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JOINT COMMITTEE ON FOREIGN AFFAIRS,  
DEFENCE AND TRADE

**Reference: Australia's efforts to promote and protect freedom of  
religion and belief**

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**JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE  
Human Rights Subcommittee**

**Friday, 24 September 1999**

**Members:** Senator Ferguson (*Chair*), Senators Bourne, Brownhill, Calvert, Chapman, Cook, Harradine, O'Brien, Payne, Quirke and Schacht and Ms Bailey, Mr Baird, Mr Brereton, Mr Gareth Evans, Mr Hawker, Mr Hollis, Mr Jull, Mrs De-Anne Kelly, Mr Lieberman, Mr Martin, Mrs Moylan, Mr Nugent, Mr O'Keefe, Mr Price, Mr Prosser, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

**Subcommittee members:** Mr Nugent (*Chair*), Mr Hollis (*Deputy Chair*), Senators Bourne, Ferguson, Harradine and Schacht and Mr Baird, Mr Brereton, Mr Gareth Evans, Mrs Moylan, Mr Price and Mr Pyne

**Senators and members in attendance:** Mr Nugent and Senators Bourne and Harradine

**Terms of reference for the inquiry:**

To inquire into and report on Australia's efforts to promote and protect freedom of religion and belief, in particular:

1. the extent of violations of religious freedom around the world and the probable causes of those violations;
2. implications for other human rights arising from:
  - . a lack of religious freedom and
  - . religious differences; and
3. the most effective means by which the Australian government and NGOs can promote freedom of religion in the region and around the world.

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**Subcommittee met at 9.34 a.m.**

**CHAIR**—Good morning, ladies and gentlemen. On behalf of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I declare open this public hearing. Today's hearing is the first public hearing in an inquiry into Australia's efforts to promote and protect freedom of religion and belief. Over the next few months the subcommittee plans to hold public hearings also in Sydney, Melbourne and Brisbane.

Throughout the inquiry our aim will be to gather and analyse evidence broadly on the terms of reference; that is, we will be focusing on three major areas affecting this fundamental freedom: one, the extent of violations of religious freedom around the world and, where we can, the probable causes of the violations; two, implications that flow for other human rights when there is a lack of religious freedom or indications of religious differences; and, three, the most effective ways in which government as well as non-government organisations can promote freedom of religion and belief in our own region and also around the world.

There are quite extensive and current reports on the extent and nature of religious intolerance. For example, the United States State Department this month released its annual report on religious freedom. While we are always interested to obtain further evidence in this regard, our particular hope today is that we will gain some insights into the underlying causes of violations of freedom of religion and belief as well as their implications for other human rights.

There then remain practical considerations. Although we are conscious of Australia's relatively minor role in the international scene, and although we always like to punch above our weight—I will acknowledge, DFAT—we are also conscious of our responsibilities. We need to ask: how well are we doing in promoting freedom of religion and belief? Is it fair to say that government and non-government organisations direct and managed their resources as well as they might? Should they be working together or in different ways? We also need to have an understanding of the effectiveness of the international legal framework on this issue.

We look forward to having some light shed on these matters. Our first witnesses today bring to the inquiry expertise in Australia's foreign relations, human rights and development assistance.

[9.37 a.m.]

**BRODTMANN, Ms Gai Marie, Executive Officer, Middle East Section, Department of Foreign Affairs and Trade**

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**WOOD, Ms Lynette Margaret, Executive Officer, Indonesia Section, Department of Foreign Affairs and Trade**

**NOTARPIETRO, Mr Nicholas Francis, Acting Director, Governance Group, Australian Agency for International Development**

**CHAIR**—On behalf of the subcommittee, I welcome representatives from the Department of Foreign Affairs and Trade, and AusAID. For your information, the subcommittee prefers that all evidence be given in public, but should you at any stage wish to give evidence in private, you may do so and the subcommittee will give consideration to your request. Although the subcommittee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and, therefore, have the same standing as proceedings of the houses themselves. I now invite you to make an opening statement, if you wish, before we proceed to questions.

**Mr Potts**—Mr Chairman, thank you very much. The department and AusAID appreciate this invitation to speak to you on this important subject today. We have, as you know, made a written submission which outlines the government's approach to the promotion and protection of religious freedom in our foreign policy and also the respective roles of DFAT and AusAID in that. The submission outlines three things: the relevant multilateral framework, including the way the international human rights law and mechanisms in the UN works; regional mechanisms and the government's approach to them; and the approach we

have taken to religious freedom in our bilateral engagement with other countries on human rights.

Starting with the multilateral level, the Universal Declaration of Human Rights provides the basis for regarding freedom of religion as a fundamental human right. This is reflected in the instruments which make the declaration's provisions into binding obligations on states, the two covenants: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It is also reflected in the specific provisions of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

To help give effect to these obligations and to address the concerns of the international community in relation to the effectiveness of their implementation, the CHR mandated a Special Rapporteur on Religious Intolerance, Mr Abdelfattah Amor from Tunisia. Australia is party to both covenants. We have a history of active engagement in the development and operation of the UN human rights system. We have been a traditional co-sponsor of relevant resolutions both at the CHR, the Commission on Human Rights, and the General Assembly of the United Nations. We have also hosted a visit of the Special Rapporteur to Australia.

While maintaining this engagement at the multilateral level, the government has also been devoting increasing attention to our activity at the regional level. I would like to highlight two aspects under that heading. Firstly, the UN Asia-Pacific workshops on human rights, which have recently established a framework for cooperation on the domestic mechanisms for the protection of human rights. This includes things like human rights education, the building up of national institutions and action plans, all of which have roles to play in relation to guaranteeing religious freedom.

The other aspect to highlight is the Asia-Pacific Forum of National Human Rights Institutions which is based in Australia. This is developing into a credible regional human rights mechanism. It recently mandated its own secretariat to conduct a study of interreligious tolerance and respect.

I should say as well that questions of freedom of religion are also raised frequently in bilateral channels. We maintain dialogues with various countries on human rights issues, ranging from the formal high level dialogue with China—in which I know you have had an active role, Mr Chairman—to more informal contacts through posts in other countries, and also occasional case based contact with states where we do not have resident representation. Religious freedom, for example, has been on the agenda in all the sessions of the China dialogue. It has also been an important issue in other dialogues such as the dialogue we maintain with Iran.

I should say for the information of the committee that the Foreign Affairs and Trade portfolio devotes significant resources to our work in human rights under which we include the work that we do on religious freedom. In DFAT, for example, the six-member human rights and indigenous issue section works full time on human rights issues. The six-member international law section devotes significant time to these issues as well. I note that, in fact, most members of HRI section are present today. I also know that AusAID devotes

significant resources to human rights related work and the larger question of good governance issues.

In Geneva and in New York, we have officers working full time on human rights and the related activities at the multilateral level. Depending on the nature of the human rights situation in individual countries and the importance of the relationship, many officers of the geographic areas of the department—some of whom are here today—devote considerable time to these issues.

Let me say, finally, that you can be assured that we are happy to assist the committee and the subcommittee in your work in clarifying or providing further information of the matters covered in our submission and, indeed, on any matter which we can assist you with, either now or by taking questions on notice. Thank you, Mr Chairman.

**CHAIR**—I assume that nobody else wants to make an opening statement; you have all deferred to the boss. I will open the batting and ask a couple of questions. In your submission, particularly at paragraph 34, you refer to the fundamental political changes over the last decade which have encouraged growth of racial, religious and ethnic based violence. Why and how do these changes contribute to religious intolerance and what is the way ahead in your view? Do you have any sense of optimism with respect to religious freedom in our region in particular? Are the national human rights institutions or the repeated resolutions from the Commission on Human Rights really having any impact?

**Mr Potts**—In response to the first part of the question, one particular way in which the political changes that we have seen around the world as having a direct effect on religious intolerance has been that, in many cases, the heavy hand of the state has been relaxed and the ability of the state to put a lid on issues that were formerly kept under wraps has greatly diminished. Countries that were formerly authoritarian are now tending towards more democratic forms of government and the collateral aspect of that is that people who have particular barrows to push in relation to religions that they do not like, or they feel antagonistic towards, are often more able to propagate their beliefs, and there is a need for states, as they develop their more democratic and open forms of government, to look also at appropriate regimes for managing the expression of religious intolerance.

It is not an easy balance to bring about as countries are in a form of transition. So I think it is very much a question of our time. It is one which is evolving, and I think in many countries there is a need for an appropriate balance to be struck.

You ask whether we are optimistic about the trends in the region: I suppose it is fair to say that, as economies in the region have developed, this has tended to bring in its wake the creation of more space for citizens, particularly in countries that have got a fairly closed political structure. But, as the economy grows, in particular, I think typically citizens get more choice, firstly, just in more mundane aspects of life, more goods to purchase and so on. But, over time, one sees the beginnings of a more civil society, if you like—a little more room for citizenry in the daily dealings with authority.

Often, for example, rigid systems of state controls such as household registration systems, and so on, tend to break down. Over time, as well, religions that were formerly



under very tight state control often, but not always, get more room under the sun to develop autonomously or more autonomously from the state. It is by no means a linear growth, and you could not say it is uniform either throughout the region. But, I think it is probably worth acknowledging that, as a general trend, that probably is the case.

**CHAIR**—Taking the three largest countries in our neck of the woods—China, Indonesia and India—you would say that generally you could see—or you were optimistic about—an improvement in the state of religious tolerance.

**Senator HARRADINE**—A drop in Pakistan.

**CHAIR**—A drop in Pakistan, which is another fairly substantial sized country.

**Mr Potts**—I do not think you could say that there is a uniformity of openness or developing openness throughout those four countries. I think there are certainly some positive developments in all of them, but there are also negative ones, and the balance, I think, is a bit uneven country to country.

**CHAIR**—It seems to me that Pakistan has gone backwards in the last couple of years. I do not know whether you would agree with that. In Indonesia, part of the problem in East Timor might well have a religious basis. East Timor is largely Catholic and the rest of the country is largely Muslim. China, as you and I know from the dialogue there, has had significant difficulties with its religions. If you are a Catholic in China and if you do not belong to the state registered Catholic church, you have got a problem.

Do we see any real improvement? I agree that it is patchy, but do we see any of the mechanisms that we are putting in place, and the regional human rights activity which is largely driven by Australia? That is to be commended and nobody is criticising what we are trying to do there. But are we seeing that actually making much difference? Are the resolutions that go through the United Nations so regularly actually helping? That is really what I am trying to draw out. If it is not working, should we be looking to do something else?

**Mr Potts**—I think it is fair to say that the regional mechanisms do have an impact. There is no doubt about that in our mind. We commit considerable resources to that and that is against a sense that there is good reason for investing those resources. I agree with you also that, even in countries whose economy is growing rapidly, like China, the growth towards religious tolerance is uneven. You highlighted the restrictions particularly on Catholics that wanted to maintain their links with the Vatican. There is obviously a range of aspects of religious intolerance at play in China. There is a crackdown on evangelical protestants, particularly in-house congregations, and there is the action against Muslims in Xinjiang, and the religious situation in Tibet which remains unsatisfactory from any definition.

I might ask Mr Hackett to address India and Pakistan. I cannot pass over Indonesia perhaps before letting Ms Wood focus on that by acknowledging obviously that the religious make-up of East Timor has always made the 27th province of Indonesia a bit different from most other provinces—although the province of Flores has a Catholic majority as well. In a

sense, it is always worth remembering the religious diversity of Indonesia around the periphery. Do you want to comment on the subcontinent?

**Mr Hackett**—On Pakistan I would simply say that over the last couple of years there has been a general deterioration across the board in all aspects of quality of life in the country. The treatment of women, of children, child labour, the general security problem, and the economy, are in serious trouble. I do not know that there is anything necessarily that you can point to in terms of flaring of religious intolerance that is not simply part of a broader pattern of problems within the country.

**CHAIR**—Would a similar thing apply with Afghanistan?

**Mr Hackett**—Afghanistan is quite simply a mess.

**CHAIR**—But religion is the root of a lot of it.

**Mr Hackett**—Religion, and the enforcement of one particular brand of Islam over others in Afghanistan, has become the dominant issue, and will be for the foreseeable future, I would think.

**Ms Wood**—On Indonesia, I would like to make a similar point that I think it is difficult at the moment. It is only 15 months since Suharto was forced to step down in the context of a dramatic economic crisis. The continuing process since Suharto stepped down is that we still have a transitional government. We do not have the first democratically elected government yet in place. I think it is difficult to specify what is identifiable as religious freedom and what is tied up with the turmoil of the transition that the country itself is going through.

**Senator HARRADINE**—This is quite illuminating for our first term of reference. We are seeking information as to the extent of violations of religious freedoms around the world and their probable causes. As we were dealing a moment ago with Indonesia, what part did religious animosity play in what has occurred in East Timor and the level of violence in East Timor?

**Mr Potts**—I think it is fair to say that you can draw a distinction between East Timor and what has been happening in Ambon. In Ambon, in Maluku, clearly the disturbances have been intercommunal between Christians and Muslims. I think that in East Timor the intrinsic problems are political but the religious differences probably give something of an edge. It has always been interesting to note that, in deploying senior military officers, the Indonesian government has tried to ensure that a proportion of commanders are Christian in an effort to display some sensitivity. Whether that has worked or not, of course, is a different question. But we, as a department, would say that East Timor's intrinsic problem is political.

**Senator HARRADINE**—I was going to come to Ambon. In paragraph 109 of your submission you refer to anti-Muslim violence. For example, in West Timor and West Kalimantan you mention ethnic and social factors as well as religious causes. Would you like to expand on that?

**Mr Potts**—Certainly in Kalimantan one of the problems has been the influx of new migrants who have displaced, in many cases, the indigenous people. Often the transmigrants have come from Java or from Madura. The Madurese in Indonesia, in particular, have a reputation for being devout Muslims and their interaction often with local people has not been easy.

In Kupang, where there is quite a strong Christian minority—largely Protestant from the Dutch days—there were also clashes between Muslims and Christians. I think there the spark was local political differences but they were given an edge by the religious aspect to it.

**Senator HARRADINE**—How do the Indonesian authorities deal with the differences and clashes? I suppose it varies, but what role does Komnasham have in resolving these differences?

**Mr Potts**—Komnasham certainly have formed commissions of inquiry to look at a number of situations of disturbance throughout Indonesia. Typically, they send in members of the commission and they prepare a report. They often also try and take action on the ground to conciliate differences.

**Mr Heyward**—Komnasham, as well as having an investigative role, have a role in human rights education and promotion of human rights values. They are probably less successful and less advanced in that role than the role of investigation simply because of resource problems and the pressing weight of issues to investigate. They certainly have been working at a number of levels, particularly within the bureaucracy, to try to ensure that officials are aware of human rights values and human rights obligations. These, of course, include the fundamental freedoms, including religious freedom.

**Senator HARRADINE**—Could we go on to Ambon? There have been recent reports of killings. Could you give us an update on what has occurred?

**Ms Wood**—In Ambon?

**Senator HARRADINE**—Yes.

**Ms Wood**—It seemed to start earlier this year. There have been waves of clashes between the Christian and Muslim communities in Ambon and in the surrounding islands. As yet, the situation has not been stabilised. Part of the difficulty seems to be that there are allegations on both sides of the various security forces taking sides with either Christians or the Muslims. There has not yet been a neutral presence that has been able to dampen down the incidence of violence.

**Senator HARRADINE**—In that case, is there any underlying cause other than religious difference?

**Mr Potts**—I think the Ambonese have long felt a sense of distance from Jakarta. There were separatist activities from the late 1940s until well into the 1960s. The Republic of South Maluku was proclaimed and tried to maintain its existence. Besides the religious angle, you also have this feeling that the concerns of Ambon are not always given due

weight in Jakarta. I think it is a question of distance and of a feeling which has persisted of a degree of estrangement from the centre. The manifestation of that was kept down during the new order, and the disappearance of that has allowed these underlying resentments to resurface.

**Senator HARRADINE**—In your submission, you mentioned the news reports last year referring to violence against Chinese Christians in Indonesia. Do you think that violence is essentially caused by a religious factor or by other factors?

**Mr Potts**—I think it is probably more than religious. One angle to it is certainly religious, but obviously the Chinese are a visible target, especially for urban unemployed and so on. The Chinese run the shops. They seem to be more wealthy to the extent that many of them are Christian. They are different from other Indonesians, so they seem to be a target as well. It is a mix of factors.

**Senator HARRADINE**—But that religious intolerance would come out as part of the whole package?

**CHAIR**—If there were not Chinese and they were not the shopkeepers or the affluent businesspeople, presumably you would not have had quite the same violence. I suppose that is what we are trying to get at.

**Mr Potts**—I would agree with that.

**CHAIR**—Religion is just another factor.

**Senator HARRADINE**—Yes, a bit like the poor old Jews. In your submission, you also refer to the work of the Australia-Indonesia Institute and workshop to be held for religious and other groups aimed at improved intercommunal relations. That is in paragraph 111. Would you expand on what you have said in 111 and on the work of the institute in respect of the promotion of religious freedom?

**Ms Wood**—The institute each year has a number of proposals put forward for projects that it can fund or assist. This workshop was one such proposal that was put forward. It was considered important for not only promoting religious tolerance but also the broader issue of better communication between the various groups in Indonesian society. The thing I would like to highlight particularly with this project is that, with the degree of uncertainty at the moment in our bilateral relations due to East Timor, a number of projects have been postponed, but this one—at this stage—is still going ahead, which we think is very encouraging.

**Senator HARRADINE**—I noticed this morning that Ambassador John McCarthy is stepping up his meetings with groups, including business groups. I imagine the department is making it a rather high priority to mend Australian-Indonesian relations.

**Ms Wood**—As far as possible, we would like to see projects like this go ahead. The signs from our Indonesian counterparts are still very encouraging. This will bring together

leaders from a whole range of groups—religious and ethnic groups—and other community leaders. So far, the signs are very encouraging that it is going to go ahead in November.

**CHAIR**—I would like to go back to three or four more general questions before we carry on with some questions on individual countries. In your submission you refer, for example, to the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities and the working group on minorities. I understand the group meets for about five days a year. You refer to this in your paragraphs 24 and 26. Could you outline the resources the subcommission and working group have and estimate what capacity is directed to the area of religious freedom?

**Mr Heyward**—The subcommission was designed as, if you like, a think tank for the UN Commission on Human Rights. It is referred by the commission matters on which an intergovernmental body meeting in a session that has that political dimension cannot work on effectively. It comprises experts who are appointed by the Office of the UN High Commissioner for Human Rights, and it can also address matters on its own decision. So it has the whole range of human rights issues to look at. It includes matters dealing with religious freedom, but they are but one component of its work. It meets in open session, and government representatives, including Australian representatives from our Geneva UN mission, attend those meetings and are able to contribute to the work of the subcommission. It then makes recommendations which are then considered by the following session of the UN Commission on Human Rights. As I said, it does deal with issues relating to religious freedom, but they are but one component of its work.

**CHAIR**—Moving on, you talked about the Special Rapporteur on Religious Intolerance, and earlier this morning you mentioned that we hosted a visit. Could you explain the mechanism for arranging those sorts of visits and reports? Is it at the initiative of the Special Rapporteur? Is it at his or her initiative—is it a he? Or do we take the initiative? What happens to the report that is published? Could you also tell us what resources and mechanisms are there to provide for the timely and comprehensive reports by the Special Rapporteur more generally, not just in respect of us?

**Mr Heyward**—The Special Rapporteur, like the subcommission, is appointed by the High Commissioner and works to a mandate which is agreed by the UN Commission on Human Rights. Decisions as to which countries to visit and what specific issues to look at within that mandate are within the remit of the Special Rapporteur. It is important for the mechanism to work effectively for the position to be one which has independence in decision making as to which issues to deal with. The requirements are that the Special Rapporteur report to the Commission on Human Rights each year when it meets. Special rapporteurs normally report as well to the UN General Assembly, so there are two reports a year.

The field work that the Special Rapporteur does is normally at the invitation of the country concerned. The Special Rapporteur will indicate to a government through their secretariat, which is based in Geneva in the office of the High Commissioner of Human Rights, and through diplomatic channels that he is interested in visiting a country. This is certainly the way that the visit to Australia was set up.

The resources to support the Special Rapporteur come from the budget of the office of the High Commissioner. There is a small secretariat and usually an assistant based in Geneva, plus assistance with travel and per diem when they are engaged in the work relevant to their mandate. Given that degree of independence, various Special Rapporteurs are more effective than others. It depends on the difficulty in fulfilling a particular mandate and also the particular intellectual resources and energy that the individual might bring to the task. Of the special rapporteurs, this one has been one of the more effective ones.

**CHAIR**—In your submission, you note that the Special Rapporteur considers that currently development of a binding legal instrument on religious intolerance would be premature. Could you give us your views on the practical significance of the lack of a legally binding instrument? Would such an instrument necessarily be weaker than the current framework or would it be more likely to be adhered to in your view?

**Mr Heyward**—I guess the simple answer is that the obligations which are already in existing instruments, particularly the international covenants in relation to religious freedom, are quite explicit. We would be sceptical whether work to try and create a new legally binding instrument at the moment would be likely to yield international obligations which would improve the situation for religious freedom. As you would be aware, the negotiation of international instruments is a time consuming and complex process. You really do run the risk of producing an instrument which, if not providing legal obligations, certainly does not do justice to the objectives that launched the process in the first place.

In terms of priorities for negotiation of new instruments which deal with human rights, religious freedom is not high on the list. The obligations already contained in the covenants are quite strong and they are binding on governments. Many governments have accepted those. There already exists, including in the form of the declaration, some further explanation of what those mean in practice. While the declaration is not a binding instrument, it certainly provides plenty of guidance on how the binding obligations should be interpreted and implemented. Our view is that negotiation of a binding instrument at this stage is not a high priority. I think that is a view generally shared by the international community. There is no strong push for such a development at this stage.

**CHAIR**—Thank you. I understand that in Europe concern has been expressed about legislation directed towards curbing cults? Belgium is probably a prime example there but there would be others. What would be your view on the apparent rise of cults and the action that has been taken in different parts of the world to monitor them? Would you be of the view that some countries have gone too far? It perhaps does not apply only to Europe. It probably applies to China to a certain extent.

**Mr Potts**—Certainly, a lot of the attention on this question of cults is focused on Europe, particularly France and Belgium but perhaps more widely as well. We have been aware of these concerns, and we recognise that in some jurisdictions it is possible that characterising a religious group as a sect can be prejudicial in the implication that sects are somehow engaging in illegal or antisocial activities. The European Union has recognised this in a statement to an OSCE meeting that:

. . . the legitimate concern over the proliferation of dangerous sects should not lead to the indiscriminate labelling of all new religions as sects or cults, as this engenders distrust, and can influence the belief that all new religions threaten society.

That is the gamut of the statement. We have made no representations on this issue on the basis that the issues involved are already being debated and considered in these democracies and that there also exists for individuals who believe that their rights have been infringed mechanisms at the regional level whereby they can address their concerns—mechanisms such as the European Court of Human Rights. I think that is the basis on which the government has been approaching this whole question of sects.

**CHAIR**—Do you think that some countries have gone in too hard?

**Mr Potts**—I do not know that we have expressed a view on that. There is obviously a debate at play—

**CHAIR**—You may not have expressed it, but do you have a view?

**Mr Potts**—I suppose the view would be that, if they have gone too far, the debate in the country is almost self-correcting any excesses that may have arisen. So over time, if there have been excesses, they are being reined back.

**CHAIR**—Would you make the same comments in respect of, for example, the Falun Gong in China?

**Mr Potts**—The Falun Gong is also labelled a sect, but we as a government have not really made any statement of position on the pattern of beliefs that underpins Falun Gong. I do not think we would see it as a sect in the same way that new religions in Europe are labelled, whether rightly or wrongly, as sects. Falun Gong is a movement—that much we can say.

**CHAIR**—But the Chinese regard it as a sect. We have certainly made representations to the Chinese expressing our concern about their treatment of what they call a sect.

**Mr Potts**—Yes, we have made strong representations to the Chinese about their treatment of Falun Gong on the basis that the action they are taking against the movement, however characterised, is an infringement of the right to free association.

**CHAIR**—In your submission, you give a ‘representative sample’ of countries in respect of different kinds of concerns for freedom of religion and belief and Australian responses. Do you wish to add to that list any further or more recent examples of violations or responses to violations by Australia? Or is that, in your view, a reasonable list? We are just trying to make sure we get up to date.

**Mr Potts**—We would be inclined to say that is probably the core of Australia’s areas of ongoing and priority concern.

**CHAIR**—Perhaps we could ask a couple of questions on China, and then Senator Harradine will have another go. In respect of China, there have been reports in the last week

or so of the arrest of a bishop and three priests of the 'clandestine' Catholic Church in China. Could you tell us how much progress has been made towards acceptance of the Catholic Church's leaders and followers who are linked to the Holy See and other churches that are not officially sanctioned by the government.

**Mr Potts**—In many ways the problem in China with the Catholic Church at least is that while it is characterised as being two churches—one loyal to the state, the patriotic Catholics, and the other loyal to Rome, to the Pope—the reality is that in many instances the boundaries between the two are quite fluid. There are situations where a bishop who has formally been nominated through the processes of the patriotic Catholics, so-called, has also tacitly been accepted as a legitimate bishop by the Holy See. Although no public announcement is made, often this dual recognition becomes a matter of public knowledge. That is not the case everywhere, obviously, and there are underground bishops who not only have made no accommodation with the state but do not wish to make any accommodation with the state. This fluid situation means that there is no single pattern of government treatment in relation to the Catholics who are loyal to Rome.

Another layer is that a lot of the implementation of religious policies is done at provincial level, and some provincial authorities take stronger action than others. I think particularly in the province of Hebei near Beijing, where there is a substantial Catholic minority, the Catholics loyal to Rome have had quite a difficult time.

Looking at the protestants, there is obviously a state sponsored protestant church, which, in principle at least, is supposed to encompass all believing protestants. But there are significant numbers of protestants who are not prepared to work through the state sponsored structure and, typically, hold prayer meetings or services in houses—the so-called 'house Christians'. Again, while implementation of religious policy varies at provincial level, there has been a significant degree of government action taken against them in particular provinces. I am thinking in particular of Guangdong province, where a series of raids and other action have been taken against house Christians.

**CHAIR**—Thank you. I would like to move on and talk a bit about Tibet. Can you bring us up to date on the situation in Tibet?

**Senator HARRADINE**—Chair, could I first just follow on from what Mr Potts has said?

**CHAIR**—By all means.

**Senator HARRADINE**—I would like to go back to the underlying problem. Mr Potts, you mentioned the Catholics who were loyal to the state and other Catholics loyal to Rome. I know many of the latter would not relate to that sort of statement in the Chinese context. They are not fiercely patriotic but they feel themselves to be very much Chinese. And they feel that their inherent right to freedom of religion, being a fundamental right of expression to their God, is such that it cannot be interfered with by a temporal power. They do not see the Vatican as a political power at all; they see the authority going back to Peter, who was appointed by Christ.



We had the advantage of listening to a group of people yesterday from the PRC, mainly from the Ministry of Foreign Affairs and a few other ministries. The leader of the delegation was pursuing the concept, as is normal, of the indivisibility of civil and political rights and economic, social and cultural rights, laying the foundations for the violation, presumably, of one or the other. What assistance can Australia give in pursuit of freedom of religion in respect of the Catholics in China? I think our chair yesterday declared that he was a great believer in the separation of religion and the state. Was that not so?

**CHAIR**—You have met the same group we are talking about. We had a wide range of discussions on various issues. When we talked about the Catholic Church in China, they made the point about the official Catholic Church and registering with the government and so on. We expressed some disappointment at that. When we got on to talking about Tibet, they were saying that, for the Dalai Lama to come back, they wanted to see religion and politics separated. I did draw their attention to that seeming to be somewhat contradictory compared with what they were imposing in terms of the Catholic religion, for example. At that stage I think we moved on to other topics.

**Mr Potts**—Before answering Senator Harradine's question, could I say that I also agree with the characterisation he has made about the way Chinese Catholics approach the dichotomy between God and Caesar.

**Senator HARRADINE**—Quite so.

**Mr Potts**—I think that probably also applies to the Catholics who worship in the official state churches who now, for instance, include the name of the Pope in public worship and so on. I think that in many cases—it would be presumptuous for me to speak for them all—they would feel that they are being loyal to the Pope in their own way. This is a very complex situation that the whole Chinese Catholic Church finds itself in.

How can Australia most effectively help Chinese Catholics in their quest to get maximum freedom of expression? By a combination of the ways that we have been trying to work, but particularly, in our bilateral engagement with China, we make a specific focus not just on the situation of the Catholic Church and particularly the underground Catholic Church but also on specified individuals who are under detention or imprisoned. For instance, I think a bishop, some priests and other workers were part of a list that was handed to the Chinese on the margins of the recent dialogue. We certainly continue to press the Chinese on the most unsatisfactory aspects of the way they deal with religious intolerance in China, certainly in terms of the Chinese Catholics, the treatment of the underground church, the house Christians and also, going more broadly, followers of Tibetan Buddhism and the Muslims in Xinjiang.

**CHAIR**—Perhaps you could bring us up to date on the current situation in Tibet in terms of religion, for example, the effects of the patriotic re-education campaign on religion, the status of the dialogue with the Dalai Lama, the welfare of the Panchen Lama—and I mean the Panchen Lama chosen by the Dalai Lama, not the Panchen Lama chosen by the Chinese.

**Mr Potts**—I do not think there is much more progress or change in the situation to report than was evident when the human rights dialogue took place in Beijing at the end of August. The situation remains broadly of concern. While there is, as a general principle, a reasonable amount of space for individual Tibetan Buddhists to worship, it is evident that there is a high degree of state interest and state control over the Buddhist hierarchy. The whole question of the interface between religion and politics becomes crucial in Tibet because of the role of the reincarnations of Buddha and particularly the Dalai Lama and the Panchen Lama. I do not think there has been any movement in a positive sense towards dialogue with the Dalai Lama. The ball remains in the Chinese court and they seem disinclined to resume a dialogue with him.

In relation to the Panchen Lama, or the individual boy whom the Dalai Lama designated as Panchen Lama, the Chinese tell inquirers that the child is being cared for and that he does not want to receive outside visitors and that his parents want him to continue his education in peace. Beyond that, they have been disinclined to give any information at all. That is the extent of what I can tell you on that.

**CHAIR**—Could we turn to Hong Kong for a moment? This committee did an inquiry into Hong Kong about 2½ years ago before the hand back from Britain. We looked at a whole range of issues such as democracy, freedom of the press and religion. We have heard some concerns about human rights in Hong Kong fairly recently and in particular regarding religious freedom. These include the Societies Ordinance, which requires compulsory registration of groups; the Public Order Ordinance, which we are told is being used to restrict the free expression of beliefs, and the cooption of religious bodies to lend legitimacy to the political process.

We understand the Catholic Diocese of Hong Kong has sought exemption from the religious sector of the election committee that chooses seats for the Legislative Council. They have sought that exemption on the basis that the body is undemocratic. Could you give us an updated position on the situation with freedom of religion and belief in Hong Kong currently?

**Mr Potts**—We have not heard any reports on restrictions of freedom of religion since the handover of the territory to China. The government did not restrict the activities of the Falun Gong movement, despite the action taken on the mainland. Beijing made clear its refusal to allow the Pope to visit Hong Kong was because of the Holy See's recognition of Taiwan. It was, therefore, a foreign affairs issue rather than a matter of religious belief.

On the question of the Societies Ordinance, this was apparently a colonial piece of legislation designed to control triads and other criminal societies. It was amended in 1992 to make it more liberal, so that it was necessary only to notify the intention to form an association rather than actually register the organisation. In 1997, the provisional Legislative Council amended the ordinance. It is now necessary for organisations to be registered. Political bodies are not allowed to be funded or controlled by foreign or Taiwanese political organisations. A section of the ordinance allows the police to exempt from legislation those organisations established solely for religious purposes. The process of getting the certificate of exemption is a formal process and requires an interview. As far as we are aware, churches and other mainstream organisations in Hong Kong are all exempt from registering.

You asked also about the involvement of religious associations in the process of selecting the chief executive of the territory. We are aware that the Catholic Church in Hong Kong had significant misgivings about its involvement in that process. The church felt uncomfortable because, in its view, it was an undemocratic process. Annex 1 of the Basic Law of the Special Administrative Region requires participation in the election by representatives from the religious sector. The government has agreed, nonetheless, that in future church leaders do not need to appoint a representative, if they do not wish to do so.

**Senator HARRADINE**—You have a brief piece on Sudan in your submission. I expect that you might be able to elaborate a bit more on what is happening in Sudan. I would like to be updated on it. I have the 1997 report of the special rapporteur, Mr Gaspar Biro. It talks about slavery, bombardments, amnesty, amputations, arrest, torture, lack of due process, law, hostage taking, arbitrary detentions and summoning to the security officers, reports of summary executions, freedom of the press, Darfur tribal clashes, indiscriminate killings of Sudanese refugees, abductions from camps in North Uganda, child round-up, riots, rights of women, freedom of religion and conscience, indiscriminate killings of civilians, devastation of villages, et cetera. It is a very full report.

The US State Department religious freedom report refers to regular harassment and threats and violence by security forces against Christians and followers of traditional beliefs. Is there a political or social element to these activities as well as a religious one? Are you hopeful of substantive improvements, irrespective of what happens, and whether there is a political element? Clearly, there are gross violations of human rights and gross violations of rights of freedom of religion.

**Mr Potts**—Senator Harradine, the picture you paint is a bleak one and it is one that is shared by the government. We would regard Sudan as one of the least favourable environments for the protection of human rights on a global basis. That extends to religious tolerance. There is a larger context than simply religious intolerance. It goes back to the fact that Sudan is ethnically a hopelessly divided country, with a deep north-south division. The Sudan is where North Africa and Islam meet African traditional beliefs. It has become a literal battleground on which that drama is played out. It is complicated by a deep-rooted separatist movement in the south, which has persisted throughout nearly all of Sudan's history since independence in the mid-1950s. You have both a historical problem and an ongoing problem of internal division and a layer added to it of an authoritarian and repressive regime in Khartoum.

You asked whether we would be hopeful about an improvement. I think it would be difficult to be optimistic given Sudan's history. There has been little progress to report over recent years and one would have to be unrealistically optimistic to expect to see much improvement.

**Senator HARRADINE**—What can Australia do? These gross violations of human rights and, in particular, of religious freedoms, are continuing. What is Australia doing? What priority does Australia give to urging the various UN nations, or international bodies, to take some action? I understand that the Special Rapporteur on Religious Intolerance has actually resigned because of the lack of action that has been taken on the report or on the situation there. Is that a fact?

**Mr Potts**—I am not aware whether he has resigned, but I can take that on notice and get back to you, Senator. What can we do with Sudan? I think we have to acknowledge that our influence with the Sudan is marginal at best. We have formal diplomatic relations. We visit occasionally from Cairo where the ambassador is based. The trips are relatively infrequent, which reflects the thinness of the relationship. So our leverage is limited, although we try to be helpful more broadly where we can—for instance, by cosponsoring the resolutions in the General Assembly and the CHR on restrictions on human rights in Sudan.

As a broader point it has to be accepted that the international community as a whole does not have a huge amount of leverage on the Sudan. It is a country which has been more difficult to access by the international community. I understand the recent state department report on religious tolerance in the Sudan more or less made the same point, that the United States had, at best, limited influence that it could bring to bear on the Sudan in terms of improving the situation.

**Senator HARRADINE**—What about through multilateral bodies such as the UN and its various agencies?

**Mr Potts**—That is certainly where we have been active in the CHR and the UN. Given that the civil war is continuing and that it shows no sign of abatement, that sort of situation suggests that it is not easy to bring about a positive improvement.

**Mr Notarpietro**—In terms of aid, I guess UNHCR and other non-government organisations are involved in basically keeping people alive. They have made a special effort through an operation called Operation Lifeline to try to target the areas in the Christian south which are perhaps underserved by the Muslim-led government. But beyond keeping people alive, relief aid can do very little to get to the underlying cause of that conflict.

**Senator HARRADINE**—Through one's sources one hears a large number of complaints of religious intolerance promoted by government in Vietnam. What are the implications for religious freedom arising from the review of the penal code in Vietnam? Does the code restrict religious activities and does the registration process for religion fulfil a significant role in that regard?

**Mr Potts**—The government did put out a new directive or decree on religious freedom in Vietnam earlier this year. In many ways it seems to be old policies in new clothes but, if anything, it could be marginally less liberal than the preceding directive. For the first time it made clear that property which religious organisations had ceded or offered—however they want to describe it—to the state in 1975, in the former South Vietnam, remains the property of the state. It made clear that there was no question of restoring this property to religious bodies. Typically, I think, it concerned hospitals, schools and other social institutions.

The basic parameters of government control remained essentially the same. It is a process which allows religious freedom in principle but regulates its implementation in many ways in quite a prescriptive and detailed manner. Again, as in China, the degree of administrative interference varies a bit province to province. Some provinces allow religious bodies more freedom of movement than others.

I think it is fair to say that in Vietnam religious bodies, with one significant exception—and I will come back to that—have reached a degree of accommodation with the government. But it is also very clear that all of them would like to have much greater freedom of manoeuvre. The notable exception to that is the Unified Buddhist Church of Vietnam which the government has refused to recognise as representative of Vietnamese Buddhists. Instead, the government requires Buddhists to conform to a state-run Buddhist congregation. Followers of the Unified Buddhist Church, and particularly the leadership of that Buddhist church, are under a considerable degree of pressure and, in some cases at least, leaders are under house detention.

**CHAIR**—Could I turn to the Middle East? I assume that Iran comes under your definition of the Middle East in your context? We are aware that in the last year or so there has been a continuing concern over the treatment of the Baha'i community. In fact, members of parliament get frequent representations on that subject. Recently, 11 or 13 Jewish people in Iran were arrested—

**Ms Brodtmann**—There were 13.

**CHAIR**—Can you give us an update on the current state of freedom of religion and belief in Iran and what has happened in those particular cases?

**Mr Potts**—The government takes very seriously the problems affecting Iranian Jews and Iranian Baha'is. It is a priority subject for us and one on which we have been active. I will ask Ms Brodtmann to address that.

**Ms Brodtmann**—Before I start, I would like to say that we have been heartened by some of the measures that President Khatami has introduced since his election in August 1997, particularly in the field of rule of law, the promotion of some of the rights of the Iranian Constitution, and their willingness to engage in the international community, particularly on the economic, social, political fronts and a range of other areas. They are very keen to engage in dialogue. However, we remain concerned about the treatment of the Baha'i community particularly and about the recent arrest of 13 Jews on charges of espionage.

In regard to the Baha'i community, it has been an ongoing area of concern. There was the execution of Mr Rawhani last year and, also, the death sentences of a number of Baha'is. Late last year—I think it was October—there were raids on about 500 homes of people associated with Baha'i open learning.

We have made representations, as Mr Potts mentioned, on a number of fronts particularly last year. We made public statements, both in Teheran and in Australia, at a ministerial and official level. Mr Downer, in July this year, raised our concern about the treatment of the Baha'i community with the Deputy Foreign Minister from Iran who was out here, Mr Aminzadek. Dr Calvert, our Secretary, also raised Australia's concerns about the treatment of the Baha'i community generally because there is always something going on with the Baha'i community. Things seem to have quietened down in recent times but we do have regular dialogue with the Baha'i community here and there is always something bubbling along.

In terms of the Jewish community, we have been very active on that since it was brought to our attention mid-year. We have raised it at an official level in Australia with the ambassador from Iran. We have also made numerous representations in Teheran on the matter. Most recently, on 15 September, we reiterated the fact that we wanted the Jewish community to have a fair, transparent and open trial, preferably with foreign representation at that trial. Mr Downer has raised the issue with Mr Aminzadek as well as the ambassador. We have been very active on that and made numerous representations on the issue.

Human rights are a continuing cause for concern with Iran. Despite some gains in some areas, there is still progress to be made in others. We are also engaging in, or beginning to engage in, preliminary discussions on the human rights dialogue which was agreed between Mr Fischer and Iranian counterparts when he was there at the beginning of the year for the Iranian JMC. Hopefully, through that we will be able to continually raise our concerns and continue to monitor the issues and make progress in this area.

**CHAIR**—In spite of the fact that the president is making some moves in the right direction, in spite of what he does in the centre, there are effectively a number of fiefdoms around the country that are a law unto themselves. Is that a fair or accurate comment?

**Ms Brodtmann**—They are probably not fiefdoms but just a number of different agencies. The legal level is different from the clerical level. I suppose ‘fiefdoms’, yes, but there are a number of varying sectors that have conservative and moderate elements. It is a constant battle to and fro between the number of very powerful organisations that govern the whole range of Iranian society.

**CHAIR**—And the president is not always prepared to step in as hard as perhaps we would like because of that political undercurrent?

**Ms Brodtmann**—He has a tightrope to walk and balance. There is an election coming up next year, too.

**CHAIR**—You are not suggesting that politicians are responsive to the threat of elections, are you?

**Ms Brodtmann**—This one is going to be an interesting election to watch given the change that has taken place over the last three years. Sorry, what was the question?

**CHAIR**—I was asking about the fiefdoms and the fact that the central government, from what I have heard, is not totally in control. Often, in spite of introducing what we would regard as quite progressive laws, there might be some policeman or some other authority out in the sticks that will actually take some fairly repressive action, and once it becomes a legal matter it tends to go through the courts rather than being disposed of.

**Ms Brodtmann**—On the issue of the Jews, he has stepped in and said that due process will be accorded to those people. Because there has been such an international campaign on this issue, recently there was an article in the English daily there that said that due process, a transparent process, would be accorded to these people. We are heartened by that. It is what we want to see. But you are right, there are a number of complexities in Iranian society and

they are still grappling with this change. It is going to take a while to come down either side.

**CHAIR**—Thank you. Can I go back to Pakistan for a moment. I heard what you said earlier about it being a hopeless case, basically—they are my words, not yours. But you were saying that things were not good and were not likely to improve a lot for some time. I have been to Pakistan a couple of times in the last five or six years. From my recollection it had quite an active human rights commission, and that was a body that was totally independent of the government, not funded or anything. I think a retired air marshal was heading it up when I was there last, but I stand to be corrected on that.

At a parliamentary level, I met their human rights senate committee, which in five years had produced one handwritten two-page report, which, I have to say, was not all that impressive. But certainly their human rights commission, which was independent, seemed to me to be doing some quite good things at that time. Can you update us on whether they are having any effect in the current downturn in religious freedom and human rights problems generally in that country?

**Mr Heyward**—That body is still active. You are correct in identifying it as a body independent of government. It is a non-government organisation, despite having a title which sounds like many government organisations in the region. As to its effectiveness, I think it continues, because of its profile and because of the quality of the people that work there, to have an influence. But, as Mr Hackett said earlier, with general problems in society the issues it has to deal with are not getting any better.

I would just add that one slight welcome sign is there has been some concrete expression of interest from the government in establishing a national human rights commission along the model that has been employed in other places in the region and through processes which we support through the Asia Pacific Forum of National Human Rights Institutions. It is pretty early days yet, but there have been indications that there is a commitment at government level to do that.

There are also some welcome indications of support from other national human rights institutions in the subcontinent, particularly the Indian national commission, which is a very well-established body. Because of the similarities of the structure of the legal regime between the two countries, they would have quite a lot to offer in terms of how to establish a national institution and how it might function. I offer that as an indication of some possible hope for the future, but these things take some time both to be established and to start to have an effect.

**CHAIR**—You have almost pre-empted my next question because I was going to move next door into India. I have two questions about India. Perhaps you could update us on the current situation in respect of the Staines murders. Would you feel that those were an isolated case, or are they symptomatic of a broader anti-Christian feeling? My second question is: how responsive do you think the Indian government has actually been to that Indian national Human Rights Commission? I was stunned, when I went to India and we met with them, at the scale of their operation. They had something like 3,000 staff and were still

years behind in their casework because of the sheer size of the population and the number of cases and so on. In our terms, it was quite a staggering experience.

We were very impressed, on the delegation I was on, with the quality of the people that we met and what they were trying to do. As an independent commission they can finger the problems and take some action, but it clearly requires responsiveness from the government. So perhaps you could update us on, (a), the Staines situation and whether that has wider ramifications, and, (b), on the progress of the government's response in particular to the Human Rights Commission in India.

**Mr Potts**—I will ask Mr Whitty to address the Staines case first and then other colleagues for the broader aspects.

**Mr Whitty**—The Staines case, which was one of the most upsetting consular matters that the department has handled in the last year because of the nature of the crime, really stands now at the point where the Indian parliament, when it resumes after the current electoral process, will examine a report which has been prepared by the special commission of inquiry headed by Mr Justice Wadhwa, a member of the Supreme Court. The report of that inquiry is already freely available—we obtained a copy of it in August—but formally it will not be tabled until the new parliament resumes. That report has laid the blame for the killings on an individual rather than a group or a system of groups.

This government has refrained from commenting on the report because we are very conscious that anything said negatively about the report might, in fact, affect the wellbeing and the security of Mrs Staines, the widow of the murdered Australian missionary, and her daughter, who remain in India. Our latest advice from Mrs Staines is that she intends to remain in India to try to continue her husband's very valuable work running what is in effect a leprosy hospital in the state of Orissa. We have been anxious about her wellbeing lately as a result of the murder of an Italian Catholic priest in that same area of India in recent weeks. But the High Commission has sought and obtained assurances from the Indian security system that special attention will be shown to Gladys Staines and to her daughter. I might pass over to Mr Hackett for a comment on the wider question you asked.

**Mr Hackett**—If you could just repeat, Chairman, the second part of your question.

**CHAIR**—The Indian Human Rights Commission is a very large and substantial organisation. When I visited it two or three years ago I was very impressed with the sort of work they were doing. I wondered if you could update us on how that is going, given the sheer scale of what they have to do, and, perhaps more importantly, on what the reaction and attitude of the Indian government is to that commission and its various reports and findings. Without reaction from the government when the human rights commission makes a finding or a recommendation, obviously the effectiveness of the commission can be limited if it does not get the right response. Given that governments have been changing at a relatively rapid rate and there have been all sorts of other political pressures, we are interested to know how the governments have been reacting, or have they just been ignoring it because they have been too busy surviving?

**Mr Hackett**—Or not surviving, as the case may be.



**CHAIR**—Or not surviving, as the case may be.

**Mr Hackett**—To address the second part of your question first, I think you hit the nail on the head: the problem in India over the past two years has essentially been a lack of political continuity, irrespective of the best will of governments. For example, the last BJP led government lasted for 13 days. It is very hard to set any sort of legislative priorities or priorities in terms of pursuing and consolidating the human rights of the Indian citizenry in those sorts of circumstances.

**CHAIR**—But some of them have been there for a bit longer than 13 days.

**Mr Hackett**—That is true. Indeed, the last government lasted for 13 months. I think we can generally say that the governments in India that have been around long enough to establish some sort of pattern have demonstrated their ongoing commitment to the secular nature of India, despite the rhetoric of some marginal groups associated with various political parties. In the broad, we can say that there has been an ongoing commitment to the secularism of India and also the commitment to human rights. There are massive constraints in India in terms of resources. The problems, where they exist, are so vast in depth and in scope that any efforts are only ever going to be successful in a long-term context rather than in a short-term context. In terms of the commission's resources, Mr Heyward is probably better placed to discuss that.

**Mr Heyward**—Thank you. I think your characterisation of the commission is still valid. It is a big organisation and it has a massive case load. It is a country with such a large population and such a diversity that, until you see it in operation, you cannot really begin to appreciate that. In terms of its influence on the government, as Mr Hackett has said, the government has its own difficulties in both defining and implementing policies in general. The commission does a very good job on individual cases. I think it has some difficulty partly in relation to the government's capacity to deal with references it makes, but also because its case load is so large. Its success has been more in resolving individual cases than in extracting systemic or general problems and having the government deal with them in a systematic way. That is not to say there have not been any wins, but it is that area of its operation where it has been less successful than resolving individual cases and, as you say, the number of them is staggering.

**CHAIR**—Thank you. Before we move on to more general things, from my point of view the last individual country is Russia. Could you give us a view perhaps on the impact on Russia's law of freedom of conscience and religious association? How do you believe members of the non-traditional churches are faring in Russia, as well as followers of Judaism?

**Mr Potts**—Mr Chairman, it is obvious that the new law has had an impact and that numbers of newly established or newly propagating religions are unhappy with the way the new legal regime is working. This particularly applies to what might loosely be called sects or cults, but also to Pentecostal churches and other churches that do not have a strong period of residence in Russia. They found it difficult to get legal personality. Clearly, among the established religions, the Russian Orthodox Church is in a very privileged position. Other

churches which have been long established are on a second tier. That includes Catholics, Jews and Muslims.

There continue to be some international expressions of concern about the operation of the new law. I guess everyone would hope that, in practice at least, the new regime would be interpreted liberally so that some of the less appealing features might not be applied. I think it is an evolving situation and one which the embassy will continue to keep us informed on.

**CHAIR**—Could it be that the general implosion, if you like, that is going on in Russia is having an impact on how that law is being applied, or do you think, even if things were going swimmingly in the economic and other senses, you would still have the same problems? In other words, is it by design or accident that it is having an adverse effect?

**Mr Potts**—I think it is more by accident than by design. It is also clear that, in a situation where the problems of daily living weigh heavily on individuals, some of these broader questions are not properly addressed. That certainly does not encourage people to stand back and look at how to address this in a systematic and proper way.

**Senator HARRADINE**—Mr Chairman, you asked a question as to whether the department would want to expand on any of the material that it has provided to us. It seems to me that there is an absence of detail in the material. I would certainly like to see more figures, for example, relating to people who are behind bars. I know, as far as in the PRC is concerned, there are a large number of people behind bars because of this issue of freedom of religion and, for example, in Egypt in the way the members of the Coptic Orthodox Church have been treated over the last few years. I do not know about ‘particularly over the last few years’, but there have been a large number of detainees and persons who are subject to torture and mistreatment, as you have noted. You refer to the State Department’s reports.

I know there is a lot of material on the web as well in respect of specifics on people who are suffering in various countries because of their belief in religious freedom and the importance of religious freedom. I just make that observation—maybe it is an issue of resources or priorities and maybe it is best discussed under the next item.

**Mr Potts**—I am happy to make one initial response to that. It is more a question of resources at the end of the day. While we obviously have an ongoing remit to keep under scrutiny both human rights as a broad issue and also the question of religious tolerance, we are not in a position ourselves as primary collectors to obtain a lot of detailed information about individual cases. In general, that is the situation, although, in some cases, individuals will come to us with primary information. If we are looking at numbers and lists, in general we rely on secondary sources. NGOs, in particular, do have the focus and the ability to get quite detailed information on individual aspects of religious tolerance. We certainly have material from many of those NGOs about specific situations. We can provide figures as well from the department but these would essentially be compilations of secondary sources. That is the situation we face.

**Senator HARRADINE**—It would be useful if we are provided with that information rather than downloading it from the US State Department, for example.

**CHAIR**—Perhaps you could take that on board and come back to us.

**Mr Potts**—Yes, we would be happy to do that.

**CHAIR**—We have essentially been talking, up until now, about matters relevant to the first of our terms of reference. I would like to move on to looking at some issues under our second term of reference, which is about implications for other human rights from the lack of religious freedom and differences. For example, from your information, can you discern particular patterns in violations of freedom of religion and belief?

For example, are violations perpetrated more often by states, or followers of different religions or followers of different groups within the same religion? Are particular religious, ethnic or economic groups more vulnerable than others? For example, are some groups always targeted, or do state sanctioned violations of religious freedom allow you to predict or indicate violations of other freedoms that would be going on? In other words, are there patterns that you can identify and perhaps use in terms of your work in making representations or even trying, perhaps, to take some preventative action?

**Mr Potts**—There are some quite broad questions floating around in that mix of considerations. First of all, on the question of patterns of perpetration: is it the state or is it typically divisions within a community or between different religious communities? I do not think it is possible to generalise. You really have to go from the particular and work it out. I do not think there is a global pattern. There may be some regional or subregional patterns but I certainly do not think it would be possible to construct a global characterisation of this. In many cases, even within a particular country, you might not get a uniform pattern and it could vary from situation to situation.

On the question of typically against whom religious intolerance is perpetrated, I suppose it is a bit trite to say that typically it is perpetrated against people who are least able to protect their interests. I think in general that is probably the case. Poorer people probably are less able to protect their interests and typically have less sense of how to access whatever legal remedies are available. That is one generalisation which I think holds true in quite a variety of circumstances but you could not say that that was an absolute pattern.

If I understood your third question, it was to ask whether, if governments took action against religious rights, that generated a pattern of non-respect for other rights. On the whole, yes. You would see some causal connection. We would see the right to religious belief as a core human right and, if governments are restricting that core human right, it tends to make it easier for them also to be relaxed about their attitude to other basic human rights. I do not know if that is a very helpful response. I have just tried to generalise in my response.

**CHAIR**—Going on from that, if we looked at our region of the world—and don't ask me to define the region; but I suppose I am saying somewhere between the Middle East and the middle of the Pacific; and I accept that it would be variable—what sort of priority do you see that states, and the national human rights institutions that some of those states have, accord to freedom of religion and belief? Generally, would we believe in our region of the world that it is a high priority or that really people do not care too much? Are there any

general trends there? Or is it very much that you cannot give a trend and it is very much an individual country or regime thing? I notice that Peter Heyward is nodding his head and obviously has a view on that.

**Mr Heyward**—In general, respect for religious freedom is a high priority for national institutions, but just harking back to the thread of your previous question, often the way you detect that the freedom of religious belief is not being respected is through manifestations of other restrictions on rights—imprisonment, torture, restrictions on freedom of speech, freedom of association—so in that sense there is quite a clear link between freedom of religious belief and respect for other rights.

You mentioned that our Chinese visitors yesterday were talking about indivisibility of human rights. I think this is a good demonstration of how that concept works in practice. In expression in human rights education it is one of the easier rights to make clear. It is quite clear that if you have a belief, the freedom to express it and to act upon it is one that governments should protect, but you very quickly get into other rights, and other areas of state and other actors' restriction of them. To return to my first point, because of its ease of expression it is one that national human rights institutions and other bodies associated with promotion and protection of human rights do make a priority and do give very concrete expression to.

**CHAIR**—It seems to me that, of recent years, quite a number of countries in our region have established human rights bodies of one sort or another. Some might operate more effectively than others, but there seems to have been a general trend to establish human rights bodies. Australia has been quite active, I understand, in helping facilitate that. How far advanced do you really see us being in terms of establishing intergovernmental human rights mechanisms in the Asia-Pacific? If we are not doing very well there, what are the implications for human rights or what can we do to improve those intergovernmental mechanisms?

**Mr Potts**—I will ask Mr Heyward to answer it in detail, but clearly the situation where Asia is the only region in the world without an effective regional human rights mechanism testifies to the distance that the region still has to travel. The very fact that it is only now that numbers of countries in the region have national institutions again is testimony to the distance that is still to be covered. It suggests to me that this is a process that is going to take quite a time before we see something like even a pale imitation of, say, the European Court for Human Rights, or an equivalent institution in the region.

**Mr Heyward**—Mr Potts, as behoves a man senior in the department to me, has expressed it very eloquently.

**CHAIR**—Let me be the devil's advocate. There is a view that I have heard expressed that if you had a regional body it might actually be a very convenient vehicle for developing perhaps an alternative set of standards in the human rights field and that maybe there is quite a case to be made for not having a regional body because you can hold individual countries who have signed off on the various covenants accountable to those worldwide standards.

**Mr Heyward**—Typically, regional bodies—the European court, the inter-American infrastructure and the same in Africa—take as their basis the international standards. Australia, for one, would not be party to a regional body which was aiming to set lower standards.

**CHAIR**—No, we may not be, but Malaysia, for example, has advocated an alternative view.

**Mr Potts**—It is possible that some countries might, but I do not think you would get a regional consensus for that.

**CHAIR**—So you think the acceptance of the international standards is sufficiently well entrenched that there would not be general support for setting a lower standard in an Asian regional body?

**Mr Potts**—I think you would always have to be vigilant and you would have to keep the pressure on to apply internationally accepted standards. While you have those international standards it provides a yardstick with which to resist pressures for a lower form of treatment.

**Mr Heyward**—In so far as regional mechanisms are emerging, in a certain sense the Asia Pacific Forum of Human Rights Institutions fulfils that function for those bodies that are National members of it. It very clearly roots its work in the international standards that exist. In the other emerging regional mechanism, if you like, through the UN's work on regional workshops and technical cooperation through those mechanisms, it is exactly the same—the technical cooperation is based on the international standards that are accepted in the human rights covenants and conventions that form the UN human rights system.

**Senator HARRADINE**—What about the HRC—what priority does it give to this question of freedom of religion and belief?

**Mr Heyward**—The Human Rights Commission?

**Senator HARRADINE**—Yes.

**Mr Heyward**—As I said before, the special rapporteur reports each year to the commission. This is the UN commission you are talking about?

**Senator HARRADINE**—Yes.

**Mr Heyward**—The special rapporteur reports and there is always one resolution which deals specifically with religious freedoms and a number of others which touch on religious freedoms. So the commitment to the freedoms that are expressed in the covenants and in other instruments is always reaffirmed, if you like, every year. In terms of action, there is not always specific action other than a renewal of the mandate of the special rapporteur. But the existence of the special rapporteur is evidence itself of the importance that is placed on that particular freedom.

**Senator HARRADINE**—I am asking this because I was told—and I do not know whether it is correct or not—that Special Rapporteur Biro did resign, expressing some disappointment at inaction by the HRC bureaucracy. The current rapporteur is Leonardo Franco?

**Mr Heyward**—The special rapporteur on Sudan? I am not sure. I would have to take that on notice.

**Senator HARRADINE**—It is hard to see what priority the Human Rights Commission gives to this, given the fact, as has been acknowledged, that religion most directly addresses the foundation of human dignity. I am quoting from the Ramsay colloquium on the 50th anniversary of the Universal Declaration of Human Rights. It says that, because religion most directly addresses the foundation of human dignity, religious freedom is the source and safeguard of all rights and freedoms. I do not know that you put it exactly like that, Mr Potts, but it was to that effect, that if religious freedoms and rights are able to be disregarded that is a threat to all other human rights. Can that question be answered, as to what priority the UN Human Rights Commission gives to religious freedoms?

**Mr Potts**—I can answer it this way: if you look at the workload of the human rights machinery in Geneva and look at their top six subjects, religious freedom would be one of those, along with, say, the rights of the child, elimination of discrimination against women, and so on. So it is a core subject—I do not think there is any doubt about it. At the same time, in the principle at least, the right to religious belief as such is not a contentious principle. The devil is in the detail. The elimination of discrimination against women, for instance, or even the rights of the child become a little more emotive because of particular country situations and so on. I do not think it addresses completely what you are saying, but I think it is fair to say that it is up there as a core and ongoing part of the agenda of the human rights machinery.

**Senator HARRADINE**—What about our own internal machinery? How many people in the department are actually working specifically and full time on this question?

**Mr Heyward**—Mr Potts, in his opening comments, mentioned the resources that were devoted to human rights work in general. To disaggregate them and say when work is on one particular or another is somewhat difficult given there is so much interrelationship between them. Much of the information that comes to us about specific cases deals with cases where religious freedom is involved. We have an active dialogue with many NGOs such as Christian Solidarity and the Baha'i community which deal particularly with freedom of religion. So it is a substantial proportion of the time but it is somewhat difficult to be explicit about percentages of an individual's time spent working on these issues because of the interrelationship of rights.

**Mr Potts**—And you would want to add to that as well the time that the geographic desks take to address religious concerns. It varies from country to country. The Vietnam, China and India desks would spend identifiable chunks of their time on the whole question of religious tolerance. It is a moot point whether we could aggregate it in a meaningful way.

**Senator HARRADINE**—Is there an obligation on our posts to report on the aspect of freedom of religion in the particular countries?

**Mr Potts**—The short answer is, yes, I guess there is. It depends on the country. When we know that there is a concern about religious intolerance in a particular country, either through the human rights machinery or in Australia among the community, the post is tasked to report on it on an ongoing basis. I am very conscious that numbers of our posts do periodic reports on relations, say, between church and state in a particular country, restrictions on registration of religions, questions of the freedom for religious leaders to travel abroad, and so on. These are part of a pattern of reporting that we task specific posts with.

**Senator HARRADINE**—What about country information services, particularly that which is prepared and given to DIMA, for example, where they use it in their primary assessment of refugee applicants for refugee status and, say, the Refugee Review Tribunal. Is there specific material available in those country information dossiers, or is it given to DIMA? In other words, have you got an overview of religious freedom provided to DIMA or to the RRT?

**Mr Heyward**—It is not provided as an overview. We do not hand over a report on the state of religious freedom annually in that sense—nothing like the State Department report. DIMA has access to general reporting on human rights situations in various countries which they use in that process of refugee determination. As Mr Potts pointed out, there is a general obligation on posts to maintain a watching brief on those sorts of situations and if there are areas of particular concern they will report in some detail on them.

The Department of Immigration and Multicultural Affairs occasionally ask very specific questions which posts also get engaged in answering. That can yield additional information which is of more general use as well. That is the structure of the information exchange between Foreign Affairs and DIMA.

**CHAIR**—I understand, Mr Potts, you want to withdraw about now to go to another meeting.

**Mr Potts**—Yes.

**CHAIR**—You might want to hand the baton over to Mr Heyward or whomever.

**Mr Potts**—If that is acceptable.

**CHAIR**—That is acceptable. You have a meeting on Timor. We concede that Timor is of slightly higher priority than we are at the moment, so you should go to your meeting. We thank you for your contribution.

**Mr Potts**—Thank you, Mr Chairman.

**CHAIR**—I suspect that further down the track we may well have a follow-up meeting with you anyway.

**Mr Potts**—We would be happy to do that.

**CHAIR**—If there are other matters, we can obviously pick them up then. Thank you for your personal contribution this morning.

**Mr Potts**—Thank you.

**CHAIR**—I wonder if we could pursue a couple of other questions. As a country we tend to place a lot of focus these days on our development assistance area on good governance. I am pleased that Mr Barry Jones is no longer in the parliament because he, whenever we used that word ‘governance’, would launch into a lengthy intellectual dissertation on what it actually meant and come to the conclusion that it actually did not mean anything; therefore, how could you use the term and why were we bothering—but that is an aside. We use this term ‘good governance’ in a number of areas in our development assistance area. We probably use that term rather than using direct issues of promoting human rights, religious freedom and so on. Can you give us any indication of any improvements to fundamental freedoms such as freedom of religion and belief that you have detected as a result of our good governance type approach?

**Mr Heyward**—I think Mr Notarpietro would be in the best position to talk about the good governance in Australia’s aid program.

**CHAIR**—We shall report to Mr Potts that the first question we asked of you as leader you passed on.

**Mr Notarpietro**—If we understand governance simply as the exercise in distribution of power in a society, the government’s approach has been to look at long-term incremental improvements in governance through building better institutions. Those are institutions of government, such as the Public Service and the way that the Public Service delivers service, for example, and institutions like parliament and groups involved in training for parliamentarians, and democratic institutions like the National Human Rights Commission and the aid program. Together with Foreign Affairs, they are involved in supporting improvements in the sorts of institutions outlined in the submission.

As well as that, there is increasing focus on supporting the broader notion of civil society, which is even more jellylike than the notion of governance. But if we understand civil society as any situation where a group of people organise around a common purpose—and that might include non-government organisations that are either developmentally oriented or focused on human rights, or it might include other organisations like law societies, bar associations, chambers of commerce—then broadly and philosophically, these organisations and a civil society diffuse the power of the state, act as the check and the balance against the power of the state, as does the machinery of government and institutions. You promote, not necessarily democratisation, but forms of government that foster tolerance, and I guess that includes religious tolerance, but tolerance across all rights, by improving and supporting reforms in these institutions and broadening the ambit of civil society.

That is the sort of philosophical approach, and then we get involved in taking up opportunities. Where there is a movement for reform within a country we are able to provide



support to those sorts of institutions, as in the case of Komnasham, the human rights commission in Indonesia.

**CHAIR**—Given that activity and given our diplomatic activity, and I suppose our acknowledged status as a medium player, how well in your assessment are we doing in promoting freedom of religion and belief generally? Where and how can we perhaps improve what we are doing? In your view should we, for example, be extending formal bilateral human rights dialogue to other countries that we do not deal with now? Should our posts be specifically monitoring and reporting on freedom of religion like I understand they do in the United States? Are there other things that we should be looking to do? You may in your response say, ‘There is a limit to what we can do with our resources,’ but should you be asking government for more resources to do some of these extra things if they are justifiable, for example?

**Mr Heyward**—You pre-empted my first comment.

**CHAIR**—That was the object.

**Mr Heyward**—There are limits to the resources that we can devote, particularly in terms of specific reporting. I would have to say, as you are aware—you have already seen the State Department report which provides a wealth of information—that the State Department has considerable resources to devote in this area, but they also make the fruits of their labours freely available. As Mr Potts said, there are a number of non-government organisations that do exactly the same thing. To a certain extent, devoting our relatively scarce resources to that sort of work would be duplicative. Where there are particular issues that come to prominence through whatever channels, and we refer them to our posts for further work, their role is usually verification of information that has come from other sources. I think we can perform a useful value-adding function in that respect. To do a serious job of widespread reporting on this aspect of human rights or other aspects of human rights would require a devotion of resources. You would require great eloquence to persuade parliament that that should be given that sort of priority.

**CHAIR**—You mean parliament or the minister?

**Mr Heyward**—The minister has a much broader remit, and this is one part of Australia’s foreign policy approach. Already considerable resources are devoted to it, as we have described. It is beyond the scope of the organisation to do the sort of work that the state department does, obviously.

**CHAIR**—What you are basically saying—my words but I am interpreting what you have just said—is that we are doing as good as we can do given our situation. There is no area in which we could improve.

**Mr Heyward**—It is a dynamic situation as always. We are looking to strengthen our dialogues on human rights, not necessarily through additional resources but through better focused work, attempting to establish better links with interlocutors in other countries—dialogue not necessarily in the sense of the dialogue with China, but dialogue through posts by having officers posted there cultivating relationships with their counterparts in the various

different and relevant agencies. That work is bearing fruit without there being significant additional resources devoted to it, and also through just making sure that the officers involved have more understanding and background in the rights context in which they are operating. Again we are doing that not necessarily by devoting significant additional resources but just by better targeting the resources that we have.

The initial question and the context this is in is this: is it making a difference? As you would be aware in other areas of human rights, it is very difficult to tell, I think. A lot of these changes are ones which are gradual over time and there are many influences feeding into them, of which Australia's efforts are only one. I think in various ways we can point to areas where we have made a difference. Perhaps one example might be the situation of the Baha'i in Iran where nobody is pretending that the situation is ideal but there is no doubt that the efforts of the international community—Australia amongst them—have made some difference there.

**CHAIR**—I take your point that you are not going to get a sudden revolution in a country in terms of human rights and the religious component of that, or that it is very unlikely. Yes, it is a gradual process. If you compare 1999 with 1998 in a particular country, unless it has got dramatically worse, you are unlikely to see a lot of measurable movement. But, on the other hand, over a period of time in a particular country it would seem to me that it should be possible to quantify it.

Let me give you a specific example. As we discussed earlier, I went with the Australian delegation to Beijing this year for the annual human rights dialogue. One of the questions that came up around that was: is that dialogue serving any purpose and is there any improvement in the situation of human rights in China? Whilst we were there we actually sat down and tried to do a bit of an inventory on how things might have improved in China in the last five or 10 years. I think the consensus of most people in the field who have real knowledge of China is that, whilst from our perspective many things in China in a human rights context may be far from ideal, and there are lots of areas that we would like to see changed, the situation probably has improved quite significantly in the last 10 years in a number of ways. We tried to produce a list. Does the department, in fact, sit down and do any qualitative or quantitative assessments of progress in particular countries over an extended period of time? It seems to me that that would give you some indication as to whether the sorts of things you are doing are being effective.

**Mr Heyward**—Yes. There is no formal process. We don't have a check list where we tick things off and have formal quantitative measures. In that sense, no, we don't, but yes, we certainly do evaluate within the context of the bilateral relationship and the efforts of the department and other Australian government organs, particularly the Human Rights and Equal Opportunity Commission, the Attorney-General's Department and other bodies. We certainly do evaluate the effectiveness of those links in the way that you described in relation to China. I think there are a number of countries where we could say that things are getting better and we have contributed to it.

You would appreciate that in the case of dialogue with China, as in others, establishing direct causal links between something that the Australian government does and a change in the human rights situation on the ground is not easy, except in very specific circumstances

and very specific cases. There is often talk in human rights circles of the development of a human rights culture and, in general terms, that is what we are aiming to achieve—an improvement in the human rights culture in other countries of which freedom of religion and belief is an important component.

**CHAIR**—I accept that, obviously, when talking about China as an example, from what we do and any improvements that might be measured there it may well not be possible to draw a direct correlation. Our efforts there might be part of broader efforts from a whole range of sources and so on. Nevertheless, it is important to be able to identify whether there is improvement in that country to which we may be contributing. It would seem to me that if you were able to quantify that in some shape or form, certainly in the public's mind, that could address a number of concerns as to whether it is a waste of time doing anything, if you like.

Recently, for example, Mr Sidoti from HREOC paid a visit to Burma. My understanding is that there were exploratory discussions there that maybe Burma should set up a human rights body in some shape or form. If that were to happen, with our assistance, which presumably would be the idea, you would want to ask, 'What are the yardsticks? Is that going to be effective?' If you do it, subsequently you would ask, 'Has it been effective? Has it made any difference?', or are you just giving comfort and succour to the present regime by recognising them?

**Mr Heyward**—That is a more complex example, I guess.

**CHAIR**—Nothing is simple in life.

**Mr Heyward**—I can give a concrete example of where there are things to measure. I mentioned before the UN workshops on human rights in the Asia-Pacific region and their identification of various areas of focus. One of those areas is the development of national action plans for human rights. There was a regional workshop which did some work in clarifying what they mean, how to go about developing them, et cetera. The clear message is that an action plan provides for objectives and concrete measures of progress against which a human rights situation can be measured.

There are a number of countries—Thailand, Indonesia and the Philippines—which have already adopted that mechanism. So you do have some measures as to progress. They may be simple things such as accession to a new human rights instrument, or the establishment of a new institution, or devoting additional resources to the legal system. There are some concrete measures, yes.

**CHAIR**—Okay. Changing tack almost totally for a moment, could you provide us with information on any support or activity that Australia has given to the Middle East peace process?

**Mr Heyward**—Personally, no.

**CHAIR**—Perhaps you could take that one on notice?

**Mr Heyward**—Is there anything in particular that you would be interested in?

**CHAIR**—We want to get details on any support that Australia has given to the Middle East peace process. Have we been involved in any way? What general support have we given? It is an area where not only national differences but religious differences have an impact. Obviously, that is something of interest to this inquiry.

**Mr Heyward**—Sure, we would be happy to take that on notice.

**CHAIR**—The special rapporteur has visited Australia and I understand from your submission at paragraphs 50 to 52 that his subsequent comments were positive. However, can you provide some background on those areas which might have been of concern to him after his visit here?

**Mr Heyward**—There were only a few areas where he expressed some concern. One was in relation to impediments to the establishment of places of worship for some religious groups. One was planning zoning requirements making it difficult to establish new places of worship in areas of concentration of followers of a particular belief. The other area that he mentioned was in relation to the spiritual beliefs of indigenous people and the degree to which they are catered for and able to be protected under Australian law.

In both areas his comments were fairly specific. In those areas we have taken steps to address his comments, in so far as is possible given other requirements of government. In the case of the local planning laws, they are of concern only if those regulations are being used in a discriminatory way. If not, that is part of the structure of society.

**Senator HARRADINE**—How can we promote an interest in the defence of freedom of religion in our own area? I know you mentioned the project that has been put forward by the Australia-Indonesia Institute. Are there any similar examples in our area?

**Mr Heyward**—Mr Potts referred to one in his opening comments which is yet to come to fruition. We have talked already about the Asia Pacific Forum of National Human Rights Institutions. It is a body which is largely Australian funded and supported and based in Australia at the moment, but it is very much a regional body. At its last meeting, which was in Manila a few weeks ago—

**CHAIR**—It was on 7 and 8 September.

**Mr Heyward**—the Indonesian human rights institution made some specific requests of the forum as a body. One of those was to do some research on interreligious rivalries. They obviously have a very specific purpose for that. They want to draw on it and use it in their own national situation. That is a body we have been instrumental in establishing and supporting and is directly dealing with this issue. Mr Notarpietro might have some comments on some other projects. There are a range of those which, if you like, go towards developing a human rights culture of which freedom of religion and belief is a part.

**Mr Notarpietro**—Through the aid program this government has been active in increasing support for human rights. It has done that through a variety of mechanisms such

as the establishment of the Centre for Democratic Institutions, the Australia-Pacific NGO Forum, and funding for the human rights fund has doubled over the last three or four years. That is a scheme which funds local non-government organisations, in many cases, to improve the monitoring of human rights.

We can work on the supply side of improving national human rights institutions, legal and judicial institutions, through the bilateral aid programs, but there is also a role in fostering the demand side from indigenous and other groups that advocate for human rights to government. We are trying to address it in those two ways.

**Senator HARRADINE**—Rather than coming down to the priorities, I was just asking what are we doing specifically in this area of religious freedom?

**Mr Heyward**—Specifically in religious freedom, the answer is not a lot, but broadly in the area of human rights, a lot, and that includes religious freedom. There is an improvement in the capacity of mechanisms to deal with complaints domestically, which is what national human rights institutions do. Many of those complaints deal with religious freedom. So while the funding and the institutional support does not go directly to religious freedom, it is certainly intimately involved in its protection and promotion.

**Senator HARRADINE**—One of the suggestions that has been made to the committee is that our posts put forward the names of religious leaders who are in jail in that particular country and seek to visit them. Is that a matter which the department has considered?

**Mr Heyward**—In terms of people who are imprisoned in violation of their rights, often the department does get involved in making representations to the governments concerned about that situation, expressing our government's concern. Visiting them in prison is not something that has happened a lot, but there have been occasions when that has been done. I would have to say that resources to do such things on any systemic basis would be limited. But certainly we do raise the plight of people who have been imprisoned for free expression of their religious beliefs.

**CHAIR**—Just before we wind up this session, that question I asked about the Middle East peace process really was a direct follow-up, looking for amplification of your paragraph 53.

**Mr Heyward**—Okay. Thank you.

**CHAIR**—We have no further questions at this time. I thank you all for your attendance here today. If there are any matters on which we need additional information, the secretary will contact you. We will send you a copy of the transcript of your evidence to which you can make corrections of fact. Again, thank you very much for coming. We will adjourn, and then we will have the next group of witnesses, who have arrived on time and are sitting at the back.

**Proceedings suspended from 12.01 p.m. to 12.10 p.m.**

**DORJEE, Mr Zamling, Secretary, Tibet Information Office**

**TSERING, Mr Chope Paljor, Representative of the Dalai Lama for Australia, New Zealand and Oceania region; Representative, Tibet Information Office**

**DOLKER, Mrs Sonam, President, Tibetan Community Association, Victoria**

**LUNG TOK, Mr Lobsang, President, Tibetan Community Association, New South Wales**

**SAMKHAR, Mr Migyur, President, Tibetan Community Association, Australian Capital Territory**

**CHAIR**—Welcome. Our subcommittee prefers that all evidence is given in public, but should you at any stage wish to give evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I invite you to make a brief opening statement if you wish, and then we will proceed to questions.

**Mr Tsering**—Thank you, Mr Chairman and distinguished members of the subcommittee, for the opportunity to testify in person on the violation of religious rights and beliefs in Tibet. I would also like to thank you for your continued interest in the situation in Tibet.

In spite of the Chinese claim that ‘Tibetan Buddhist believers enjoy complete freedom of religious belief,’ all evidence points to the contrary. In fact, Tibetans in Tibet, especially the monks and nuns, are subject to various political campaigns such as ‘strike hard’, ‘patriotic re-education’ and ‘cultural civilisation’. In the process of these campaigns, the religious rights and beliefs of Tibetans, individually and collectively, are violated.

The violation of religious rights and beliefs in Tibet is not an isolated case against an individual, nor is it the act of a few officials or individuals in particular localities. It is a carefully thought out and executed policy by the Chinese occupying forces in Tibet. Its aim is to erase Tibetan culture and identity and to sinocise Tibet and Tibetans.

In February 1989, Mr Hu Jintao, the then Secretary of the Tibet Autonomous Region Communist Party, circulated an internal document within the party membership in Tibet. The document observed that religion and religious figures enjoyed too much importance in Tibetan society. It recommended to reverse the attitude as a condition for decisive implementation of the party policy towards Tibet. We are now witnessing the implementation of that recommendation. In 1994, the Tibetan Communist Party members were banned from having any faith in religions and possessing photographs of the Dalai Lama. This was the first such public ban on religion since the cultural revolution days. Gradually, the scope of this ban was widened to include government and public employees.

On 20 November 1998, Mr Chen Kuiyan, the present Secretary of the TAR—that is, Tibet Autonomous Region—Communist Party, convened an exclusive meeting of party

leaders. Mr Chen is understood to have spelt out the following 'three initial strategies' to destroy the Tibetan people's continued faith in religion. The three strategies are: one, to use force and coercion to destroy faith in religion; two, propagation of Marxist-Leninist ideology to counter religious influence; and, three, promotion of economic and cultural development to erode faith in religion amongst the masses. These three correlate to the first three points that I discussed: strike hard, patriotic re-education and cultural civilisation. Strike hard correlates to the use of force and coercion to destroy faith in religion. Propagation of Marxist-Leninist ideology correlates to patriotic re-education. Finally, cultural civilisation seems to correlate to the promotion of economic and cultural development to erode religious faith in Tibet. Here, cultural development means Chinese culture, because Tibetan culture has been viewed as a splittist tool and, therefore, Tibetan culture is not development in any way.

**Senator HARRADINE**—Sorry, as a what tool?

**Mr Tsering**—Splittist. In the first half of 1998, a ban on home shrines was introduced to government employees and party members. As in the case of banning the photographs of the Dalai Lama, we suspect the scope of this ban will gradually come to cover ordinary Tibetans as well. The official purpose for launching the strike hard campaign, for example, was to weed out corruption. It was true to its purpose in China. However, in Tibet, the purpose of this campaign has been very different. It has been used to suppress and stamp out the Tibetan people's faith in their religion, Buddhism, and their religious leader, His Holiness the Dalai Lama.

Tibet Information Network, a London based human rights watch group, has documented at least three deaths under these campaigns. The Tibetan Centre for Human Rights and Democracy found the number of monks and nuns expelled from religious institutions for refusing to accede to the work teams' orders had reached 10,569 in June 1999. It has noted an increase of 592 expulsions from last year. This campaign was first launched in April-May 1996.

For the first time in Tibetan history, an age limit has now been imposed for monks and nuns. They must retire when they reach 50 years of age. Young men and women below 18 years of age are legally barred from becoming monks and nuns. Reports also indicate at least 19 arrests of religious persons for not complying with the work teams' orders during the first half of 1999. These put the figure of monks and nuns arrested until June 1999 to 511.

The abuses of religious rights and beliefs in Tibet are symptoms and consequences of a deeper problem. It is the problem of colonial rule, the deliberate suppression of Tibet by China and resistance to that rule by the people of Tibet. Unless the political issue of Tibet can be resolved peacefully, the rights of the Tibetan people will be abused under different pretexts. Therefore, I would like to request the distinguished members of the subcommittee to urge the government of Australia to take the Tibet issue as an important factor not only in her bilateral relations with China but also in bringing the issue up at international fora so that China is made publicly accountable for her actions against human rights in Tibet.

It is imperative to let China know that her human rights abuses in Tibet are not acceptable to the freedom-loving people of the world. China should not be treated differently

from any other region that abuses human rights. Thank you. I now welcome any questions from distinguished members.

**CHAIR**—Thank you very much. In your submission you suggested that there had been an improvement of sorts in religious freedom in Tibet, but that it was superficial. Do you believe there have been any real improvements in any shape or form, or do you believe that all appearances of religious acceptance are for propaganda purposes and to please tourists?

**Mr Tsering**—In Lhasa, as stated in my submission, you can see people walking around with prayer wheels, and prostrating in front of Jorkhang Temple, and you can see people prostrating themselves all the way from far-distant places to Lhasa, but these are only allowed in order to implement a deeper ban on religious activity. I cannot exactly say when, but I came across a statement by a Chinese leader in Tibet when I was a representative in Katmandu Nepal, which said, ‘Allow those of religious activity that have blind faith and suppress those that have fundamental meaning.’ That was the policy of the Chinese government, which is true.

**CHAIR**—But you would accept that there are people who are freely pursuing their religion?

**Mr Tsering**—No. We take it from a different angle. In my submission I said that, relative to the Cultural Revolution days, the religious freedom that you see in Tibet is far from free. I admit that there are people prostrating in front of Jorkhang and I admit that there are people spinning prayer wheels, but the facts speak far louder than that. The Panchen Lama has been recognised by His Holiness the Dalai Lama according to the Buddhist tradition of Tibet, and he is still behind bars. The fact that there is a ban on the portrait of the Dalai Lama is very significant in Tibetan belief. Why? Because we Buddhists believe that the Dalai Lama is our guru and our teacher. He represents all three jewels—the Buddha, the dharma and the sangha. His body represents the sangha and his speech represents the teachings of the Buddha. His mind represents the Buddha himself—the Enlightened One.

When you put a ban on your own teacher this violates the fundamental beliefs of Buddhism in Tibet and therefore the encouragement of the blind faith part of Tibetan Buddhism is, in fact, ultimately aimed at the destruction of Buddhism in the long run. If you do not allow the intellectual aspect of Tibetan Buddhism and allow the blind faith part of it, the next few generations will say, ‘Hey, what is happening?’ and this is exactly what is happening.

**Senator BOURNE**—You made a comment about monks and nuns retiring when they reach 50. Was that in the sense of they should retire from public religious worship, or was it in the sense that they are not supposed to be monks or nuns any more after they reach 50?

**Mr Tsering**—This means they should not be in the monasteries any more.

**Senator BOURNE**—So they are required to leave the monastery by the law—



**Mr Tsering**—They are required to leave the monastery and retire to their own villages. This has been a new policy and we do not yet know how it will affect those who get retired to their villages.

**Senator BOURNE**—I had not heard it before. So there is no evidence of what happens next, obviously, because it is so new? Is that right?

**Mr Tsering**—It is very new, yes.

**Senator BOURNE**—You have probably read the report of the 1991 parliamentary and human rights delegation to China which included, of course, going to Tibet. I think that one of the findings of that delegation was that it appeared that Tibetan Buddhism was being ‘ringbarked’—it is an Australian term. It is best described as: the living, growing part of Tibetan Buddhism was being stopped and the petrified centre was allowed to remain. Do you think that that is still the case? Some of the things that were found by that delegation were that the teachings were being organised by the state rather than by the Buddhist temple, and Buddhism, which in the past had been allowed to grow with the teachings of the masters and teachers, was being restricted by the state. The outward manifestations were allowed to remain, but only as long as those people who had already learnt remained alive because there were no new ones coming to take their place in the traditional sense. Do you think that that is still the case and is it getting better or worse?

**Mr Tsering**—That is still very much the same and, if anything, it is getting worse. The reason is that Tibetan culture, as a whole, is now looked on as a threat. The threat is that those who adhere to Tibetan culture are viewed as anti-Chinese, and Buddhism is indistinguishable from Tibetan culture. Tibetan culture itself is Buddhism. Therefore, there are these irregular Communists. It is completely contrary to their own constitution.

**Senator BOURNE**—Do I understand from what you said previously that an absolutely central tenet of Tibetan Buddhism would be the acknowledgment of the teachings of the Dalai Lama so that if anybody in Tibetan Buddhism was required not to acknowledge those then that would be a violation of that faith?

**Mr Tsering**—Absolutely. As I said, your guru, your teacher, represents the three refuges that we take. When we claim we are Buddhists, No. 1, just as a Christian would baptise, the first thing that you do is take refuge—refuge in the Buddha, the teacher, the dharma, the subject that you are taught, and the sangha, the companion, the communion of that group. Your teacher represents all three because he teaches the teaching of the Buddha. We view him as an enlightened being; therefore his mind is the representation of the Buddha and he himself being in the form of a monk is therefore the sangha. The teaching of the Dalai Lama—we can always say this very proudly—has always been for the benefit of all other beings. He has never been against any state, against any person or against any individual. When this teaching is banned, then this relationship that the Tibetan people wish to have with His Holiness the Dalai Lama is a fundamental violation of that right.

**Senator HARRADINE**—Did I hear you in your opening statement refer to economic development in Tibet affecting the Tibetan culture? Could you elaborate on that? Are there no benefits to the Tibetan people of the infrastructure expenditure that is made in Tibet?

**Mr Tsering**—Yes. One of the three strategies, so to speak, that the present Communist Party secretary in Tibet, Mr Chen Kuiyan, has adopted—one of the three, the last one—is promotion of economic and cultural development to Tibet. This is in order to eradicate Tibetans' faith in religion. Economic development is there, there is no doubt. But the question is: how is this benefiting the Tibetans or is it affecting the Tibetans? This is the very big question. We can look at the population of Lhasa. This is a small example we can look at. The population of Lhasa is around 200,000, and the population of Lhasa before 1959 was, at a maximum, 30,000. I do not believe that Tibetan people have increased in Lhasa nowadays. I do not believe that.

For one, Tibetans are still required to have permission from their local Communist Party to go to Lhasa. Two, once you get to Lhasa, you do not get automatic permission to stay and work there, so I do not believe that Tibetan people have increased. The population of Lhasa in those times was mainly monks and nuns if you include Sera and Drepung, those two great monasteries which are on the outskirts of Lhasa. Now if you see a great development in Lhasa in relation to big supermarket structures, buildings, roads, then you can from that angle see the beneficiaries are not the Tibetans; the beneficiaries are those who have come and settled there easily, not those who have difficulty in coming there, who have difficulty in getting permission to settle there. Therefore, for example, one very recent phenomenon that we can see in Lhasa is the phenomenal increase of brothels. The Tibet Information Network made a private survey and they found there are at least 6,000 such places in Lhasa and surrounding areas. This is part of the economical development in Tibet, but it is absolutely detrimental to the Tibetan culture and religious life.

**CHAIR**—Can I seek some clarification on that? You are suggesting that the population in Lhasa has gone up from 20,000 or 30,000 to 180,000, and that entire increase is non-Tibetan.

**Mr Tsering**—I believe so. I have reason to believe so because—

**CHAIR**—That means that only one in six people in Lhasa would be Tibetan.

**Mr Tsering**—Yes.

**CHAIR**—Can you substantiate that? You say you believe so, but have you got any evidence of that? I have been to Lhasa recently. I do not know what the population is, and I do not know what the proportion is and I do not claim to know, but I would have to say from several days of walking around fairly freely, and frequently unescorted, it seemed to me that the proportion would be far greater than one in six. When you talk about 6,000 brothels for a population of 180,000—

**Mr Tsering**—Excuse me, that was a mistake. It is 600 brothels.

**CHAIR**—Six thousand would be one per 30 of the population.

**Mr Tsering**—No, it is 600.

**CHAIR**—But even so, it is still one per 300 of the population.

**Mr Tsering**—Yes, 600 brothels, plus around 500 to 600 bars which also have functions almost like a brothel. I can substantiate and check on this. I was in Tibet in 1984. People who have come from exile, including Tibetans, tend to stick around where there are Tibetans. The Tibetan area of Lhasa is very small. It is around the Jorkhang area. Tibetans are usually visible people. Maybe you can see that from our delegate and my wife from there—their apron; their chuba. Somehow Tibetans are visible and, because the Tibet section of Lhasa is very small, people coming to Lhasa are coming to visit Tibet and Tibetan areas. It is quite natural for them to roam that area, to see those areas and to be in part of that area. The extension of Lhasa has now reached several square kilometres before that. All those areas are completely Chinese. There are no Tibetans. No visitors ever go there in the Chinese quarters. There are no Tibetans in exile; they do not go there. They have no business to go there. They stick around where there are Tibetans.

So I would not be surprised, Mr Chairman, if during your visit you saw more Tibetans in Lhasa. Jorkhang, for example, is the central place for Tibetans in Tibet. If you see fifty-fifty there, that really speaks quite loud, because that is the only Tibetan area where Tibetans have their heart and soul in it.

**CHAIR**—Just for clarification, I did not suggest fifty-fifty; I did not suggest any proportion. I would have placed it as greater than fifty-fifty, the areas that I saw. I stress that mine was not meant to be a quantifiable assessment at all.

Do you believe that Tibetan people enjoy any form of greater autonomy in any areas of their lives these days? For example, is there more freedom of speech than there might have been before? Are there any benefits flowing from that? Quite obviously, the Chinese are assessed as having spent a lot of money in Tibet on infrastructure. There was a report suggesting that since 1980 something like \$US2.4 billion had been spent in Tibet. Do you believe there are any benefits flowing from that at all?

**Mr Tsering**—No. I am sure that the Chinese have poured the amount of money into Tibet that Chinese data shows. When I was there in 1984 they said that they were doing 62 projects sponsored by different Chinese states to help Tibet. These 62 projects included the Lhasa Holiday Inn, similar construction in Shigatse and roads between Gongkar airport and Lhasa and things like that. I do not mean that building infrastructure is bad, but for whom is it built? When you have a greater number of Chinese and they need to control Tibet, that amount of money is definitely for the Chinese to settle there, not for the Tibetans.

**CHAIR**—You say that the destruction of Tibetan identity and the denial of religious freedom or the ongoing teaching of religion have been a central thrust of Chinese policy. How successful has that destruction of Tibetan culture and religion been? For example, would you be able to estimate what percentage of Tibetan people retain their Buddhist beliefs? Has it been unsuccessful and is there still very widespread maintenance of belief?

**Mr Tsering**—Before I answer this question, may I continue with the first question?

**CHAIR**—Sure.

**Mr Tsering**—If you export all the things that Chinese have mined from Tibet—the gold, uranium, oil, forest timber, iron and medicinal herbs—into a national market, I am quite sure that they will far supersede what the Chinese have put into Tibet. That is very much so.

**CHAIR**—That is your belief, but you have nothing to substantiate that.

**Mr Tsering**—I cannot have a document which will say this but that is my definite belief. It is not just my own belief but the belief of every Tibetan. Coming back to the question of the success of the Chinese in eliminating Tibetan culture, the Chinese have definitely had some success in the sense that their policy can be ruthlessly implemented wherever they wish to have it. For example, now the Chinese policy is not to have the Tibetan language in Lhasa University except in the language faculty where the Tibetan language is only taught as a language. All other subjects that used to be taught in Tibetan, such as the history of Tibet, are now done without Tibetan.

From this level you can see that, wherever they have their weight, there is success. That will succeed because the Tibetans coming out of the school cannot get a job because they cannot speak Chinese. When your own language is pressurised and your own culture is looked down on in that way from a government structure, there will be success one day. But the resistance to that structured, systematic policy is very much there. In fact, I believe the reason why Tibetans openly prostrate and burn incense, especially on Wednesdays in Lhasa if you are a visitor—sorry, I forgot my English word.

**CHAIR**—Take your time.

**Mr Tsering**—It is a peaceful means of protest to show that they would like to preserve this. That kind of attitude, unfortunately, is also serving the Chinese in many ways, because then they can point out, ‘Look, we have religious freedom.’ People are prostrating themselves.

**CHAIR**—In large numbers.

**Mr Tsering**—In large numbers and using prayer wheels.

**CHAIR**—I have seen it myself.

**Mr Tsering**—I have remembered the words: civil disobedience. It is the Tibetan form of civil disobedience because we are told in no uncertain terms that, in Communist ideology, religion is a poison. We are told that our own culture is a backward, medieval culture and our religious leader is a splittist, a criminal. When all these labels are levelled against you and when people come in hundreds to prostrate there, that is a form of civil disobedience.

**CHAIR**—But the Chinese government says that it accepts quite openly that, in Tibet, the Tibetans can pursue their religion quite openly and, of course, they do?

**Mr Tsering**—Exactly.

**CHAIR**—As I understand, their complaint against the Dalai Lama being a splittist, in the terms that you describe, is less on the subject of religion and much more on the subject of politics.

**Mr Tsering**—That is how they view it. In that case, if the Chinese are really true and sincere in what they say, then let us have the Panchen Lama back on his throne at Tashilumpo. If they still do not like him there, let him be free and let the Tibetan people worship him.

**CHAIR**—The Chinese position, as I understand it, is that they do not believe the Panchen Lama was chosen by the appropriate methods.

**Mr Tsering**—That is their ‘appropriate method’. This is exactly the thing. This is exactly the way they suppress our cultural identity and yet be able to tell to the world that what they are doing is the right thing.

**CHAIR**—If language is not being taught other than at the basic levels or if you are studying it as a language in its own right—and I think you indicated that, to survive economically, you need to learn Chinese—the Chinese presumably would argue that that is, therefore, sensible, that you learn Chinese so that you can get a job and survive in the rest of the world. But what impact do you therefore see that having on future generations of Tibetans?

**Mr Tsering**—Very bad, because what is happening is a lot of Tibetans in nomadic and pastoral areas have personal experience of this. They do not wish to send their children to Chinese schools. Although they are village schools and they are their own schools, they call them Chinese schools because Chinese are taught there. The whole value system is totally different from the Tibetans. Therefore, they do not wish to have a foreign value imposed on their children by sending them to the Chinese schools. This now has a long-term effect because the Tibetans come out without a Chinese education. They come out without their own Tibetan education, of course, and this, in turn, has a long-term effect when it comes to finding appropriate jobs.

There was a recent report by a parliamentarian who visited Lhasa city that said that Tibet had benefited in the last 10 years. I can say that, unless the Chinese hid away the beggars in Lhasa city when he was there, 80 per cent of them are Tibetans in Lhasa.

If you have 20 or 30 per cent of people in a city where 80 per cent are beggars, it shows that the effect of marginalisation of the Tibetan language is taking place in Lhasa. Without education and the knowledge to live in the present circumstances, you have nothing but to beg.

**CHAIR**—That is why the Chinese say that you need to learn Chinese so that you can survive in the economic world and that, if you do not learn Chinese, it does have those adverse economic implications. The MP that you are referring to is Mr Gary Nehl, the Deputy Speaker. My understanding from having spoken to Mr Nehl is that he was making the point that, when we was there nine or 10 years ago, compared with today, the general standard of living has improved. What the media did not print was that he was talking about

the standard of living of most people in the street. He was not saying that everything else was hunky-dory. He was just making the point on the standard of living. I would suspect that that may have some substance. I am not going to get involved in that. What I would like to ask, though, is, could you tell us from your perspective what the current status of the dialogue between the Dalai Lama and the Chinese government is?

**Mr Tsering**—Unfortunately the current status of dialogue is non-existent. There was some hope that some kind of dialogue may be established after President Jiang Zemin's public pronouncement during President Clinton's visit to China a year ago. Since then, even the limited indirect channel that used to exist has been completely cut off. Unfortunately, right now there is no dialogue.

**Senator HARRADINE**—Tibetan parents would be concerned that the teaching of Buddhism is not permitted in Chinese schools. Is that right?

**Mr Tsering**—That is right.

**Senator HARRADINE**—Not permitted at all?

**Mr Tsering**—In the schools it is not permitted at all. Therefore, a lot of Tibetan parents try to send their children to monasteries in order to get some Tibetan teaching as well as Buddhist knowledge. Now the age limit has been imposed so that children below the age of 18 cannot go to these schools. A lot of children have been sent out into exile in India. We have around 5,000 to 6,000 now in India—children who have been smuggled out from Tibet to India specifically for Tibetan and religious education, education that the Tibetans wish to have for their children in a Tibetan way.

**Senator HARRADINE**—Parents are not permitted by the Chinese government authorities to have their children go to a school on Saturday or Sunday just for the purpose of teaching Buddhism?

**Mr Tsering**—No way; nothing at all. The religious activities that are allowed are: prostrations, telling of prayer beads, reciting the prayers that you remember, and the speciality of Tibetan Buddhism, walking around religious temples. These things are visibly allowed.

**CHAIR**—But there was also some teaching of young monks, for example.

**Mr Tsering**—Yes, in the monasteries there is teaching, but this teaching is limited. The monasteries are not managed by monks and nuns, these monasteries are nowadays managed by Chinese appointed communist committees. Within the curriculum in the monasteries you have to have a new curriculum such as while you love religion you love your motherland. Here in Tibet the emphasis to love your motherland is to love China. Every monastery has a management committee. The management committee consists mainly of Communist Party officials appointed by the Chinese Communist Party. Some monks are there.

**CHAIR**—You mentioned that 5,000 children have gone to India for education. There is also a large number who go to other parts of China for their education.

**Mr Tsering**—That is right.

**CHAIR**—Do you have any feel for the numbers involved there? Presumably they go to China with the consent of their parents.

**Mr Tsering**—I do not have the exact number but a large number of Tibetan children are encouraged to study in China proper and when they are properly educated, out of college, out of school, they can come back to Tibet. This has been the case. There are two tracks now. One is to send children to China and the other is to not teach Tibetan, including in the university. Definitely, those who have studied in China, when they come back they get better jobs, they can be easily assimilated, and they can expect better pay and so on.

**CHAIR**—Those children who go away to China for their education are aged 12 or 13, that sort of age bracket, and they might be away for up to 10 years while they do their secondary schooling and their university schooling and come back in the early to mid-20s. Would it be accurate to say that most of those children coming back after that experience would speak Chinese better than they speak Tibetan?

**Mr Tsering**—That is absolutely the case. Some of them may not speak Tibetan at all. This program is not a new thing: it started in 1950. A cousin of mine who I met in Shigatse in 1984 hardly spoke Tibetan because in those days he was virtually taken. It was not his wish to be there, it was encouraged by the Communist Party local officials that he went there. His parents, although unwilling to send him to such a far off place, had no choice. When he came back he hardly spoke Tibetan, but he was then assigned a teaching post in the Shigatse area.

I met him in Shigatse quite by accident. I was there only one night and he came there one night. We were eating in a restaurant. When he knew that I was coming from exile, he got interested and came to me and, through his friends, half speaking Chinese, half speaking Tibetan, we came to know each other and that we came from the same locality. In fact, he was my cousin. He was put in a family, not in a hostel, not in a college, and was adopted like a child by the family. Having to learn Chinese was not difficult for him, but he found the food so different from Tibet. He had constant problems with the food.

**CHAIR**—I can understand that. I found Tibetan food very interesting!

**Senator BOURNE**—In 1991, everybody walked around the Jorkhang Temple in a clockwise manner, to be respectful, except for the Chinese army people who always made a point of walking counter-clockwise, to be disrespectful. I do not know if that is why they do it, but they were the only ones who did it. Does that tradition of respectful people walking clockwise still persist? If it does, is it deliberately flouted by anybody?

**Mr Tsering**—Excuse me?

**Senator BOURNE**—Is it deliberately gone against? Do people deliberately go the other way?

**Mr Tsering**—Yes. In Tibetan society there are Buddhist people and there are Bonpo, the pre-Buddhist indigenous Tibetan religion. The majority of Tibetans now have Buddhism. Bonpos go counter-clockwise while Buddhists go clockwise. The interesting thing here is that both of them have become indistinguishable from each other in terms of philosophy and learning. The only difference that you can see is walking around the temple clockwise or counter-clockwise. For example, in the library of a Bonpo monastery, the books would be put the other way around so that people going counter-clockwise would actually have the same effect as going clockwise. That is the system.

The funny thing is that, even though the Communists say they have no superstition, they still do these funny things which normal people do not do because they are somehow superstitious of doing the same thing. Chairman Mao Zedong, met His Holiness the Dalai Lama in 1954 at the Tibetan new year festivities, the Tibetan Tsampa. The traditional there is to throw three times in the air and then you take. His Holiness showed Mao how to toss three times and then ate. Mao threw once and then looked around and threw one down, which indicated that he is not susceptible to superstition. So Communist Chinese do purposely walk counter-clockwise for two reasons. One is to show that they are not religious and the other reason is that you can see all the faces of people coming that way and you can check who they are.

**Senator BOURNE**—My other question was about the people who are being transmigrated, or are migrating themselves, into Lhasa in particular. Is it just Han Chinese, is it people from other parts and other races within China, or is it people from outside, Nepalese or people from Bhutan? What sort of people are ending up in Lhasa?

**Mr Tsering**—Lhasa is a small cosmopolitan place within that locality, so to speak. Barkor, which is the centre point, has more Nepalese than Tibetans. Most of the shops around Barkor are owned by Nepalese traders who are usually of mixed race—one of their parents is Tibetan but they do hold a Nepalese passport, they are Nepalese citizens—and they have somehow worked with the Chinese government in Tibet so they can have these nice shopping places. That has been there even during the Cultural Revolution. The Nepalese have been given this special treatment in owning shops in the Barkor area. That is the Nepalese section, so to speak.

Among the recent migrants from China, there are mainly two groups. One is the Chinese from Sichuan and the other is Hui, who are ethnically Han Chinese but their religion is Muslim. These Hui Chinese come from the Qinghai, or Amdho, region within the boundaries of China. These are the two most recent migrants in Tibet. Excuse me, I have spoken too much and maybe my colleagues have something to add on. This gentleman, Logsang Lungtok, came out of Tibet in 1991. He was a monk in Sera monastery. He was in prison for a few months for taking part in the 1987 demonstration. He escaped Tibet in 1991 and in 1997 he came to Australia on the humanitarian program. Probably I shouldn't have spoken too long because Mr Lungtok may have something to add, I don't know. There are also other members if you have anything to ask.

**CHAIR**—Do any of the others want to say anything?

**Mr Tsering**—Excuse me for a moment.



**Mr Lungtok**—I have been here only two years so I am not good at speaking English.

**CHAIR**—Your English is better than my Tibetan, so don't worry.

**Mr Lungtok**—The policy of religious freedom which China is apparently implementing in Tibet is not with the good purpose of actually giving genuine religious freedom to the Tibetans, but with the purpose of being able to colonise Tibet for the long term. In fact, it is for China's very selfish motivation.

Although the Chinese have allowed young Tibetans to join monasteries with the purpose of studying religion, it is a kind of a showcase. The genuine freedom to study the scriptures in the real sense, following a long-established Tibetan tradition, is not there. As a matter of fact, through my own experience I can very well say that in the past there has been no age limit for anybody wanting to join the monastery and become a monk. But now the Chinese have actually set an age limit, whereby a person is allowed to join the monastery and become a monk. Although it may appear as though there is some kind of religious freedom, genuine religious freedom to seek your own teacher and to study the scriptures as you desire is not there. Because of this, you can very well see that nowadays, there is hardly anybody in Tibet that could be really considered as a recognised teacher through many years of learning. Whereas in the past, there have been teachers in the Tibetan Buddhist traditions that have actually become some kind of legends in the Tibetan Buddhist world.

Ever since Tsong Kha Pa the great teacher actually taught in Tibet, there has never been a time when Tibet did not have the great prayer festival. But since Chinese occupation of Tibet, there has hardly been any congregation of monks and there has not really been the great prayer festival observed in the real sense as it used to be done prior to Chinese occupation.

Talking about renovation or construction of new monasteries, there has not been any effort on the side of the government to actually make financial contributions to renovate destroyed monasteries or construct new ones. If you see any kind of renovations or monasteries constructed in Tibet at all, this has happened as a result of the people's own perseverance and voluntary contributions made by the Tibetan deputies themselves. The only contribution that actually is made by the central government is from the central cathedral in Lhasa amounts to roughly 80,000 Chinese yuans which the Chinese distribute and take the credit for making contributions to safeguard religious freedom.

Most of the monasteries around Tibet are actually closed. The Chinese do not allow the Tibetans to have any access to these monasteries. A clear example is my own monastery where I became a monk in Phempo. That has been closed. Quite recently other monasteries in outlying Lhasa have also been closed. They do not allow any access of the people to these monasteries.

As a matter of fact, the Chinese have reduced Tibetan Buddhism to some kind of a showpiece for tourist attraction and also for their propaganda purposes. Monks who are revered by the Tibetan people are now reduced to a showpiece, whereby they just assemble these monks when tourists come and show them as religious showcases. They just give these monks as evidence of having religious freedom in Tibet.

**CHAIR**—Thank you. I am conscious that we are running a bit behind our schedule. I have one more question I want to ask. You suggest in your submission the appointment in Australia of a special coordinator for Tibet. What role would you expect such an appointment to fulfil? What response would you expect from the Chinese government to the work of such a coordinator?

**Mr Tsering**—The Chinese government may initially have a negative reaction to an appointment of a coordinator but, in the long run, it will be a message to the Chinese government that free people around the world do care for the survival of Tibetan culture and identity. I think that such a coordinator can, in the long run, with the present good relationship that Australia now enjoys with China, help to establish a dialogue between His Holiness the Dalai Lama and the Chinese government, so a long-lasting solution can be made for Tibet.

**CHAIR**—Are you suggesting a diplomat or somebody like that?

**Mr Tsering**—Yes.

**CHAIR**—And it would be an Australian because Australia has a good relationship in both directions?

**Mr Tsering**—Yes.

**Mrs Dolker**—You have talked about everything else. I would like to talk about what is happening about human rights for women inside Tibet. I will not talk for long. I will give you the points about what is happening. If I have three children and am aged 18 to 21, I am not allowed to have any more children. If I do have children, whether I have money or not, I have to pay a 1,000 yuan fine each month. The limit for having a baby is the age of 29 for a woman. They have to have birth control.

They arrest nuns. Ngawang Samdol was only 13-years-old when she was arrested. She is now about 24. There are those sorts of things with human rights. Mr Chairman, you have been in Tibet. You might have seen a lot of things happening as joyful things. But if you have more than two children, you have to have an abortion. Please keep those sorts of things in mind.

**CHAIR**—Thank you for that. Yes, I have been there and I have used some of my experience to try to draw out some information this morning. You should not try to deduce from my questions what my view is; I am just trying to draw out some information. I have a fairly comprehensive view of what I think is going on in Tibet. As I have indicated to Mr Choepa before, I raised some of my concerns with the president of China when he was here last week and also during Australia's human rights delegation discussions in Beijing last month. Do not misunderstand. I have some concerns in the same way that you have.

**Senator BOURNE**—I have one question. Has anybody seen or heard anything recently of the boy recognised as the 11th Panchen Lama by the Dalai Lama?

**Mr Tsering**—Nothing at all. There is no news of him at all.

**CHAIR**—I thank you for your attendance here today. If there are any matters on which we need additional information, the secretary will write to you. We will send you a copy of the transcript of your evidence.

**Proceedings suspended from 1.19 p.m. to 2.06 p.m.**

**KAZAK, Mr Ali, Head, General Palestinian Delegation**

**CHAIR**—Welcome. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give evidence in private, you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament, and therefore have the same standing as proceedings of the House itself. I invite you to make a short opening statement before we proceed to questions.

**Mr Kazak**—I would like to thank you very much for giving me this opportunity to appear before you today. You have before you in my submission the horrific details of gross violations committed by Israel against the religious freedom of Christians and Muslims in the 1967-occupied Palestinian territories and against its own non-Jewish citizens. It should be noted that my submission is in no way comprehensive and does not contain all accounts of violations of religious freedom and discrimination in Israel.

Dr Israel Shahak, chairperson of the Israeli Human Rights League, has reported Israel's demolition of over 385 Palestinian Christian and Muslim villages following its formation in 1948. Recent studies now put this number at 418 villages, with destruction of 450 mosques and the arson and demolition of 400 Muslim graveyards. During 1948, Jewish forces perpetrated numerous massacres of Palestinian civilians taking refuge in their mosques. One example of this was the massacre of hundreds of Palestinians in Jaffa's Grand Mosque.

Israel continues to desecrate historic Muslim graveyards such as the Al Qassam graveyard in Haifa, which has been turned into an open-air toilet and rubbish dump. They have even turned mosques into restaurants and bars, such as the Caeseria Mosque which is now called Charly's Restaurant. The Saksak Mosque in Jaffa had its minarets destroyed and the mosque is now a Jewish club. The Finar Mosque in Jaffa is now a tourism facility. The Ala 'eddin Tomb in Jaffa is now a bar. The Ein Hod village mosque, whose minaret was destroyed, is now a restaurant and bar. The Beer Sheba Mosque is now a museum. The Beit Jibrin Mosque in Hebron, whose minaret was also destroyed, is now a commercial storehouse.

Israel's shameless threat to Al Haram Al Sharif, the third holiest Islamic sanctuary worldwide, which contains the Aqsa and the Dome of the Rock Mosque, is evident to all. The holy grounds witnessed massacres in 1982 and 1990. They saw an arson attack in 1968, attempts to blow them up with explosives, and ongoing underground digging such as the opening of the 500-metre Al Buraq Tunnel underneath Aqsa Mosque, which aims to undermine the very foundations of the mosque and the other buildings around. These are of enormous archaeological and religious importance. Since Israel's illegal military occupation of the Holy City of Jerusalem in 1967, all Israeli excavations have produced no evidence of any historic Jewish link to the holy sanctuary of Al Haram Al Sharif. All these and other violations are well documented. Destruction of these innocent holy places is an incalculable loss not only for Palestinian Christians and Muslims but also for the entire world community.

The October 1995 report 'Human Rights Solidarity International', detailed 166 violations by Israel of religious freedom for the previous two years alone, following the peace process.

These violations included: savage raids on mosques, destruction of doors and windows, opening fire on worshippers, throwing of lethal internationally prohibited tear gas in confined areas, destruction of furniture and confiscation of mosque libraries. Copies of the Holy Koran were thrown on the floor and trodden on, worshippers and clergy were arrested, and 22 of the mosques were closed by military order for periods no less than three months under false accusations. On 5 July 1997, Jewish settlers depicted the Prophet Mohammed as a swine and the Virgin Mary as a cow on posters they pasted up on street walls.

In Jerusalem the Israeli authorities are building tens of thousands of housing units for Jews on the one hand and destroying Palestinian homes on the other hand, as well as confiscating the ID cards of over 50,000 indigenous Jerusalemites, both Christian and Muslim. This furtive bumping in of Jews into the city and bumping out of Christians and Muslims, simply on the basis of religion, is an attempt to consolidate Israel's illegal annexation of the Holy City by filtering the demographic character of the city so that it contains a Jewish majority.

Since I sent in my submission 3½ months ago, attacks by Israeli occupation forces, as well as Jewish extremists and settlers, have continued unabated on both Palestinian Muslims and Christians, their religious rites and their holy places. Historic Muslim graveyards have been desecrated. They include the Al Na'ani graveyards south of Ramleh and the Al Ashraf graveyard in Safourah, the Ma'manullah graveyard in Jerusalem and the Byzantine and Islamic graveyard in Tel Rumeida Hebron, to name but a few.

On 1 July it was reported that Jewish fundamentalists broke into Al Ahmar Mosque in Safourah and performed immoral acts inside. On 10 July, another Jewish fundamentalist had his wedding ceremony performed in Safad Mosque, which is being renovated by the Israeli municipal authorities to use as a wedding hall. Jewish extremists have entered Al Aqsa Mosque in Jerusalem on numerous occasions to perform Jewish religious rites in violation of the sanctity of the mosque. On 11 August the Israeli occupation forces also forcibly closed one of the windows of Al Aqsa Mosque.

On the same day, the Israeli occupation authorities issued a military order denying Muslims the right to worship in the Ibrahimi Mosque in Hebron. This greatly revered mosque has been largely confiscated by the Israeli occupation authorities and turned into a synagogue following the bloody 1994 massacre of Muslim worshippers bent in Friday dawn prayer during Ramadan, the Muslim holy month of fasting, by Jewish terrorist leader, Dr Baruch Goldstein.

Also on the same day, 11 August, the Israeli occupation forces prohibited participants in the Joint Orthodox Council from meeting in a conference in the occupied city of Jerusalem. The conference was to have been held in the Roman Orthodox Patriarch on 10 August. The occupation forces have been prohibiting the convening of such a meeting since 1967. Furthermore, the Israeli Ministry of Religious Affairs prohibited the Greek Orthodox community from entering the grave of David on Mount Zion to pray on the occasion of White Sunday, an occasion which has been commemorated for hundreds of years. On 10 August, the Israeli occupation forces arrested Sheikh Said Mohammed Ma'soud, a Muslim priest, outside the mosque in Jaffa City. Following the exposure that Jewish religious students planned to attack Christian clergy and churches in Jerusalem, Israeli police

interrogated the leader of the students and discovered documents calling for the prohibition of the Christian presence in Israel and the expulsion of all clergy.

In its recent inspection of historic mosque sites in Jerusalem and Ashkelon, the Al Aqsa Association discovered that Ein Karem Mosque in Jerusalem is being used for drug injecting and prostitution, and graffiti reading 'Death to Arabs' was painted on the walls inside. Some parts of the mosque were also being used as a rubbish dump. A similar situation exists in Al Malha Mosque, whose yard is also being used to house Jewish religious students, and the adjoining graveyard is being used as a rubbish dump. Ashkelon Mosque is being used as a museum and commercial shops.

This is not to mention the continued refusal by the Israeli occupation forces to allow Palestinian Muslims and Christians from outside of Jerusalem to reach their holy sanctuaries to pray, even on significant occasions like Easter. Only this week, Israeli occupation authorities once again closed the Ibrahimi Mosque in Hebron, prohibiting Muslims from praying there, and bringing the number of days the mosque was closed this month alone to seven, while, of course, fundamentalist Jews are allowed to use the mosque and desecrate it by wearing their shoes inside and singing and dancing.

The facts show that there is no country in the world that violates the freedom of religion and desecrates Christian and Muslim holy places as Israel does today. There is no country in the world that denies a nation their most basic human rights, including their right to live in their own homeland, let alone freedom of worship because of their religious background, as Israel does.

In my submission I also detail the entrenched racist nature of the Jewish National Fund against non-Jews and recognised as such by the Israeli human rights organisations. The Australian government's grant of tax exemption status to any fund related to this organisation is an open condonation of the racist discrimination of the Jewish National Fund. I therefore call on the Australian government to cancel the tax exempt status extended to the Jewish National Fund of Australia Inc. and all other fundraising appeals in Australia for Israel until such time as Israel revokes its religious discrimination laws and practices and ceases to violate the religious freedom of Christians and Muslims.

I appeal to the Australian government and people through your esteemed committee of inquiry into religious freedom to do all it can to demand that Israel stop its religious discrimination and oppression of Christian and Muslim Palestinians and to allow Palestinian refugees, whom it dispossessed on ethno-religious grounds since 1948, to return to their homeland in accordance with United Nations resolution 194, and to put an end to its gross violations and threat to all sacred Christian and Muslim holy places in the land that is the very birthplace of the first Palestinian, Jesus Christ. Peace be upon him. Thank you very much.

**CHAIR**—Thank you, Mr Kazak. Would it be an accurate bottom line of what you have just said to draw the conclusion that the recent revival of the Wye River accord has actually not changed the situation from your perspective at all?

**Mr Kazak**—Unfortunately not. This discrimination is still taking place on a daily basis and nothing has changed.

**CHAIR**—So you would not see any hope for the future in the revival of the Wye River arrangement? I am talking in terms of freedom of religion.

**Mr Kazak**—Until Israel will withdraw from all the 1967 occupied territories, I cannot see that Palestinians, Christian and Muslim, are allowed to enter their holy city to worship, on the one hand. On the other hand, the Wye River accord, as well as the whole peace process, is not addressing Israel's discrimination against the non-Jewish populations. You do not see anything addressing the discriminatory laws, which I put in my submission, about, for example, the right of return which gave the right only to Jews. People like me—I was born in Haifa and have most of my family in Haifa, including my father, brothers and sisters—are denied this basic human right. The peace process is not yet addressing this issue.

**CHAIR**—You refer to numerous instances of religious discrimination and violations of freedom of worship in your submission and you have read some today. Do you believe that all such acts are deliberately directed to deny religious freedom or could some of those violations that you have noted be accidents or acts of ignorance and therefore possibly remedied by education on religious tolerance?

**Mr Kazak**—It is clearly deliberate and planned and constituted in many ways in Israel. The discrimination is across the whole of Israeli society.

**CHAIR**—What effect do you think that those violations are having on religious beliefs of the Christians and the Palestinians in the way that they practise their religion?

**Mr Kazak**—A tremendous effect. It depresses those religious Palestinians who are only a few kilometres, five or six kilometres, away from their holy places and yet are denied being able to reach their mosques or churches, while tourists can come from all around the world and have freedom to go wherever they like. Pilgrimages come from all corners of the world to Christian holy places, yet that is denied to Palestinian Christians. You can imagine how badly affected the Palestinian population is in that sense.

**CHAIR**—You give an example in page 4 of your submission of Jewish children singing an offensive song in a government funded school. You say that in government funded schools generally, Jewish religious extremists teach hatred and racism. Do you say that is the case in all government funded schools in Israel?

**Mr Kazak**—Recent surveys have shown that a very high percentage—I cannot now recall exactly the percentage but it is certainly a very high percentage—of Jewish students hold racist views of the non-Jewish population. In fact, some parents, when they heard such racist remarks from their children, were outraged and complained to the minister of education, saying that that sort of racism was not learnt at home and that the only place they could have learnt it was at school. So it is a well-known fact in Israel that the education textbooks and so on have such racist teachings.

There have been attempts recently by the current government to change some of these textbooks, and we do hope they will be successful. We have not seen any results. Although, having said that, I read in the Israeli media that there are a lot of protests by extremist Israelis against these changes. The changes are mainly correcting the history. For example, everything was blamed on the Arabs before, including the dispossession of the Palestinians, but now in their new history textbooks they have started admitting their guilt of the dispossession of the Palestinians. They are correcting the history.

**CHAIR**—So you are seeing some positive signs.

**Mr Kazak**—There are some but they are still far from addressing the real issue, which is correcting the racism that has been injected into generations for more than 50 years against the non-Jews. You need to correct the textbooks, and that has not been done. They have started to correct some parts of them—and they are the obvious parts of history that the whole world knows about—but there is certainly no attempt to teach the kids to respect non-Jewish human rights and religious rights.

**Senator BOURNE**—You mentioned some mosques that had obviously been fairly comprehensively desecrated, including the destruction of minarets. Before this happened to them, were these mosques recently in use by local worshipers or had they been abandoned? The fact was that they were still mosques.

**Mr Kazak**—As a result of the dispossession of over 60 per cent of the Palestinian nation in 1948, many villages were completely emptied of their inhabitants. The Israelis destroyed the villages, the mosques and all religious places. In some other parts, the mosques—such as the ones I have included photographs of—have been turned into restaurants, like the one called Charly's Restaurant.

There are still many Palestinians in Haifa. If it was respected as a historic religious mosque, people would pray in it and so on. What they did was either deliberately destroy the mosques or use them for something else in order not to allow Palestinians to use them or to return to those areas. They do not want Palestinians there. They have no respect for Muslim religion or feelings. That is why it was easy for them to say, 'It is such a beautiful historic building. It is a waste to destroy it, so let's use it as a restaurant.' You can imagine the type of mentality of those who do these sorts of things.

**Senator BOURNE**—In the document that you gave us most recently from the US Department of State, there is a section on the Israeli government that says:

The Government has recognized Jewish holy places under the 1967 Protection of Holy Sites Law. The Government states that it also protects the holy sites of other faiths. The Government also states that it has provided funds for some holy sites of other faiths.

Do you know what sites would be protected by the Israeli government that are Muslim faith sites?

**Mr Kazak**—No, I do not have any specific knowledge of certain mosques or places. But, for example, they protect and encourage and support the Baha'i tomb or mosque in Haifa. In fact, there is now a very big project at Mount Carmel of the Baha'i. This sort of



thing they would never do and they have never done for Christians and Muslims. You cannot name one single mosque or church that they have allowed the Muslim and Christian authorities to develop and expand and so on.

The Israelis are very clever. For example, they never put it in their constitution to suppress Muslims and Christians, but they do it. They learnt from South Africa, that being in the constitution and so on would make it too obvious and the whole world would unite against that type of racism. In Israel they do it in a very subtle way, and gradually, and they are getting away with it so far. They have been suppressing and oppressing the non-Jewish population for more than 50 years. Yet we do not see the outcry around the world against this sort of racism which we saw exercised, quite rightly, against the apartheid regime in South Africa. This is because of the subtlety.

For example, as I mentioned in my submission, instead of saying that non-Jews cannot have such and such allowances or benefits, what they say is that those who will have this sort of allowance and benefit are those who serve in the Israeli army. Of course, the Arabs, the Muslims and Christians, are not allowed to serve in the Israeli army. Or someone will put in an advertisement, 'Only those who serve in the Israeli army are allowed to apply.' Therefore, non-Jews are automatically excluded. That is the sort of subtlety. The Israeli peace camp and Israeli human rights organisations are now raising these issues and they are very severely and very strongly opposing them and demanding that Israel must change those sorts of racist laws and discrimination. This is something which gives us heart and gives us hope and support to defeat such racist laws and discrimination.

**Senator HARRADINE**—Human rights organisations within—

**Mr Kazak**—Within Israel, yes. There are members of the Knesset who are also strongly against this sort of discrimination and racism, including some ministers. That is where we would like to see international support for the peace camp in Palestine and in Israel for those who want to destroy discrimination against the non-Jews. This is the only way for real peace to take place because, let us face it, no matter how many agreements are signed, as long as there is such discrimination we can never expect to have peace in Palestine and in Israel. It will only be when Palestinians gain their rights, and this is all we are asking for—our most basic human rights.

I have got here my birth certificate which I have always to carry around with me, quite strangely, to show where I was born. It shows that I was born in Haifa in Palestine, and my father's name and my mother's name. My birth certificate was issued by the British authorities and titled 'Government of Palestine'. It is written in Arabic, Hebrew and English—all the details are there—and I was 10 months old when I was denied my right to live in my country simply because I was not Jewish. Until now, despite the fact that my father is there, as I said, I saw my father for the first time only four years ago. It was the first time in our lives we met each other.

Until now, even with the whole peace process and so on, I am still denied my right to return to my homeland. Behind it is that racist attitude towards us. I do not need to be born in Haifa in Palestine to go there. If I were a Jew, no matter whether I was American,

Russian, African, or an Australian in Sydney, I can go there and claim citizenship straightaway.

**Senator HARRADINE**—You mentioned that the discrimination that is practised by the Israeli authorities is all because of racist attitude towards you. Do you believe they are acts of racism or are they acts deliberately to undermine religious freedom?

**Mr Kazak**—Let me put it this way: in Israel, there are those who are religious fanatics and there are those who are secular, and we are discriminated against by both. Each one of those sees it differently. The religious Jewish fanatics are opposed to us and are racist on religious grounds because we are Muslims and Christians. They see it on that purely religious divide. Secular Israelis, who see Judaism as nationalism—they transformed Judaism from religion to nationalism within the Zionist movement, the whole political movement—see themselves not as religious, and they might not believe in God, but as Jews, as a nation. That group of people discriminate against us on racist grounds because we are Arabs and because we do not belong to that Jewish race, if you like. It is in the eyes of the beholder. If they are religious, that is how they discriminate against us and see us, and if they are not, they see us on racial grounds. We are getting it both ways really in Israel from both camps.

You have the third one, the peace camp, who are human rights supporters, and they are from both camps. You find religious Jews who completely reject this sort of racism on humanitarian grounds, as well as secular Jews, Israelis, who also oppose it. So there is that third group of people who are fighting with us to change these laws and oppose such racism.

**CHAIR**—You say in your submission that Jewish religious extremists are supported, armed and protected by the Israeli government. Can you expand on that?

**Mr Kazak**—Those settlers are encouraged by the Israeli government to move to, settle in and occupy territories. They are armed by the Israeli government and they are protected by the Israeli government. If you go to East Jerusalem or to Hebron, you will see them quite clearly walking the streets with arms on their hips, M16s and so on. If there is any trouble or if they attack Palestinians, you find the Israeli army rushing in to protect them, not to protect those who have been attacked, and that is going on on a daily basis.

They are subsidised. Even when Barak visited one of those big Jewish settlements in Jerusalem, he promised that they will stay there and stay forever. There are plans which have been approved by the Israeli cabinet to create more work opportunities, and they have approved extra subsidies and so on to encourage Jewish settlers to come and settle in the occupied territories, especially Jerusalem.

**CHAIR**—You refer to the institutionalisation of racism in Israeli laws. Is it your view that those laws should be revoked in their entirety? Are you saying they are wholly discriminatory in their intent and their effect, or do you just see some modifications?

**Mr Kazak**—Absolutely. They have to change. For example, the law of return is a very racist law, and the so-called land acquisition law is a very racist law. There are a number of laws in Israel which are very clearly discriminatory. That has to change, but at the same time we need to see Israel changing its attitudes on the most basic racism and discrimination

against non-Jews, and that is reflected in their attitudes towards the Palestinian refugees who are dispossessed because they are not Jews and are not allowed to return to their homeland. That is the real test for Israel—when it will comply with the United Nations resolution 194, which is, by the way, supported by the entire world community.

Even when Israel applied to the United Nations to be a member, the United Nations put conditions on Israel's membership with its acceptance of two United Nations resolutions—the partition of Palestine, United Nations resolution 181, and the right of the Palestinian refugees, United Nations resolution 194. Israel accepted both, but as soon as they became a member of the United Nations they refused to comply and implement the resolutions.

**CHAIR**—Any other questions? I think we have probably run out of questions. I think we have got your message very clearly, so can I just say thank you very much for coming here this afternoon. If there are any other matters we want additional information on, the secretary will write to you. We will send you a copy of the transcript of your evidence so that you can make corrections of fact. Thank you very much for coming.

[2.48 p.m.]

**WAUCHOPE, Mr David Charles, Vice-President, National Director and Editor, Christian Solidarity (Australasia) Inc.**

**CHAIR**—On behalf of the subcommittee could I welcome the representative from Christian Solidarity (Australasia) Inc. The subcommittee prefers that all evidence be given in public but should you at any stage wish to give evidence in private you may ask to do so and the subcommittee will give consideration to your request.

Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I invite you to make a short opening statement if you wish and then we will proceed to questions.

**Mr Wauchope**—Christian Solidarity Australia is an interdenominational human rights organisation for religious liberty. We comfort and help, where we can, persecuted Christians from around the world in different nations of the world and the others who are caught up in that suffering with them. We also recognise our responsibilities, being Christians, to help the oppressors as well as the oppressed. It is not easy and often they do not permit it, but where they do permit it, that is our task.

The submission you have received contains some data regarding that persecution worldwide and it also contains items of countries in which it occurs, particularly under the headings of communist, military regimes, Muslim, Buddhist and Hindu. These are the countries in which 200 million Christians are at serious risk right now of persecution. Under the communist heading, some of those countries, of course, are PRC, which is China, North Korea and Vietnam. Under the military regimes, of course, are Burma—these days called Myanmar—and also there is the buddhistisation which is occurring with the Chin people on the western side of Burma, particularly the Baptist Chin people. Also under the heading of military and ‘-isation’ is Sudan and this time it is Islamisation. The other Muslim countries very prominent in the area are Pakistan, Nigeria, Egypt, Iran and potentially, right now with the East Timor situation, Indonesia; and under Hindu there is, of course, India. Those countries have been fairly prominent in the last 12 months in getting their names amongst the list of those countries in which 200 million Christians are at serious risk.

If I were to be asked what was the fastest growing threat to freedom of religion—which I have not been asked but if I were to be asked—the answer would be the Islamic fundamentalists’ successful intrusion into government worldwide. They seem to have the facility of intimidating the governments—no matter which ones they are—particularly in Pakistan and Egypt where sharia law replaces civil law, where Christians and Jews are identified as apostate and deserving of death. It is not based on the Koran, my experts in this area tell me; it is rather based on the writings of the *Hadith*, the sayings of Mohammed, and the *Sunnah*, which are Mohammed’s practical examples. Islam, of course, is opposed to God having partners. They see the Christian concept of Jesus Christ, God and also Son of God and Holy Spirit being part of the godhead as an unpardonable sin. They are also opposed to moral laws because Allah defines all that with levels of sin, under their religion, and he does

as he will—he is God. Therefore, it is heresy for us, as Christians, to speak of justice being based on the decrees of God. I still have two minutes of the five minutes, so if I may I will proceed with the concerns.

**CHAIR**—We won't split hairs one way or the other.

**Mr Wauchope**—There are concerns that I have on the subject of human rights and religious freedom. We were prepared to give Australia's engagement style of HR diplomacy, as has been going on under the present government under the Minister for Foreign Affairs, the Hon. Alexander Downer, a go and watch with interest. I think we wrote at that time saying that it was a good concept to try, but we questioned whether it would work. We are still questioning whether it will work, notably with East Timor and what has taken place there, and also considering the fact that he came out with strong wording in supporting the PRC to the exclusion of Taiwan. I thought that was a matter almost warranting going to the Australian people for a referendum on, rather than our government, through him, taking that point of view. This is obviously a personal point of view I am expressing here not as national director of Christian Solidarity.

Another concern is the absence of religious freedom in the listings of the booklets, one of which I have here—the booklet that has been put out by your committee—and also by the national action plan which we have been asked to contribute to for the next strategic plan. They are the world concept of putting down, as it does for the covenants, civil and political human rights and also economic, social and cultural pertains. That is what you read of in those writings. Our concern is: what has happened to religious freedom? Now I know it is dealt with under those headings but it is no longer a heading as it was under the United Nations Declaration of Human Rights when it originated. It has been lost in the written word. And if it is lost in the written word, it will very soon be lost in practice. That is our concern.

**CHAIR**—I would hope not. That is why we are holding this inquiry.

**Mr Wauchope**—That is right; that is one good reason for it. I do want to underline that, though. Then we come down to the fact that we very much need to see in action what is happening on this committee. We are delighted with that. We think it is wonderful what is being attempted here. A further comment on it is that we like the bipartisan nature of the proceedings, as your committees always are in this place. I think that is an excellent footing for coming up with a good foreign policy regarding religious freedom as a human right.

Christian Solidarity seems to go in for paper unfortunately. I am sorry about that but we have come up with a bit more of an addendum to what we have already given you. It concerns China and Indonesia primarily and it is stuff which we gave to the Department of Foreign Affairs and Trade immediately prior to the third dialogue in Beijing in August on the attitude towards their government of the house churches which are very submissive, very willing to cooperate and very long suffering, I might add too. The way they long suffer is that, if they are in prison for X years or they are up to their neck in excrement doing hard labour for the government, their attitude is, 'We are not doing it for the government, we are not doing it for the prison, we are doing it for Jesus Christ and we are prepared to suffer that for him because of the suffering he did for us.'

**CHAIR**—From my own direct experience, I can assure you those matters were raised with the Chinese government.

**Mr Wauchope**—That is wonderful to hear.

**CHAIR**—I was a member of that delegation.

**Mr Wauchope**—Terrific. That is great. Thank you. They immediately went on the attack after you left, I should add, and 31 house church leaders were imprisoned. I have given the names of those to Peter Heyward, a director of DFAT.

**CHAIR**—We know Mr Heyward. He sat where you are sitting earlier on today.

**Mr Wauchope**—The Indonesian material is the statement from Bishop Belo. You may or may not have seen that one. He made it to reporters after the Vatican hearing on Tuesday last week. That is well worth reading because he is so precise and exact in what he has to say about what took place prior to the bigger massacring which has since taken place. Concerning the church in the Maluku or the Moluccas there are one or two little emails there which highlight the methods of torturing. They have been compiled by the churches as a group in those regions. They detail quite clearly what has been happening in that area and it is pretty tragic. The latest copy of our little monthly newsletter is the other part in the addenda. Thank you.

**CHAIR**—We have had nearly 90 submissions. Yours is one of the very few that have attempted to separate the causes of certain violations. Many people we find suggest that for every violation there are usually many causes or that there would be a mix. Often the view is put that they are inseparably linked and there would be a number of factors, whether they are racial, economic, political or whatever. But you separate those. Can you tell us how you are able to attribute the causes to the various kinds of violations? It is a skill that we are very interested in.

**Mr Wauchope**—I guess it seems very apparent when you are dealing with the actual situations. But we probably would need to take them case by case in order to answer that question. As I mentioned in the opening remarks, there are the oppressed and the oppressors, and one reason is the fact that it is enjoined on us by the Lord Jesus Christ and also enjoined on us by scripture in Ecclesiastes 41, where it says:

Look, the tears of the oppressed—with no-one to comfort them! On the side of their oppressors there was power—with no-one to comfort them.

So they are identical as seen from the heavens. Both of them need comfort. I guess it is often the oppressor's lack of comfort that leads him to do the ghastly things he does to the oppressed. That is the first point. The second point that we note is that invariably those oppressed ones, later on once they have been restored, tend to do the payback. They in turn become the oppressors. We have had a good example of that in the Kosovo region recently. We are not interested in supporting that action at all. We are not interested in supporting any one group in the world, be it political, church or whatever, from hereon in to the exclusion and oppression of other people. That is not our function.

I will take the Muslim problem. It is based, as I indicated, on a misemphasis which occurs in their religion, that they are elevating the Shariah law now above the book of the Koran which they used to elevate. With the military regime which talks of Buddhisation—or whatever the correct word is—that is just an excuse to use the Buddhists on the western side of Myanmar and to deny the children of Christian parentage the opportunity of doing their own schooling by saying they have to go to the monastery. They then force them into the monastery and force them to be trained as Buddhist monks as a means of eliminating Christianity from that part of Burma.

Let us think of something else. In the case of China, I cannot think of anything more transparent than what the underground church has done there in explaining to the PRC last year quite clearly—and particularly in the addenda we have given you right now—how they just are very keen to serve their nation. But they cannot obey them where their law conflicts with their law to Jesus Christ. They submit in all respects but nonetheless they are rounded up, tortured and imprisoned and sometimes executed. That is because the state policy there does not allow them to preach the gospel to those under 18 or to lead them to Christ to be baptised and so on. So it is conflict between—as your little booklet for this particular committee says—different religions that is often at the root of the problem, different thinking processes and different values.

**Senator BOURNE**—Mr Wauchope, I notice that in this latest document that you have given us you have quoted a fair bit, which I found very interesting, from Bishop Belo and what he said in Rome. It must have been as shocking to you as it was to me and probably the rest of us that for the first time ever in East Timor the church and religious people in East Timor were well and truly targeted above others after the declaration of the vote there. Could you tell us what you attribute that to?

**Mr Wauchope**—Hatred. A very strong hatred of Christianity and a mistaken viewpoint that Christianity in that part of the world was collaborating strongly with the political side of the country who wanted independence. But as Belo says in this particular article you are referring to:

Persecution of the Church Bishop Belo also explained that the militias' work is part of a "planned strategy against the Catholic Church."

Of course, it is also against the Protestants and the Pentecostals. He continues:

According to the Bishop, "the militias' direct attack, supported by the Jakarta military, is due to the fact that the Church has never given in to political pressures and has been the sole voice of those who cannot speak or have never been listened to. In fact, the award of the 1996 Nobel Peace Prize was considered an offense by the Indonesian government. The attack on the Church is direct vengeance against this honor to the Bishop. The military are also furious because they have tried in every way possible to convince the Church to preach integration with Indonesia. We, the Bishops of Timor, signed a pastoral letter in which we clearly stated that each one had to vote according to his conscience and that the referendum was a possibility to decide one's own future.

So I think he puts it very clearly there.

**Senator BOURNE**—In fact, I went to Mass at Bishop Belo's compound the morning before the vote and the message was still, 'You have to vote according to your own

conscience, and I am not telling you how to vote'—not that I understood a word. It was not in English but it was translated for me and I am pretty sure the translation was quite correct. Certainly we were listening for anything that would demonstrate something that was not neutrality, and there was nothing in that. I am sorry to go on about East Timor but it is taking up most of my time at the moment. Do you think that the persecution, which it obviously is, of the church in East Timor has finished now or do you think that it will still keep going?

**Mr Wauchope**—I think the agenda is extermination and total genocide of any pro-independence people, be they church or non-church. I think the agenda was there from the beginning of this year. We mention that in our little publication here. That is based on what Bishop Belo says in the article you have in front of you. It is also supported further by what we read in the *Sydney Morning Herald* on 20 July of this year about the document that had come to be hand written on 3 July by a Special Assistant to the Indonesian Coordinating Minister of Political and Security Affairs, in which the policy of massacring and scorched earth had been clearly enunciated, and it is what we have seen carried out.

**Senator BOURNE**—Unfortunately very clear—as it was pretty clear earlier this year when Bishop Belo was in Australia. He believed that there would be a great deal of trouble.

**Mr Wauchope**—Yes. My wife Jan and I heard him speak in Sydney at the Mary MacKillop place in North Sydney. People tried to press him into being pro-independent. He would not have a bar of it. He was very strong, and he was counselling, 'You people with these great ideas go and talk to your government but don't talk to me about stirring up trouble,' and he announced he had the church's outlook which is as presented there in that article to the Pope and the reporters in Italy.

**Senator BOURNE**—Yes. It is quite marked. Thank you.

**Senator HARRADINE**—Going to the extent of religious persecution of Christians, apparently from what you have said and from some other submissions there are hundreds of thousands of Christians who are at risk in a number of places. Why isn't this writ large in the media?

**Mr Wauchope**—I do not think it sells the papers quite as well as an apparent tilt at the leadership by the Treasurer or something of that nature.

**CHAIR**—That is an unsubstantiated media beat-up.

**Mr Wauchope**—That is the problem with the media. That is exactly a good example of it. They make a mountain out of a molehill. We do wish the media would take an interest in some of these matters. We do give them the same information that we place before you on these issues but they are not interested in them. It seems the only time they have been interested has been on the rare occasions where an Australian has crossed the line, the literal border between Thailand and Burma, and gotten into trouble. Yes, suddenly, the media takes a national interest or provokes a national interest then. But, otherwise, no. And it is not to do with the person being a Christian, it is to do with the person being Australian—and we understand that.



**Senator HARRADINE**—I was reading a very interesting article in a magazine called *First Things* where it talks about the failure of the media to publicise broadly the difficulties that Egypt's six million Copts have and, also, the large Christian community of Pakistan and the violence that endures under that country's draconian blasphemy laws. It says:

Like other journalists I have spoken to, he laboured under the prejudice that Christianity is a white man's religion and a tool of Western imperialism. (Three-fourths of world Christians today live in the Third World.) Another journalist from the mainstream press told me he thinks it inherently 'bigoted' to report on anti-Christian persecution in particular. It is a mindset described by the Reverend Keith Roderick, director of the Illinois-based Coalition for the Defense of Human Rights Under Islam, who observes, "There is a subtle form of bigotry that inhibits a more thorough reporting of the persecution of Christians. It is quite difficult for many journalists to accept that Christians are the victims rather than the victimizers. Christianity is the last religion that can be picked on with impunity."

Do you have any comment on that observation?

**Mr Wauchope**—I guess it started with the first Christian and it has been thus ever since. Jesus Christ himself was subjected to that sort of approach by the media and the authorities of the day that were prepared to be influenced by the media of the day, and I think it has remained that way right up to the present.

**Senator HARRADINE**—Do you think there is some hope though that at least the persecutions will come to light a little bit more because of the developing technologies in communications?

**Mr Wauchope**—I think it is very exciting, Senator Harradine, that that is happening. I think it is marvellous that, from what we see on the Internet, suddenly more people are aware of what is taking place, and I think it is probably helping us in our work now to wake up the Christian Church, which comprises many parts as we know, many denominations. It is waking them up to the fact that their brothers and sisters are not only those in the same building as they are but throughout the world and, if the other part of the body is hurting, they have a responsibility to try to attend to the hurt.

**CHAIR**—I am almost tempted to observe that the problem with the Internet is like the problem with the media: the quality of the information can be the problem in itself.

**Mr Wauchope**—It is.

**CHAIR**—One of the crosses that we bear as politicians these days is that when an incident occurs you might get literally thousands of emails. Often they are emails where people have got their information from the Internet and, because it is on the Internet, they treat it as totally authoritative. In fact, quite frequently it is factually absolutely ridiculous and that is very difficult to deal with. Just the logistics of dealing with thousands of emails that might arrive on your machine overnight is very difficult.

I want to ask a couple of more practical questions if I could. Firstly, could you just clarify the relationship between your organisation and Christian Solidarity worldwide and the state of the Christian Solidarity in the UK?

**Mr Wauchope**—Was that the one group you are talking of, Christian Solidarity worldwide which is in the UK?

**CHAIR**—Your relationship with Christian Solidarity worldwide, firstly. And, secondly, what is the status of Christian Solidarity in the UK?

**Mr Wauchope**—Let me go back to the origins that I have noted. We became involved in mid-1994 as part timers in Christian Solidarity International—that is where we started. We had the opportunity of meeting with them in Zurich and also meeting the people from England or the UK, and everybody was one as the Christian Solidarity International.

It was about two years ago when a split occurred—like any good Christian church, they had their split! That was because they had different agendas for the international work that was being done. Switzerland was Christian Solidarity International and the founder was the Reverend Hans Stuckelberger from Zurich. He still operates there, he is a very good man and it is a good organisation. England, though, had a different agenda that they could perceive which was for worldwide work. Eventually, after much frustration and not being able to persuade Hans of that fact, they went their way and founded Christian Solidarity Worldwide, which is based in the UK—they have an office in London.

For our part, we are an autonomous organisation, although we obviously spring from Christian Solidarity International in Switzerland. Our approach to the split was to say, ‘Unnecessary, don’t do it,’ and we gave them all the reasons. Of course, they went their own way. So after that we said, ‘We respect both of you and want to work with both of you continuously,’ which we do now, as they permit it—it depends on them. We network with both organisations as a separate, autonomous organisation.

**CHAIR**—Thank you for that. Many of the recommendations you make in your submission are similar to recent actions taken, as I understand it, in the United States—for example, international freedom legislation, appointment of a special adviser, conditional aid and so on.

**Mr Wauchope**—Yes.

**CHAIR**—Do you think Australia would be able to apply the same international pressure as the United States and devote the same sort of resources to monitoring and reporting on religious freedom? We asked the same question of DFAT this morning.

**Mr Wauchope**—No, it is not possible.

**CHAIR**—So why would you make the recommendations?

**Mr Wauchope**—Because it is a good thing to do, and principle outweighs other considerations. If we have a good principle there, we should go for it and see how far along the way we can go in some of those areas. That will be dependent on cost and other factors and the appropriate clout that we as a country can apply. We cannot apply much clout. We are finding that now with our efforts in Timor. We are really putting our whole army at risk in a little operation up there. It is a very touchy situation.

**CHAIR**—It is very interesting that, in the almost 10 years I have been in the parliament, I think I have had one letter ever suggesting that we should increase the defence budget, until this last month.

**Mr Wauchope**—I put in one to someone else in your government a few years ago.

**CHAIR**—You have provided a number of recommendations for government to act on in promoting religious freedom. What is your view of the capacity of NGOs to assist in that? What are the most effective ways in which you think they can help, and how can government help them towards that end?

**Mr Wauchope**—I probably should take more time and think about that one and take the question on notice.

**CHAIR**—Take it on notice, by all means—that is fine. Your recommendations include the introduction of conditionality into Australia's development assistance. What do you say to arguments that conditionality must be very carefully handled because of the significant risk of harming those most in need and not harming, frankly, the governments that are perpetrating the human rights problems?

**Mr Wauchope**—Have I understood the question correctly, that under conditionality we are talking about options like sanctions?

**CHAIR**—You are suggesting that we only give aid on condition that government does X, Y and Z, that if they do not do X, Y and Z or do not agree to do X, Y and Z—in other words, behave properly in the human rights or religious freedom type areas—then we do not give aid. There is a counterargument that says that if you do that, and if the government concerned says, 'We are not going to do X, Y and Z that you want us to do—in other words, you can keep your aid on those terms,' then it usually does not persuade those governments to change their behaviour. What it does do, of course, is to deny the benefit of that aid to the poor people who were likely to have benefited from it, so it is somewhat self-defeating perhaps.

**Mr Wauchope**—Again, I would respond that it is one of those things worth fighting for. Even though it is tenuous it is still worth fighting for, and sometimes progress can be made with one country but perhaps lack of success with another.

**CHAIR**—Quite often, in the course of political and religious disputes, we have become used to seeing religious leaders fulfilling a role that goes beyond pure religion, if you like, and on towards peacemaking and reconciliation. I suppose Bishop Belo might almost be a case of that. Do you think greater use could be made of the leadership qualities and integrity of religious leaders in settlement of disputes?

**Mr Wauchope**—I think it is a case-by-case matter, dependent upon the calibre of the particular person. In the case of Bishop Belo, I would have confidence in saying yes to someone like that. But I do not think it can be based on a religious position; it has to be based upon the calibre and the integrity of the person and on the strength of the person to

handle the flak. Otherwise, people are quickly manipulated—as they are in a political sphere too—and the good intentions lead to nought.

**CHAIR**—There are no further questions. Is there anything else that you want to add?

**Mr Wauchope**—Only that we very much appreciate what you are doing. As an organisation we would very much appreciate any opportunity to share, as we are sharing this afternoon, with any member or any committee at any time. I am glad being here helps put a face to all of you, although we knew a couple of you. Also, please keep in mind we are a voice for the voiceless, many of them, around the world, so therefore we need to be heard. If I could bring up the issue of the media again, I would welcome any advice that can come my way which says, ‘This is how you can get access to the media and get these matters—not all of them, but some more of them anyway- to be given air and publicity through the secular media.’

**CHAIR**—I think if I had the answer on how to handle the media I would probably be the Prime Minister! Thank you very much for coming today. It is appreciated.

**Mr Wauchope**—Thank you very much.

**CHAIR**—If there are any other matters on which we want additional information the secretary will write to you. Thank you very much.

Resolved (on motion by **Senator Bourne**, seconded by **Senator Harradine**):

That this subcommittee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

**Subcommittee adjourned at 3.23 p.m.**

