



Submission No 12

Inquiry into Australia's Human Rights Dialogue Process

Organisation: Roman Catholic Diocese of Parramatta

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Inquiry into Australia's Human Rights Dialogue Process: A Submission on Behalf of the Roman Catholic Diocese of Parramatta

1. Introduction

The Parramatta Diocese of the Roman Catholic Church is home to a significant number of Chinese migrants and Australians of Chinese descent. Their ancestral places include many different parts of China, including Hong Kong. Our belief in the dignity of every human person leads us to defend human rights in Australia and internationally. The present inquiry into Australia's Human Rights Dialogue Process provides a timely opportunity for us to contribute to reflection on efficacy of the Australia-China Human Rights Dialogue and its future directions.

The Australia-China Human Rights Dialogue was established in the same year that Hong Kong returned to Chinese sovereignty, becoming a Special Administrative Region of the People's Republic of China. Our submission will focus particularly on human rights in the Hong Kong Special Administrative Region.

This submission is made by Bishop Kevin Manning, Bishop of Parramatta, on behalf of the Roman Catholic Diocese of Parramatta.

2. Progress in the Dialogue Process

We affirm the importance of dialogue as a method of promoting human rights, and believe that the *Human Rights Technical Cooperation Program* has been particularly constructive. It is encouraging to note that the dialogue has matured to the point where no topics are regarded as being 'off limits' and that dialogue does not preclude public criticism where necessary. Australian visits to China are increasingly moving further out from the capital, and the range of Chinese officials involved both in receiving and making visits is expanding. Progress has been made on individual cases brought to the attention of the Chinese government through the dialogue.

We are grateful that issues of concern to the Catholic Church have been raised through the dialogue. Freedom of religion and of association, family policies, and the use of the death penalty are all now firmly on the agenda of the dialogue. We appreciate that we must be proactive in bringing our concerns to the attention of those involved in the dialogue on behalf of Australia.

3. Current Concerns in Hong Kong

3.1 Two Systems & Freedom of Religion

The Catholic Church in Mainland China is not allowed to be fully itself. The structure of the Catholic Church is international and the attempt to force division of the Catholic Church in Mainland China from Rome is an act of violence against the religious liberty of the people of China.

As one Chinese Bishop recently said to us:

...there is no freedom of religion in China even though Churches are open. There is freedom of worship but not religion. Freedom should respect religions as they are unless there is something against public morality. The Catholic Church should be left to be the Catholic Church with its own structure. What the government is imposing on the Church to divide it from Rome is against basic freedom and there is no sign that the government is going to make any concession on that. The authority is crushing the conscience of the people. Obedience to the Holy See ... is important and without that it cannot be said that there is any freedom of religion. There is no reason why the government should be afraid of the Catholic Church as they can see examples of Churches throughout the world. They do not damage the state. However, it is an essential element of Communism to control everything. But it is becoming more and more obvious that they cannot control everything, so why should they keep on trying to control religion?

As the Committee is aware, Tibetan Buddhists and Falun Gong practitioners also experience interference with their internal religious processes and persecution for practicing their faith in ways that are not approved by the state. The plight of these believers is a matter of concern for all people of faith because there is no freedom of religion unless people are free to practice any religion of their choice. In this submission we will focus on the experience of our own faith community, because that is what we are best informed about. We trust that people of other faiths will also share their particular experiences and concerns with you.

In Hong Kong people are asking what 'one country, two systems' means for their freedom of religion. Although the Basic Law of the Hong Kong Special Administrative Region enshrines freedom of religion, Catholics cannot be free in their practice if they can have no connection with the Church on the Mainland. The Catholic Church in any country cannot be fully Catholic unless it is able to communicate with local churches in other places, and with the Holy See.

In trying to keep communication with both the 'official' and 'underground' churches on the Mainland open, Catholic officials in Hong Kong face opposition and even retribution from the Central Government.

Even in Hong Kong, a narrow perception of religion as worship was reflected in some responses by government officials to Catholic involvement in pro democracy and anti national security law activity during 2003. Some sectors of the Catholic community feared overt or covert reprisals against the Church because of high profile Catholics' involvement.

3.2 Control of the Schools

Recent moves to exert control over Catholic schools have raised grave alarm.

Catholic schools on the Mainland were taken over by the government in 1949. Observers say that the current moves to reduce the involvement of the sponsoring bodies, or owners of schools, in the management of schools have their roots in a 'conspiracy' that began immediately after the handover. These reforms are seen as a way of effectively taking over the church schools. The recommendations of Report No 7 (1991) on education and democracy in schools were very different to the program that the Hong Kong SAR government has actually pursued since 1997.

One well-placed Hong Kong source put it to us this way:

People do not like to remember 1949, but we do remember. It left freedom of worship but not religion. It took schools in 1949, but interestingly they only arrested the Bishop of Shanghai in 1955.

The government is lying when it talks of democracy in schools it is always pressuring teachers and parents to do things their way... When Mr Leung (education secretary) set up the new commission immediately after the handover they neglected and ignored the proposal of Report No 7 so we are saying there is really no question about management and democracy. The talk of democracy is not to enhance school management. The essential point is to make the management committee a legal (incorporated) body, and leave the sponsoring body out of the running of the school altogether. Leung said this is a revolutionary change. The government is lying when it says democratization of schools was too slow. What they are proposing did not start in 1991, they have introduced a new thing altogether and there is no way back, once incorporated there is no return. This is radically changing the education system and contravenes Basic Law art. 141 which says religious bodies can run their schools in the same way – and this will be made impossible. It is an attempt to centralize power in a central body. This is not democracy. The Catholic schools will disappear in time if this ploy of government succeeds – not immediately but in time. This will destroy a pluralism that has existed in Hong Kong for years. This is a very important point and is inspired from Beijing as far as I can see. This is being done with a determination we do not often see.

It is interesting to note that many of the members of the Hong Kong SAR Legislative Council who are actively pursuing democratic reform in Hong Kong were educated in church schools.

Church and other independent schools in Hong Kong are a source of values education and connection with international thinking which does not always sit well with the Central Government. Experience in other parts of Asia has shown that taking control of the Catholic schools is an effective way of hindering religious education and limiting the 'reach' of the Church in the broader community. This is the agenda or 'conspiracy' that Hong Kong people fear is at play.

The controversy over the management of schools in Hong Kong affects freedom of religion and belief, and also the right of parents to decide how their children will be educated. The diversity of Hong Kong's education sector is one of the structures that underpins the way of life of this pluralist and cosmopolitan city.

4. Some Suggestions

Control over the management of non government owned schools in Hong Kong is a relatively new human rights concern. It would be helpful if this issue could be raised in the next round of the Australia-China Human Rights Dialogue.

Australia has extensive experience in managing a diverse education sector. The state ensures that schools are managed appropriately and that common educational standards are met without interfering with the legitimate freedom of non government schools. Cooperation between the Catholic Church and government in this area is strong. Sharing this experience could be an appropriate focus for a technical assistance program or visits by Chinese officials. The Education Committee of the Australian Catholic Bishops Conference, of which

Bishop Manning is a Member, could be approached to facilitate Catholic participation in such efforts.

The Australian visits to China as part of the dialogue process have been moving increasingly widely across the country. A visit to the Hong Kong Special Administrative Region could be useful in understanding better the actual operation of the 'one country, two systems' approach and its implications for human rights both in the SAR and on the Mainland.

Both Australia and the Hong Kong SAR have been trying to strengthen legislation concerning national security. Shared reflection by parliamentarians and non government organizations from Australia and Hong Kong on how to achieve national security objectives without infringing human rights, particularly having regard for the Johannesburg Principles, could be constructive.

5. Conclusion

The Diocese of Parramatta is grateful for the opportunity to comment on Australia's human rights dialogue process, especially in relation to the Australia-China Human Rights Dialogue and the current situation in Hong Kong.

We believe that dialogue and technical assistance in this area continue to be constructive approaches but should not preclude public criticism when necessary.

We welcome the responsiveness of the dialogue process to the concerns of the Catholic Church in Australia, and seek to contribute to the process by offering our suggestions and stating our concerns in this submission.

We see the impact of the 'one country, two systems' approach on freedom of religion in Hong Kong as an important issue at this time.

We believe that the emerging issue of the control of non government owned schools in Hong Kong is a significant human rights matter requiring urgent attention.

Bishop Kevin Manning
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14 June 2004