not require speech or ritual.	Staff or students must participate in an official religious-political observance.
20	**ICCPR 26 and ICERD 1**	Does the measure treat Muslims as a racial group, or add a positive duty once so classified?	Religion is treated as religion. No Racial Discrimination Act racialisation without the process in clause 12 of the companion Act.	Theological or political disagreement becomes "racial vilification".
21	**ICCPR 26 — grants**	Are grants, institutes, trauma protocols or leadership streams identity-exclusive without a tight, evidenced, time-limited justification?	Need is evidenced, the term is limited, and equivalent tools exist for other targeted groups.	There is open-ended preferment on the ground of religion.
22	**ICCPR 26 and Constitution s 116**	Does APS recruitment or leadership design prefer Muslims or impose a religious test for office?	Hiring remains merit-based plus general non-discrimination. There is no religious test.	There are soft quotas or religious preferment in public employment.
23	**ICCPR 26 — inquiries**	Is a commission of inquiry created for Islamophobia or anti-Palestinian or anti-Arab racism with no equivalent mandate for other documented hatreds?	Inquiry power is either general or justified by specific, published comparative evidence.	State investigative power is allocated by identity alone.
24	**ICCPR 26 and CEDAW**	Does "gender-conscious" design treat feminist analysis of religious gender rules as Islamophobia?	Women's equality analysis remains lawful. CEDAW Articles 2, 5 and 16 are not subordinated.	Sex-based rights speech is recoded as religious hatred.

No.	Instrument / article	Question the decision-maker must ask	Cleared only if	Potential violation crystallises if
25	**ICCPR 25 — political rights**	Can advancement in the APS or a minister's office depend on internalising official Islamophobia training?	Political opinion is not a practical qualification for public service.	Viewpoint compliance is a condition of participation in public affairs.
26	**ICCPR 25 — elections**	Will publicly funded media or platforms filter one side of a live policy debate as hate during an electoral period?	Voters can still receive both sides of lawful policy argument.	One lawful side of a public controversy is administratively silenced.
27	**ICCPR 9 and 15 — liberty and legality**	Can AFP "social cohesion" or national-security teams task against non-criminal speech as a threat to cohesion?	Powers are used only for offences. Cohesion is not a substitute for a crime.	Security methods are used on lawful expression.
28	**ICCPR 14 — fair hearing**	Can AHPRA, a teaching regulator, a university or a workplace treat accusation as proof and deny contest of the definition?	The accused can contest the definition, the evidence and the penalty with equality of arms.	Complaint processes are one-way and the standard is circular.
29	**ICCPR 15 — no vague penalty**	Are livelihood, visa, registration or liberty consequences attached to "Islamophobia" without a foreseeable rule?	Every consequence is tied to a published, precise legal standard.	A person cannot know in advance what speech will cost them their job or visa.
30	**ICCPR 17 — privacy**	Does media-monitoring or a communications portal systematically observe online speech about Islam for official counter-narrative purposes?	Any collection has a clear criminal-law basis, retention limits and access rules.	Lawful political or religious speech is put under standing official watch.
31	**ICCPR 17 — reputation**	Will the Commonwealth brand a journalist, academic or parliamentarian as a vector of Islamophobia without an incitement finding?	Official labels follow a fair process and a legal finding.	Reputational sanction is imposed by press release or training example.
32	**ICCPR 21 — assembly**	Are anti-Hamas, anti-theocracy, anti-sharia or pro-Israel assemblies treated as Islamophobic while the reverse is permitted?	The same assembly rules apply regardless of which side of a foreign conflict is being argued.	One geopolitical viewpoint is a condition of the right to assemble.
33	**ICCPR 22 — association**	Can a group be defunded or listed because its purpose is criticism of political Islam or support for apostates?	Listing and funding rules turn on violence or incitement, not on viewpoint about a religion.	Association is penalised for lawful dissent from religious orthodoxy.
34	**ICCPR 22 — compelled association**	Must a school, club or broadcaster join an official anti-Islamophobia framework to keep registration or funding?	Participation is voluntary.	Access to ordinary civic status is conditioned on joining the framework.
35	**ICCPR 27 — minorities**	Is Article 27 used as a sword against the majority's speech rather than as a shield for the minority's own practice?	Minority protection covers worship, language and communal life, not immunity of ideas from criticism.	Minority rights are cited to justify speech control.
36	**ICCPR 27 — intra-minority**	Does an official "Muslim community" voice erase intra-Muslim minorities?	Dissenting Muslims have equal standing in consultation.	Peak bodies monopolise the minority right.
37	**ICCPR 2 — effective remedy**	If accused of Islamophobia, does the person have a real judicial or independent path to test the definition against Articles 18 and 19?	An effective remedy exists and the definition is justiciable.	The definition is official, circular and insulated from review.

No.	Instrument / article	Question the decision-maker must ask	Cleared only if	Potential violation crystallises if
38	**ICCPR 2 — attribution**	Are schools, universities, platforms, health regulators or broadcasters being used as enforcement arms?	Private restrictions required or incentivised by the Commonwealth are treated as Commonwealth acts and pass Part 3 of the companion Act.	The Commonwealth outsources restriction and then denies responsibility.
39	**ICCPR 2 and 26 — distinction**	Is a denser administrative apparatus built for one religious identity than for other victims of religious hatred?	Any extra machinery is time-limited and justified by published comparative harm data.	Identity alone explains the extra machinery.
40	**ICCPR 6 — life and counter-terrorism law**	Is the terrorist-act definition being altered to manage stigma rather than to fit evidence and protect life?	Any change improves Article 6 protection without discriminatory Article 2 or 26 effect, shown in a published compatibility statement.	The legal tool is blunted, or applied in a religiously discriminatory way, to manage image.
41	**ICESCR 6 and 7 — work**	Can a person be dismissed or barred from a profession for lawful speech about Islam?	Employment consequences attach only to violence, threats, unlawful discrimination or incitement.	A job or registration is lost for theology, history or politics.
42	**ICESCR 13 — education**	Does curriculum or early-childhood material replace open inquiry with an official account of Islam and "tolerance"?	Students may examine critical as well as affirmative sources. Academic freedom is intact.	Dissenting historical or theological material is treated as intolerance.
43	**ICESCR 13 — universities**	Must an institution "demonstrate commitment" to addressing Islamophobia as a regulatory condition?	Regulation tracks unlawful discrimination only.	A loyalty condition is attached to higher-education registration.
44	**ICESCR 15 — science and culture**	Is research or art on Islamist movements, integration, grooming or sex-based rights inside religious communities chilled by funding rules?	Scientific and artistic freedom is expressly preserved.	Those inquiries are treated as Islamophobic by design.
45	**CRC 13 and 17 — child speech and information**	Are books, speakers or news stories put off-limits to children as Islamophobic?	Restrictions meet CRC tests and do not hide lawful public debate from older children.	The Commonwealth curates a single account of a religion for the child.
46	**CRC 14 — child belief**	Does school training catechise a state view of a religion?	Education informs; it does not compel belief. Parental liberty under ICCPR Article 18(4) is respected.	The child is trained that specified conclusions about Islam are forbidden.
47	**CRC 29 — aims of education**	Is "tolerance" taught in a way that blocks teaching of documented human-rights problems in Islamic law or in particular states?	Tolerance and critical human-rights education both remain possible.	Article 29 is applied in one direction only.
48	**CRC 2 — child equality**	Do Muslim pupils receive structured protection that Jewish, Christian, Hindu or apostate children facing religious hostility do not?	Protection of children from religious hostility is available on the same legal test.	Child protection is allocated by which religion is involved.
49	**CEDAW Articles 2, 5 and 16**	Does the measure treat analysis of guardianship, inheritance, testimony rules, compelled covering or honour-based abuse as Islamophobia?	Those analyses remain lawful. Partners are not limited to organisations that deny the issues.	Women's-equality speech is recoded as religious hatred.
50	**CRPD — health and capacity**	Does "culturally safe" care stop a clinician addressing a religious practice that harms a disabled patient?	The patient's health, capacity and freedom from exploitation prevail over communal sensitivity.	A communal rule overrides the patient's rights under that Convention.

No.	Instrument / article	Question the decision-maker must ask	Cleared only if	Potential violation crystallises if
51	**ICERD Article 4**	Is a racial-hate regime being exported onto religious controversy?	Article 4 is confined to racial hatred and read with freedom of expression (CERD General Recommendation 35).	Blasphemy control is smuggled through racial-hate law.
52	**1981 Declaration and UDHR 18–19**	Does the measure protect a religion from criticism rather than a person from discrimination?	Persons are protected. Ideas are not.	"Defamation of religions" is revived under a domestic label.
53	**ILO Convention 111 — employment**	Is political opinion critical of Islam, or religious identity, used as a ground of adverse treatment or preferment at work?	Convention 111 grounds are respected in both directions: no penalty for opinion, no religious preferment.	Opinion or religion decides who is hired, promoted or dismissed.
54	**Constitution section 116**	Does any Commonwealth rule establish a religion, impose a religious observance, or impose a religious test for office?	There is no establishment, no compelled observance, and no religious test.	Public office or public money is tied to a religious-political creed.
55	**Systemic — prior restraint (GC 34)**	Taken together, do training, codes, grants, eSafety, TEQSA, AHPRA, an AFP portal and a database cause speakers to self-censor before they speak?	Each component is independently necessary and the stack still leaves core speech free.	The stack is the restriction, even with no conviction.
56	**Systemic — official truth**	Do a research institute, storytelling grants, curriculum, national day, envoy office and index add up to a state-sponsored knowledge system?	Dissenting empirics remain fundable and teachable.	Disagreement with the official account is treated as denial or hate.
57	**Systemic — imported war frame**	Is Islamophobia bundled with anti-Palestinian and anti-Arab racism so that a live war becomes domestic race law?	Foreign-policy argument remains ordinary political speech.	One side of a war is a protected racial characteristic; the other is hate.
58	**Systemic — children as enforcement surface**	Are early childhood, schools and under-16 online rules the main place the policy is enforced, where Articles 18 and 19 are hardest to exercise?	Adult political speech is not laundered through child-protection rules.	The next generation is the enforcement surface for an adult speech policy.
59	**Systemic — two inconsistent regimes**	Do parallel envoy architectures create two inconsistent speech rules (for example on Israel, Gaza, Islamism and antisemitism)?	One lawful standard applies to every community.	A person caught between the two regimes loses Articles 19 and 26 at once.
60	**Residual legality test**	If every item above is marked not-engaged or cleared, does the measure still fail legality, legitimate aim, or necessity?	A written compatibility note on the file shows the restriction is prescribed by law, necessary and proportionate.	The measure is useful, popular or funded—but not necessary.

Clearance rule. Sixty rows. One uncleared engaged item blocks approval. "Not engaged" must be written, not assumed. The completed checklist stays on the agency file with the measure.

16 Immediate actions

1. Adopt this paper as the binding compatibility instrument for every measure taken under the National Response of 12 September 2025 and the Government response of 18 July 2026.

2. Publish an operational definition confined to person-protection conduct. Do not legislate or administratively enforce "dread or hatred of Islam".

3. Introduce the companion Bill. Do not wait for a later Parliament to invent a racialisation amendment or a digital duty of care that treats protected criticism as a takedown ground.

4. Refer the Government response of 18 July 2026 to the Parliamentary Joint Committee on Human Rights for examination against section 15 and against Articles 18, 19, 20, 25 and 26.

5. Insert express lawful-criticism carve-outs into parliamentary behaviour codes, APS training, TEQSA guidance, eSafety guidelines and school frameworks pending commencement of the Act.

6. Give apostates, reformers and sex-based rights advocates standing in consultation equal to peak religious bodies.

7. Apply the 12-month sunset in clause 41 of the companion Bill to the Education Taskforce, any school Social Cohesion Framework that treats Islamophobia as an operative harm, official training modules, and grant guidelines confined to Muslim organisations by reason only of religion.

8. Retain a religion-neutral terrorist-act definition unless a published compatibility statement shows that change improves protection of life (Article 6) without discriminatory effect (Articles 2 and 26).

17 Answers to the predictable smear

17.1 "This paper abandons Muslim Australians."

No. Clause 8 of the companion Act and section 8 of this paper impose a religion-neutral duty to protect every person, including every Muslim Australian, from violence, threats, vandalism and unlawful discrimination. What is abandoned is the claim that protecting persons requires immunising a religion from criticism.

17.2 "Freedom of expression is not absolute."

Correct. Article 19(3) and Article 20(2) allow limits. They require precision, a legitimate end, and proportionality. "Islamophobia in any form" plus a grant condition plus an eSafety guideline plus a parliamentary code is not that test. It is an evasion of it.

17.3 "Other democracies have Islamophobia strategies."

Foreign error is not a source of Australian law. Where a foreign strategy treats criticism of doctrine as a civil wrong, it fails General Comment No. 34. Copying the infection is not leadership.

17.4 "This is a licence for hate."

Incitement remains prohibited. Assault, threat, stalking and property damage remain offences. Unlawful discrimination remains unlawful. The licence this paper withdraws is the licence to treat theology, history, satire, apostasy and foreign-policy argument as administrative crimes.

17.5 "Minority rights require special speech rules."

Article 27 is a shield for a minority's own practice — worship, language, communal life. It is not a sword against the majority's speech, and it is not a monopoly for peak bodies over intra-minority dissenters. One lawful standard applies to every community.

18 Administration

Portfolio responsibility sits with the Attorney-General on Covenant compatibility and the Racial Discrimination Act 1975, with the Minister for Home Affairs on policing, visas and the National Response machinery, with the Minister for Education on schools, early childhood and TEQSA, with the Minister for Communications on eSafety and any digital duty of care, and with the Special Minister of State on parliamentary workplace codes.

The Independent Reviewer of Religious Hostility Measures is to be appointed within 30 days after commencement of the companion Act, must not be a serving special envoy, and must report to the Parliament within 12 months and every 12 months after that.

Review of this policy begins within twelve months of issue, or immediately upon introduction of any bill that amends the Racial Discrimination Act 1975, the Criminal Code terrorist-act definition, online-safety legislation, or parliamentary standards in ways that use “Islamophobia” as an operative term. The companion Act is reviewed after three years.

19 Closing determination

Violence against a person because of religion is a crime. Unlawful discrimination against a person because of religion is already a statutory wrong. Incitement of religious hatred that is directed to discrimination, hostility or violence is the limit the Covenant itself draws.

Criticism of a religion is none of those things. A State that cannot tell the difference will end by protecting a doctrine and neglecting the person, or by building two speech regimes and calling the contradiction social cohesion.

The National Response and the Government response may keep every measure that protects persons on a religion-neutral test. They may not keep a definition that includes hatred of a religion as a religion; a racialisation of a faith community; a training module that requires affirmation; a grant that buys silence; a university condition that polices a reading list; an eSafety category called “Islamophobic material”; an AFP tasking against lawful speech in the name of cohesion; or a parliamentary code that treats a policy argument as misconduct.

Adopt this paper. Legislate the companion Act. Walk the sixty rows before any further implementing measure is approved. Anything else is an admission that the persons were the pretext.

20 Document control

Document number: RHM-P 2026/01.

Date of issue: 21 September 2026.

Related Bill: Religious Hostility Measures (Human Rights Compatibility) Bill 2026.

Related explanatory memorandum: EM-RHM 2026/01.

Primary texts in scope: Special Envoy to Combat Islamophobia, A National Response to Islamophobia: A Strategic Framework for Inclusion, Safety and Prosperity (12 September 2025); Australian Government, Combatting Islamophobia: Australian Government Response to the Special Envoy’s National Response to Islamophobia (18 July 2026).

Also: International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of Persons with Disabilities; ILO Convention 111; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981); Human Rights Committee General Comments Nos. 22, 25 and 34; CERD General Recommendation 35; Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (5 October 2012); Siracusa Principles; Australian Constitution section 116.

Supersedes as the live policy instrument: Human Rights Compatibility Policy for Australia’s National Response to Islamophobia dated 13 September 2026, and the companion print schedule List of potential human rights violations in the National Response to Islamophobia. Those files remain on the record as source archives.

Authority: Circulated by authority of Alecomm (Australian Legislative Ethics Commission). This paper is not an exposure draft.

End of policy.