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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**

FRIDAY, 15 OCTOBER 1999

SYDNEY

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

**Friday, 15 October 1999**

**Members:** Senator Ferguson (*Chair*), Dr Theophanous (*Deputy Chair*), Senators Bourne, Brownhill, Calvert, Chapman, Cook, Harradine, O'Brien, Payne, Quirke and Schacht and Ms Bailey, Mr Baird, Mr Brereton, Mr Gibbs, 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, Mrs Moylan, Mr Price and Mr Pyne

**Senators and members in attendance:** Senators Bourne, Harradine, Hollis, Payne and Schacht and Mr Nugent

**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 9.28 a.m.**

**CHAIR**—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 second public hearing in our inquiry into Australia's efforts to promote and protect freedom of religion and belief. Over the next few months the subcommittee plans to hold further public hearings in Melbourne, Brisbane and Canberra.

During the inquiry we have been focusing on three major areas affecting freedom of religion and belief. The first area relates to the extent of violations that occur around the world and, where we can ascertain them, the probable causes of those violations. The second area for examination is on the implications that flow for other human rights when there is a lack of religious freedom. The final aim of the inquiry is to assess the most effective ways in which government and non-government organisations can promote freedom of religion and belief in our region and around the world.

Today's proceedings will provide us with further evidence of the kinds and extent of violations that occur. While we gather this evidence, we are conscious that no country can afford to be complacent, so we are also looking at Australia's own regard for freedom of religion and belief. Following on from this, we hope to gain an understanding of the underlying causes of violations wherever they occur as well as the impact they have on respect for other human rights. Australia is not a major player on the international scene, but it does have a role to play in promoting respect for human rights. Our government has a major responsibility in this regard, but so do non-government organisations. Each of us, as individual human beings, has some responsibility as well.

[9.28 a.m.]

**CORNISH, Ms Sandra Jayne, Chief Executive Officer, Australian Catholic Social Justice Council**

**MADIGAN, Reverend Dr Daniel Arthur, SJ, Consultant, Australian Catholic Social Justice Council**

**MANNING, Bishop Kevin Michael, Chairman, Australian Catholic Social Justice Council**

**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. In what capacity do you appear in addition to that of the Australian Catholic Social Justice Council?

**Bishop Manning**—I am Bishop of Parramatta.

**Rev. Dr Madigan**—I am a teacher of Islamic studies and theology of religions in the United Faculty of Theology in Melbourne.

**CHAIR**—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 House itself. I invite you to make a short opening statement before we proceed to questions.

**Bishop Manning**—Thank you, members of the subcommittee. The right to freedom of religion and belief is a fundamental human right recognised by all those nations that have endorsed the Universal Declaration of Human Rights and other relevant international instruments. It needs, therefore, to be stressed that those who seek to promote and protect freedom of religion and belief are not thereby imposing a Western or Christian concept on non-Western, non-Christian people, but rather calling for the honouring of an explicitly shared conviction about a fundamental human freedom.

The Australian Catholic Social Justice Council is concerned for the freedom of religion and belief of all people, not only that of Catholics. For example, one of the first cases taken up by the ACSJC after its creation in 1998 was the situation of the Baha'i people in Iran. One of our present concerns is the situation of the Aboriginal Mirrar people whose religion and cultural rights are threatened by the plan to mine uranium at Jabiluka. We do not wish to claim for Christians any right that is not enjoyed by people of other beliefs.

Our submission sets out the guiding principles of the Catholic Church in addressing matters of religious liberty. Key points include that: each person has a right to seek the truth according to their conscience and a duty to live in that truth; nobody should be compelled to act contrary to their convictions in religious matters in public or in private, alone or in association with others; nobody should be prevented from acting according to their beliefs

within due limits, and such legitimate limits are derived from public order and the common good.

It is the responsibility of individuals and groups, especially religious groups, to recognise and respect the right of other peoples and groups to freedom in religious matters. This applies especially to those with whom they are not in agreement on religious matters or who are in a marginalised position because of their belief.

Governments have a duty to safeguard the religious liberty of all their citizens in an effective manner through legislation and other appropriate means. Citizens have a duty to call attention to the need for such laws and to participate in discussion on the adequacy and appropriateness of proposed legislation. The international community has a duty to assist in the protection and promotion of freedom of religion and belief where national governments are unable or unwilling to effectively promote and protect freedom of religion and belief for all members of their community.

Our submission notes two particular cases: Pakistan and Hong Kong. These are just two examples of situations in our region where freedom of religion and belief is not fully enjoyed by all citizens. There are many more cases of states in which the freedom of religion and belief of citizens is not adequately promoted and protected. These are mentioned in our supplementary submission. The Holy See has been active in its international diplomacy regarding a wide range of situations of abuse of the right to freedom of religion and belief. We trust that others making submissions to this inquiry will highlight some of these cases.

Violations of religious freedom are often part of a general pattern of disrespect for, or failure effectively to protect, human rights. It is often difficult to isolate the specifically religious aspects of persecution from abuses on other grounds. Human rights are indivisible: wherever one human right is violated, all human rights are threatened.

The central question of this inquiry is how to make Australia's promotion of freedom of religion and belief through its foreign policy more effective. It is the view of our council that there is no one approach to the promotion and protection of freedom of religious belief that will be appropriate and effective in every time and place. Australia's response should be considered on a case-by-case basis, always understanding the relevant international instruments as an agreed starting point.

Good monitoring by embassy and departmental staff is fundamental to Australia's understanding of the complex interaction of economic, social, cultural and religious factors in many situations of human rights abuses. It is sometimes too easily concluded that an issue is a matter of religion when, in fact, it may have more to do with economics, ethnicity and other social factors. In terms of this connection, we would endorse the submission made to this inquiry by Amnesty International that the Department of Foreign Affairs and Trade should pursue an active liaison with non-government organisations, especially religious organisations, in monitoring and advising on religious freedom violations and policy recommendations for response.

The international network of religious organisations may be particularly helpful in discerning whether or not a proposed course of action will in effect worsen the situation for victims of religious freedom violations in particular times and places. Embargos on aid and trade should be used with great caution. Withholding humanitarian and development aid is not morally acceptable as it is likely to harm the very victims of the human rights abuses which Australia is concerned to stop, as well as the most vulnerable members of that community.

Australia should ensure that military aid, transfer of weapons, training and other forms of military cooperation do not contribute to the capacity of other states to violate the rights of their citizens. Australia should treat more favourably applications for refugee status by those whose right to freedom of religious belief has been violated or those who have fled a situation of generalised abuse of religious liberty of their co-religionists. This would require that immigration officials be assured of adequate access to accurate information on conditions in the country of flight of asylum seekers.

Given its own ethnic, cultural and religious diversity, Australia is uniquely placed to promote freedom of religion in the region by itself becoming an example to the international community in its own practice of protection and promotion of religious liberty for all. With regard to this connection, we would endorse the submission made to this inquiry by Professor Gary Bouma.

Appearing for the Australian Catholic Social Justice Council with me today are Ms Sandy Cornish, the Chief Executive Officer of the ACSJC, and Professor Dan Madigan SJ. Father Madigan is currently Professor of Islamic studies and Muslim-Christian relations at the United Faculty of Theology in Melbourne, and he will be taking up the post of founding head of the department for the study of religions at the Pontifical Gregorian University in Rome early next year. He has also worked for a number of years in Pakistan. Both of them are available to assist with the committee's questions. Thank you.

**CHAIR**—Thank you, Bishop Manning. I suppose the first question I would really like to ask is a fairly general question. Would it be your view that religious intolerance is getting worse around the world? Or are things generally improving? I accept there are good and bad in patches, but do you see any particular trends? If so, what would you see as being behind those trends?

**Rev. Dr Madigan**—It is probably fair to say that it is on the rise. Obviously, in different regions there are different factors at work. For example, I think in the Balkans, in the former Yugoslavia, obviously there are things at work there which have a long historical basis—the Ottoman Empire and so on—and there is a long historical memory of outrages and defeats. The cap has been lifted off them, as everyone pretty much realises.

In North Africa, say in Egypt and the Sudan and so on, we have a situation where I suppose there is religious intolerance. Religious activism is on the increase, say in Egypt, not principally for religious reasons. Egypt has tried virtually every form of government that there is. They have had monarchies, they have had quasi-colonial regimes, they have had pan-Arab nationalist movements and they have had socialist governments, but none of those has succeeded in improving the lot of the ordinary people. So the rise of what we tend to



call religious fundamentalism is in fact a response to the failure of various other forms of government. It has a utopian background which says that the prophet knew how to found a just state and he had one in Madina, so all we have to do is implement the laws of the prophet and we will also have a just state. That is a different situation from what we see in the former Yugoslavia.

In India, again the situation is different. It is connected with post-colonial issues. The whole idea of Hinduism as an 'ism' is not something which actually grew up in India; it was something which was placed on India almost by the west, by western observers of religions. So you could almost say the west has created Hinduism as an 'ism' and the post-colonial situation has given rise to a desire to assert that identity. Whilst one can say religious intolerance is on the increase, I do not think that there is one factor which is making it increase across the world. I think each place needs to be taken on its own specific characteristics.

**CHAIR**—Let us zero in on one of the countries which you highlight in your submission and which is very topical and current, and that is Pakistan. Perhaps you could elaborate on what you think is happening there, because it seems to me that what is happening in Pakistan has very strong connections with what is happening next door in Afghanistan. Clearly that is going to be a major concern not only in terms of religious freedom but on a much broader set of issues.

**Bishop Manning**—Could I suggest that you say something about the blasphemy law, which seems to be at the seat of all this.

**Rev. Dr Madigan**—As Sandy pointed out in our submission, even New South Wales has blasphemy laws. The damage of the blasphemy law has largely been done now, even if it were to be repealed. What it has succeeded in doing is getting the issue of blasphemy on the public agenda and people are looking for it, if you like. I do not think there is any more of it than there ever was, but it has got it on the public agenda. Most of the trouble with that law has in fact happened outside the law. Most of the people who are accused of blasphemy, and many who are killed for it, never get through the judicial process. In cases where there has been a judicial process and appeals have been made and there have been acquittals, extra legal vigilante groups have actually taken the law into their own hands and killed the judge and, often, the acquitted person. I do not think anything one can do about that law is going to change the situation.

I think the kind of reaction that you have in Pakistan is partly a function of a sense of failure. Pakistan was created, with a certain idealism, at least by some people, to be a Muslim state. It failed fairly early on militarily against India when it tried to flex its muscles. The failure of religion to be a unifying force was more than adequately demonstrated when Pakistan fell apart and East Pakistan seceded as Bangladesh. People came to realise that ethnicity was a much stronger bond or a much stronger factor than religion was.

Even since Pakistan has been reduced to what was formerly West Pakistan, the experience has been very much the same. The Punjabi majority has been very powerful. There are the Muhajir minority—the descendants of the people who emigrated from India

into the area of Pakistan at the time of partition—the Sindhis, the Baluch and the Pathans. There is a growing sense of frustration at the inability of Islam to unite this country, so the rise of an assertive Islamicism is in fact a response to that kind of sense of failure.

I am not of the opinion—I know some people are—that this is intimately linked with what is happening in Afghanistan. I think Afghanistan is quite a different situation. Certainly, the factor of the client war that was going on between the Soviet Union and the US in Afghanistan has changed it. It certainly changed Pakistan as well but not to the same extent. Again, the rise of the Taliban is another one of those things arising from a sense of frustration at what has happened.

Afghanistan was really destroyed; its cohesion was destroyed by that warfare and there seemed to be no end to it. I do not see that kind of thing spilling over because culturally most of Pakistan is quite different from Afghanistan. You have a cultural bond, say, between the north-west frontier people of Pakistan and the Afghans but again there are people on both sides of the issue.

**CHAIR**—I must not hog all the questions. I have other questions but I must give my colleagues a chance. Senator Harradine, do you have any questions?

**Senator HARRADINE**—Coming closer to home, there has obviously been religious persecution in Indonesia and your supplementary submission mentions the number of churches that have been attacked over the years. Could you elaborate on that? In respect of East Timor—this is a different question—a number of priests and church workers have been killed within the last eight weeks. Perhaps you could give us the benefit of your views as to the cause of this attack on religion.

**Bishop Manning**—Just to give an example, I was in Jakarta two or three years back and, speaking with one of the Catholic bishops from around the Kalimantan area, I said to him, ‘Do you ever have any converts to Christianity?’ He said, ‘No. When we first went there we had a few but we are in a fanatical Moslem area and they killed every convert, together with all members of their family. So we do not dare seek for converts.’ He said that is a particularly extreme area.

While we were also there, there was one of these attacks on the church. The church was destroyed and the Indonesian government was very quick to send members of their social justice commission to investigate it. They were quite concerned about it. But generally it appeared to be something very localised. It was not a policy of the Indonesian government to establish religious persecution.

Something the same seems to have been initiated in East Timor where it is to the benefit of the army and so on to set Christians against Moslems. When we were there we spoke to the commander of the forces in Dili that command there and he professed to being a Christian. He said it certainly was not their desire but there are elements in the military and so on who use it just to foster conflict.

**Ms Cornish**—This is a very good example of a case that illustrates the interrelationship of different human rights and the different causal factors in human rights abuses. Are the

church personnel in East Timor being killed because of their Catholicism, are they being killed because of their support for independence or are they being killed for their support of particular people?

There are all of these sorts of factors and, indeed in other places like Latin America, very frequently people who do the kind of work that this organisation does in Australia are targeted for human rights abuses because they are supporting social change. They are supporting movements for change that would displace people from power and influence and support the rights of ordinary people. It is not clearly one thing or another. Certainly religion is part of it, but it would not be the only factor in human rights abuses taking place and the reasons for certain people being targeted.

**Bishop Manning**—I think the point needs to be made also that we have a very strong social justice element in our religion in Christianity. Lots of people would like to see it as something confined to the churches but the teaching of the Catholic Church as evidenced in some of the Papal statements is that our social justice and striving for human rights and human freedom and so on is very much part of our religion.

**Ms Cornish**—Indeed in India, just in these last days, there is a particular institute which does social development work and social justice work amongst the lower caste people and they have been asked to show cause why they should not be treated as a political organisation. You get that kind of mix happening as well. This is obviously a faith based effort for people to assert their human dignity and their rights, but now it appears that the government wishes to see it as a political activity and one that therefore should not be allowed to receive funds from overseas.

**Senator HARRADINE**—Let us follow up the point about the perception of the perpetrators of this violence against religion. You mentioned that possibly one of those causes was the perception that the church workers were pro-independence. Whether that was correct or not is beside the point. In that sort of confrontationist situation, would it be correct to assume that other prejudices would well up within them and there would be a sectarian prejudice there, if I can use that term?

In other words, amongst those elements of the TNI or the militia they would be predominantly, I assume, making the attacks because of their perception that the church workers were pro-independence, but at the same time there would be this welling up of prejudices. The question we have got to ask ourselves is how to overcome that sort of prejudice. What are the measures that perhaps should be undertaken to overcome that intolerance or prejudice, if you like?

**Bishop Manning**—I think there is such a complexity of issues tied up in your question, Senator, that it is not easy to give a straightforward answer.

**Senator HARRADINE**—Sorry. It was not a straightforward question.

**Bishop Manning**—I guess some of the Jewish people when they sided with the Romans in the time of Christ were in much the same situation there where they sold out to the people who had come in and taken over their country. A lot of the militia were East Timorese

people who gave their souls to the Indonesian army. Many of them worked with them and their livelihood depended upon the occupiers at the time. Certainly there have been Christians who have been striving stridently for independence. The Indonesian people saw the vote for independence as a tremendous cultural blow to them. They lost face over it and it would be very easy to blame it on the religion of those people who initiated all of this. Certainly, I would suggest too that a lot of that striving for independence for the human rights and dignity of the East Timorese people came from religious beliefs in that they felt that they were getting a pretty rough deal.

Certainly that was going to be in conflict with the plans and ideas that Indonesia had for East Timor. They saw themselves going in there, as they suggested—‘after Portugal abandoned the country, we did our utmost to uplift these people and they threw it back in our faces’. Because the East Timorese are predominantly Catholics, I guess one could draw the conclusion that they saw that religion had something to do with it.

**CHAIR**—If they had not been Catholic, would we eventually have had the same situation?

**Bishop Manning**—This is a very moot point. In 1975 I think something like 250,000 East Timorese were Catholics out of a population of something like 750,000. Nowadays the population is around about 820,000 and you have something like 750,000 Catholics. There was just an incredible increase. I put it to one of the top religious minds who was in the country at the time. The suggestion was that they saw the Catholic Church as the body which would fight for their rights and, therefore, they joined up. But do not question too closely how Catholic they were.

**Senator BOURNE**—You have mentioned dialogue which would increase religious tolerance, both in Australia and overseas. Can you give us a bit more of a feeling for that? I think that would be something very interesting for the committee to pursue.

**Rev. Dr Madigan**—People traditionally divide interreligious dialogue into different kinds. I think probably the two that concern government and the broader community are what we might call the dialogue of life and the dialogue of work—people just living together in a humane way, and that has its effect without a lot of talk. The dialogue of work is perhaps the most fruitful, I think, as opposed to getting together to talk about religion. Especially, in my experience, getting together to talk with Muslims about religion is not a very fruitful undertaking because we both come to the situation with presuppositions about one another.

For us to get together—not to talk about one another’s religion but to talk about and work together on a third issue, perhaps of local politics or national politics, and for us to observe one another, as it were, out of the corners of our eyes—is probably the most fruitful kind of dialogue. It is by that constant work that one finds religious communities understanding one another better.

I think doctrine is likely to divide more than anything else. Especially in Australia, we know that we have to work on various issues. To see people working together generously has a great effect. I think the same is true on the international level. For all our secularity,

Australia is identified by many countries as being Christian. We have a Christian history in some sense and probably a Christian majority. So whatever we do, however we act in the international forum, that is perceived as being what Christians do.

One of the great difficulties in interreligious affairs is how the US conducts its foreign policy, and that is presumed to be Christian. Certainly, it is a cause of great problems for local Christian communities, say, in Pakistan. If the US does something, it is perceived to be 'the Christians are doing this, so therefore we'll go to the nearest church and let them know what we think about it'.

**Bishop Manning**—I would just add to that. In the Vatican Council declaration on ecumenicalism, that point is made rather strongly. Realising the pitfalls in trying to talk about religious matters, the proposal there is that different religions take part in social issues and things like money raising for Caritas or the Christmas Bowl and such like. That works well in that there is a very good dialogue going on between the churches in Australia and that on a higher level there are official dialogues going on at the religious level—dialogue with the Baptists, with the Uniting Church, the Lutherans and so on. So there are really two levels of dialogue, and the principles and the rules have to be taken rather seriously. Once you get the average citizen who does not really know much about religion, it can end up in conflict. But if people work together on social issues and civic issues, it moves towards a much better relationship.

**CHAIR**—In the sort of example quoted, that grouping is still all Christians.

**Bishop Manning**—Yes.

**CHAIR**—And perhaps not all the conflict around the world always occurs between Christian groups; it tends to be more between Christian groups and other groups. I am not suggesting by that statement that I impute the initiations from the Christian side, but I am saying that I think the problem lies in a broader context.

**Senator SCHACHT**—Does the Catholic Church generally support any constitutional arrangements whereby a particular religion is an established religion of the government?

**Ms Cornish**—No.

**Senator SCHACHT**—Do you know of any examples where Christianity is the established religion of a country in its constitution?

**Bishop Manning**—The only one I can think of is Constantine back in the fourth century.

**Senator SCHACHT**—So in the modern period you know of no constitution?

**Ms Cornish**—To the extent that the UK has a constitution, yes.

**Senator SCHACHT**—That is what I was coming to. In view of that, I suppose you would believe it to be an infringement of human rights to state that the Australian head of state has to be a member of the Church of England.

**Ms Cornish**—Yes.

**Bishop Manning**—We would find that rather difficult, yes.

**Senator SCHACHT**—You have supplied us with a submission and a supplementary submission. In the first submission you mention *Dignitas Humanae*. On the second page at the second dot point, you state:

Parents have a right to decide in accordance with their own beliefs on the kind of upbringing and instruction to be given to their children.

Does the Catholic Church believe that that gives parents the right to insist on their daughters being circumcised and genitally mutilated?

**Bishop Manning**—That would be an infringement of a human right itself, so it certainly would not be supportive of that.

**Senator SCHACHT**—Do you accept that general law has to override a religious belief which clearly infringes on the rights of a minor, even though the inflictors with that religious belief would be the minor's parents?

**Ms Cornish**—If you look at the second dot point under 'Guiding Principles', 'legitimate limits to religious freedom should be public order and the common good'. That would cover this sort of case.

**Senator SCHACHT**—Has the Catholic Church expressed that anywhere more formally? We have passed laws in Australia now prohibiting and outlawing female circumcision and genital mutilation—and quite rightly, in my view. On this particular matter, has the Catholic Church anywhere expressed the view of it being an infringement of the individual's human right?

**Bishop Manning**—Even the right to bodily integrity and so on would certainly come in under that.

**Senator SCHACHT**—I suspected that would be your answer. I would be staggered if it were not.

**Senator HARRADINE**—The Catholic Church is in that area of Africa where genital mutilation is going on and it is picking up the pieces.

**Senator SCHACHT**—Going to the rights of the child, does the Catholic Church have its own rules to ensure that there is a minimum age at which teenagers can be recruited into the monastery or religious orders?

**Bishop Manning**—There is certainly nothing stipulated there, no. In some Catholic countries, it has happened where students in their early secondary schooling were at the same time recruited for the seminary, so they would actually do their schooling in the seminary. It happened here in Australia, but it was not successful at all and there was a huge drop-out

rate. Nowadays, with most of the young people coming into religion, it generally would be suggested to them that they have a primary degree before entering. Also, quite a deal of screening goes on. So there would be very little chance of any parental compulsion in pushing somebody into religious life.

**Senator SCHACHT**—The reason I raise that is that I saw an article on India that said—and this was some years ago—that girls as young as 10, 11 and 12 were being sent, as a result of parental pressure, into various religious orders. At that age, it seemed to me, they would not be in a position where, of their own free will, they could make a balanced judgment that that was what they wanted to do with their life. Do you know whether that situation still arises in India?

**Rev. Dr Madigan**—Canon law does stipulate ages at which people may make any commitments to this kind of thing. Especially in the south of India, it is certainly true that families do look to send their daughters to join religious life. I know that is the case. It is partly because of the dowry system and the difficulty of marrying off their daughters, so there is an encouragement to go into religious life. I have lived in India for some time and I visited there many times. It has not been my experience that you have very young women being forced into this situation. As the bishop was saying, there may be schools which have the idea that, in the long term, some of these girls will ultimately join religious life. But there can be no compulsion in this kind of thing and church law forbids it.

**Bishop Manning**—It did happen in the early days of the upsurge of independence in the African countries. For example, take the Congo: the Belgians would not allow the Africans to be educated past year 6 and the only way one could get a decent education was to become a seminarian; hence the reason many of those earlier African leaders after independence were Christians—they went to the seminary because they were looking for an education of any type.

**Ms Cornish**—Indeed, closer to home and more recently, there was the number of politicians in Papua New Guinea who are former seminarians, meaning only, usually, that they went to the minor seminary as children, which was basically the equivalent of getting a high school education, and then either they did not take vows or they did but then later left. Plenty of leaders in the region have been trained through religious organisations, but have not been forced to take vows.

**Senator SCHACHT**—On a wider issue, I presume that at that time the church criticised the colonial regimes that did not provide decent education so that people were forced, if they wanted to get a tertiary or a secondary education, to get it by going to a seminary. Did the church criticise that lack of commitment at the time? You might say that the Portuguese for 400 years did not exactly cover themselves in glory in providing education and social infrastructure systems to the ordinary people of East Timor.

**Ms Cornish**—The ultimate protest, really, of the Catholic Church is to provide such education for the poor and the marginalised, to actually do it.

**Senator SCHACHT**—You mentioned dowries, which I was going to come to, which is an aspect of culture. Does the church see that as an infringement on the bride's human rights, that they only get married if certain payments are made, that it is not a free marriage?

**Rev. Dr Madigan**—Yes, certainly, but it is very difficult to know what one can do about these cultural things. In the years I worked in Pakistan—

**Senator SCHACHT**—You have been in all the top places!

**Rev. Dr Madigan**—Yes. At that time I was working partly in parish work and officiating at marriages and so on. It was very difficult—we did what we could to try and get some sense of proportion into the dowry business and to get people to understand that what a woman brings to a marriage is not necessarily measured in material terms, that for a woman to be given an education is to give her something much more valuable to bring to a marriage than a fridge and a washing machine. These things are very deeply ingrained culturally. In Islamic law, dowry is in fact to be paid to the woman, but in the subcontinent the culture has been so strong that Islamic law has not succeeded in displacing that element of custom. But it is an issue of human rights, certainly.

**Ms Cornish**—If I could follow that up, in Papua New Guinea the Catholic Church has opposed the bride price.

**Senator SCHACHT**—Good.

**Ms Cornish**—In India and Pakistan I know of church workers who have been actively working against the dowry system. I am not aware of formal public statements of the church in those places, although they may exist.

**Senator SCHACHT**—There are many of these individual examples and it could take a long time to go through them all, but in the history of the Roman Catholic Church, looking back on it now with the wisdom of hindsight, you might well say, there are a number of things that have occurred that have been atrocious, that were clearly an infringement of individual human rights. For example, I saw on SBS recently a very good re-creation of the Commission of Valladolid, a Spanish town where, in the late 16th century, a tribunal was set up by the Pope to see whether the natives of South America had a soul or not and, therefore, whether they were eligible to be slaves. The cardinal ruled that they were eligible, that they were not animals and they had a soul, but he ruled that Africans had no soul and therefore were eligible to be enslaved. So the next 300 years flowed with all those atrocities. Has the church on a number of occasions offered a formal apology for aiding and abetting, or standing aside and allowing, such awful human atrocities to occur?

**Bishop Manning**—The Pope himself has. With regard to women, he did that in 1995—he made an apology to all women. There is to be a major apology made next year to pick up any of those infringements of rights and so on over the years. I would just like to mention another point here. When the Catholic Church is mentioned I think we have to distinguish between what is the mind of the church and what is the action of the some of its members. In many cases when abuses of human rights and so on are quoted, it is individuals or a section of the church not really acting according to the principles which the church itself



enunciates. I think we have to be very careful in saying ‘the Catholic Church’ when we bring up an abuse. It is probably an individual or a section or part of the Catholic Church.

**CHAIR**—To follow on from that, if there is an abuse which is not part of formal policy, what does the church do about it? Otherwise, if you applied the same standard to what has gone on in East Timor, the Indonesian government would walk away uncondemned because they say it was rogue elements of the TNI.

**Ms Cornish**—In fact, we see this happening in the life of the Catholic Church in this country in relation to clergy sexual abuse. There is a formal response, there is a policy. It was never the policy of the church that this was an acceptable thing for people to be doing, it happened and we are responding. I would also like to get back to the committee to answer in more detail Senator Schacht’s question about apologies, because there have been quite a large number of apologies. I will get back to you with the details.

**Senator SCHACHT**—The supplementary submission mentions Vietnam. I have been to Vietnam about eight times in the last 10 years. On each of those occasions I have taken up with the government issues of human rights and religious freedom. I find it a bit ironic because I am an atheist and there I am defending that, and they say, ‘That is the point, isn’t it?’

**Bishop Manning**—Atheists have rights.

**Senator SCHACHT**—They find it very hard as a communist regime that an atheist would turn up and argue for religious freedom. I said, ‘That is the whole point of it because, if there is no religious freedom, it is usually atheists who get burnt at the stake first.’ We are the first ones.

**Bishop Manning**—Even the International Convention on the Elimination of All Forms of Racial Discrimination mentions the rights of atheists—theistic, non-theistic and atheistic beliefs.

**Senator SCHACHT**—I want to get back to the situation of Vietnam. From your information, how many priests and people active in the Catholic Church are presently in jail that you know of in Vietnam?

**Bishop Manning**—I could not say exactly, but the head of the international justice and peace commission in Rome who should be the Archbishop of Hanoi—he was nominated to go there—spent 13 years in a communist prison, with five years in solitary confinement.

**Senator SCHACHT**—Was that prior to 1975 or post-1975?

**Bishop Manning**—He came out of there about five years back.

**Senator SCHACHT**—In the early 1990s?

**Bishop Manning**—Yes, but I would find it difficult to answer that because I really do not have the details on it. We could certainly find out for you.

**Senator SCHACHT**—If you can take it on notice. Amnesty has a lot of very good information, and I presume your organisation has good contacts with Amnesty. But do you keep worldwide within the church your own register of people you know who, because of their belief and Christianity/Catholicism, are incarcerated around the world?

**Bishop Manning**—The Holy See secretariat of state would have those figures.

**Senator SCHACHT**—Is it a commission that has resources that are perpetually—like Amnesty—on the go investigating and collating information? Because if it is, it is a very useful source for those of us interested in human rights.

**Bishop Manning**—There is an interesting little point here that the Vatican never seeks relations with any state; states seek them with the Vatican because it has one of the best information gathering services in the world. There are missionaries, priests and religious in there. As we saw in East Timor when it came to the real crunch, they were the ones who surfaced and did a lot of very good work. The same thing applies in Vietnam: we still have people on the ground there getting out very accurate information.

**CHAIR**—If you would take that on notice, we would be grateful.

**Senator SCHACHT**—Particularly about the Vietnam one, because I suspect I will be there again shortly.

**Mr HOLLIS**—I was interested in what you are saying about Hong Kong and your concerns there. This committee actually did an inquiry just prior to the takeover or the return—however you like to phrase it. We got into a wonderful situation where, when we presented it in the parliament, most of us who spoke on it got letters of complaint from both the Chinese Ambassador and British High Commissioner telling us where we were wrong from different angles. So we thought we got it fairly right. Nevertheless, I was quite interested in what you are saying because we have had an ongoing watch on that, and a couple of times we have even mooted the question of maybe going back there. We went to Hong Kong for a week during the time that we were carrying out our inquiry. I would be interested if you could expand on your views that you expressed in your report.

**Ms Cornish**—I understand that you also met with our colleagues at the Justice and Peace Commission of the archdiocese of Hong Kong?

**Mr HOLLIS**—Yes.

**Ms Cornish**—They are very concerned about the situation as it is evolving. Again, it is one of those situations where it is not necessarily a directly religious issue, although religion is part of that, and where the communist regime is not happy with any other kind of base of belief or loyalty. They are particularly concerned about the public order ordinance and the way that is being used really to shut down any kind of move to democratisation or free public expression. The society's ordinance is very useful in shutting down any kind of religious gatherings—where if there are more than three people in a group, they have to get formal approval for a meeting. This is applied irregularly which means they choose when they apply it to people and when they do not. So there is an arbitrariness about that. It is a

very useful thing for shutting down anything that looks like it might be seen by the state as subversive.

They say that the changes happening there are perhaps quieter and less dramatic than people had feared after the change of sovereignty but, because of that, people are not actually picking some of the important developments. They are very concerned about the way in which the government is trying to co-opt religious organisations to be part of the political process against the will of those organisations.

**Senator BOURNE**—Have they had a response to that yet? I know they were trying to get out of the next round, which sounded quite reasonable to me. Have they had a response?

**Ms Cornish**—My last information was that there had not yet been a response. I will be meeting with some people towards the end of November who may have further information for me.

**Senator BOURNE**—If you hear anything, could you get back to us?

**Mr HOLLIS**—We would be interested.

**CHAIR**—Along with some of those other matters.

**Bishop Manning**—That meeting is in Hong Kong, is it not?

**Ms Cornish**—No, it is in Bangkok.

**Senator PAYNE**—In relation to the operations of the church in East Timor, you mentioned there was a view that many people had joined the church because the church was perceived as an organisation that was prepared to fight for them. Another perspective put to me previously was that joining the church was the only opportunity of political expression available to many East Timorese, which differentiated them, because they were too scared to join an independence campaign as such.

**Bishop Manning**—I would have to agree with you. That is not isolated to East Timor either. It has happened in other countries where people have joined the Catholic Church because it was the one that fought for the human rights war. If you look at the communist regimes through Europe, we had the Holy Father himself preaching some very strong words about the rights and the dignity of people there, which I believe helped to bring about the overthrow of the communist regime. But certainly in East Timor that was quite pronounced.

**Senator PAYNE**—I apologise if you mentioned this in your opening remarks but I did not have an opportunity to hear them. The third term of reference of this inquiry talks about the most effective means by which the Australian government and NGOs can promote freedom of religion in the region and around the world. I know we are running slightly over time, but I would be interested in any brief comments you might have.

**Bishop Manning**—In my opening remarks I did list quite a number of examples there.

**Senator PAYNE**—I will go to the *Hansard* then, thank you.

**CHAIR**—Can I ask one other question in terms of the Catholic Church's position in China. There is the official Catholic Church and then there is an unofficial Catholic Church, which is an issue of concern in this country. In fact, I was in Beijing with the Australian human rights delegation a few weeks ago when we raised this particular issue. I would be interested to get your perspective on the situation of the Catholic Church and religion generally in China.

**Rev. Dr Madigan**—The question of the relationship between the Patriotic Association and what is called the underground church in China is a very big issue. The complexity needs to be noted that this is not just an issue of, as it were, a communist front organisation and a loyal remnant, but there are canonical issues, issues of church law, at stake. In fact, the thing can partly be solved through that. There are canonists working on the issue.

One of the major divisions is the question of the appointment of bishops and who has the authority to appoint bishops. A very simplistic view of the appointment of bishops around the world is that it has to be done by Rome, and Rome—of course, to the Chinese regime—is a foreign power. Indeed, the Vatican does hold statehood in some sense. But historically and even actually there are other ways in which bishops are appointed.

Other people have a say in the appointment of bishops, including effectively governments, because of various concordats entered into with the Vatican and because of immemorial traditions which over-ride current canon law. So with careful handling it could well be possible to resolve many of the issues that have arisen by having this dual episcopacy.

**CHAIR**—If the Chinese government—and I am not supporting their position, but posing a proposition—allowed the leadership of one religion to be appointed other than by a means directly under Chinese control, so they agreed that there is some mechanism whereby the Catholic Church could appoint bishops not under the control of the Chinese government, wouldn't that set them a very dangerous precedent in other areas?

Tibet is one. There the appointment of the Panchen Lama is already a contentious issue. There is the Panchen Lama appointed by the Dalai Lama and the Panchen Lama appointed by the Chinese. There is a dispute over where both of them are and so on and so forth. Ultimately, the Dalai Lama will no longer be with us and there will be a question of who replaces him as the religious head. It would seem to me that there are concerns from the Chinese government point of view about the mere principle. I would be interested in your thoughts on that.

**Rev. Dr Madigan**—I think that case just underlines the fact that there is not going to be a simple solution to this. From the point of view of the Catholic Church in China, the issue has somehow to be resolved among the members of the two churches. There are ways in which Rome can handle the issue of the appointment of bishops but there is a history of division. Probably the same can be true in Tibet where you have a situation of division between the groups who are exiles and the groups who have remained in Tibet, some of

whom obviously resist Chinese hegemony, but others of whom might be prepared to cooperate.

**CHAIR**—There is no question?

**Rev. Dr Madigan**—There is no question. What can anybody else do about it? That issue of reconciliation between the two groups is much more than any government can achieve.

**Senator SCHACHT**—When I was in Shanghai in 1991 with Vicky Bourne, we met an archbishop from the informal underground church. He had spent 28 or 31 years—some unbelievable amount of time—in a Chinese gulag. He had been released in the late eighties after about 30 years. He was an extraordinarily charismatic figure, which is why they locked him up. He was too dangerous and effective, I would have thought, with people. Like I asked about Vietnam, do you have a list of people from the underground church who are in the slammer somewhere in China? Could you find out how he is going without putting him in strife? It has now been eight years since we met him.

**Bishop Manning**—We probably could, but this is a very delicate situation. The Vatican has done a lot of work in there and does not say too much about it because it endangers people's lives. In that particular case, we can certainly ask the question.

**Senator SCHACHT**—We might be careful about the transcript here.

**CHAIR**—Some of these matters are sensitive. You may wish to give us some of that information in a confidential submission.

**Senator BOURNE**—We could find out who it is.

**Senator SCHACHT**—It is in our report of the 1991 delegation because we met him.

**Senator HARRADINE**—Just on that point, I think the violation of human rights and religious freedom in China go far deeper than as to who appoints the bishops. After all the protestant house churches are under constant attack. I assume that you are just answering direct questions.

**Senator SCHACHT**—I appreciate that the church internationally has taken a much higher profile in the last 30 years, like many other organisations promoting human rights. Has the church ever thought of excommunicating those people who demonstrably are members of the church but have committed atrocities abusive of human rights in political leadership positions? I know that excommunication in a more secular age does not mean as much. In the Middle Ages you used to do it quite successfully to kings and so on to bring them into line, sometimes with good motives and sometimes with bad ones. How can people still be a member of the church? I know it is about forgiveness of sin et cetera, but when they have committed unbelievable atrocities—

**CHAIR**—And continue to do so.

**Senator SCHACHT**—and continue to do so, at the very least you would say, ‘You cannot be a member; you are just beyond the pale. It is damaging to our principles for someone like you to be running around claiming and seeking religious order and religious coverage and participating in the church activities, when outside the church you are demonstrably and clearly involved in massive abuse of human rights, murder and mayhem.’

**Bishop Manning**—Excommunication is a nice clean way of getting rid of someone, but if we stick to the statement of Christ and the whole reason for his coming on earth, he said, ‘I am come not to call the virtuous but sinners to repentance.’ We always hope for the conversion of the sinner, no matter how bad he is.

**CHAIR**—Or she.

**Ms Cornish**—There are some sins that are deemed, by their very nature, to be serious enough to have separated you from the communion of the church. You may then claim to be a Catholic, but it would be the position of the church that you are not behaving in a Catholic manner.

**Senator SCHACHT**—Can that be made public?

**Ms Cornish**—The catechism is pretty public.

**Senator SCHACHT**—In Latin America, Archbishop Romero was murdered in his church in El Salvador. The people who did it are well known and they have never been brought to justice, as far as I am aware, because of internal political arrangements. At the very least, those people still claim to be adherents of the Catholic Church. I thought that, if they knocked a bishop off in his church, you would have to draw the line somewhere to say, from my simplistic atheistic view, ‘You are out.’

**Rev. Dr Madigan**—You can make a case for that, but that requires judicial process in one sense.

**CHAIR**—I think we have a clash of cultures here between your atheistic views and their view.

**Senator SCHACHT**—I just want to see some of these thugs get a kick in the shin every now and again.

**Rev. Dr Madigan**—I fully agree with you.

**Bishop Manning**—It is something like the church’s attitude towards the death penalty. If anyone feels himself competent enough to judge whether a person is totally guilty, let him throw the first stone or cut the person’s head off. But the church will always seek the conversion of the sinner.

**CHAIR**—Thank you for coming here today. If there are other questions that we want some clarification on, the secretary will write to you.

[10.39 a.m.]

**GOODWIN, Mr Tim, Campaign Coordinator, Campaign Strategy Team, Amnesty International Australia**

**CHAIR**—On behalf of the subcommittee I welcome the second witness, a representative of Amnesty International Australia. 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. Before I go any further, I should probably put on the record that I think every senator and member on this side of the table are members of your organisation as well, so we do have an interest to declare.

**Mr HOLLIS**—Card carrying members, we are.

**CHAIR**—Yes, I think every member on this side of the table. I now invite you to make a short opening statement, if you wish, before we proceed to questions.

**Mr Goodwin**—Thank you, Mr Nugent. I would just like to start by reiterating what we said in the opening remarks of our submission, that Amnesty International welcomes this inquiry, and we are particularly interested to make our submission today.

As you would be aware, of course, Amnesty International has freedom of religion at the very core of the human rights issues that we work on, and it is there in the very definition of prisoner of conscience which is Amnesty's key traditional constituency in human rights terms. But, as well as that, religious believers and people accused of variations of religious belief are people who we work on behalf of in accordance with our entire mandate from issues of torture, disappearance and ultimately the death penalty.

Our submission was focused largely on a number of countries in the Asia-Pacific region so it is an increasing focus for the Australian section of Amnesty, although, with many of the issues that we drew attention to, obviously the themes apply to many other regions as well.

In putting the submission together, there were a number of issues that we approached. One of them at its broadest was the issue of freedom to profess one's religion and of course freedom to change religion as well as a part of that first right. The other issues were around things like the link between the violation of freedom of religion and violations of other rights as noted in the discussion papers that the committee had passed out. Here we are particularly interested in the way that freedom of religion actually integrates with other repression—with repression of a range of civil and political rights that may or may not be directly religious based. So we are talking about suppression of minorities, suppression of people associated with a certain cultural identity, and ultimately the repression of women in certain cultures.

We move on from this point of religious believers, victims of human rights violations also to consider religion in terms of religious believers as human rights defenders. In many instances we have seen—I can come back to this one particularly with East Timor as we have seen in the last few months—the issue of religious believers or religious communities being at the front line of the defence of human rights and humanitarian aid work, and again this is not only as human rights defenders but a new round of vulnerability to human rights violations under attack.

I referred to women as victims of human rights violations conducted supposedly in the name of religion, and our submission draws attention to the issue of honour killings of women in Pakistan, for example, which is an issue of growing concern to Amnesty International. And, of course, finally, there is the other theme of the use of religion or the abuse of religion for political ends. The examples that we have been looking at include countries like India where at least state sanctioned or state tolerated forms of abuse against, for example, Christian minorities are quite often used in the expression of local politics and between Hindu and Christian populations.

These are the sorts of themes we approach in Amnesty's work. As you know, Amnesty is not a political organisation as such and we are not a religious organisation either. However, we do count among our members worldwide a great number of religious believers who are of a whole variety of religious backgrounds. These people find expression of the basic standards of human rights that we would see in the universal declaration of human rights in the United Nations covenants as rooted within their religious traditions of themes of spirits of tolerance and of social justice within their religious traditions.

In that sense it gives Amnesty a fairly strong basis for our work and also a growing interest in defending victims of human rights violation based on religion, and of course for setting forward some of the recommendations that we are exploring and that the committee might like to consider in terms of how we can more strongly protect religious freedom within our region. I might just leave it at that.

**CHAIR**—Thank you. You make the point that you see some connection between religious freedom and other human rights and that in large measure they are intertwined in many cases. Given that in our region of the world and in the recent past there has been the establishment of a number of new national human rights bodies, do you actually see therefore any change as a result of that increased human rights general activity in our region of the world, an improvement in the religious tolerance situation?

**Mr Goodwin**—The issue of the emerging human rights institutions and the growth of, I suppose you could say, a civil society dedicated to promoting human rights is something that we see as being extremely promising. It certainly holds a lot of potential for the sorts of issues that we are talking about. There have been positive steps with some of the investigations, for example, of Komnas HAM in Indonesia and steps towards drawing governments of Bangladesh, Thailand, India and countries like that into a dialogue on human rights, and developing human rights institutions is certainly a part of this. I think it is more, though, at this stage one of potential rather than of actual, in our view.



We certainly see that there is still a range of extremely serious human rights issues that relate to freedom of religion. We would be looking to these commissions as one means of developing that, and that underlines the importance of commissions, as we have been arguing for a number of years, being very strong and independent and also representative of not only majority but also minority populations and men and women within these societies. But probably more potential than actual, I would say, at this stage.

**Mr HOLLIS**—We put a question to the Catholics who were here before, and I am interested in your view about the conflict in Timor. Some have seen that as having an element of religious intolerance. What is Amnesty's view on that? I know it is a very broad based question, but what role do you see religion played in the conflict in Timor?

**Mr Goodwin**—It is undeniable that religion played an element in the same way that ethnicity probably did as well. It is more a matter of how much weight one would give to those specific factors. This tends to come down in a debate that Amnesty International does not go too far into in terms of describing causes of specific conflicts such as East Timor. We tend to leave those sorts of issues more to the academics and the historians in debating exactly how it arose.

It is certainly undeniable, though, that how it was expressed had a very religious flavour to it at times. We saw a lot of instances where priests, nuns and brothers were being attacked as religious community members because they were seen as an expression of an East Timorese cultural identity. They were seen as an expression of Catholicism of the local community and ultimately of the independence movement, so quite often they were attacked for that reason. At the same time, people also fled to the grounds of churches and religious institutions believing that that was probably the safest place that they had with the police and military facilities being probably the most dangerous at times for them. I do not know that I would go too far into speculating how strong it was, but it was certainly a very strong element in how it was expressed.

The testimony that we took from refugees recently in Darwin, the evacuees to Darwin, was that at times, for instance, with the attacks on Bishop Belo's compound, they had had the feeling that this was the one place that the militias would not attack. Certainly there was also testimony suggesting that the way the attacks were conducted were by bringing in outside militia members or bringing in non-East Timorese people because—this was the suggestion anyway—for East Timorese people, possibly attacking the bishop's residence was the final act of sacrilege, if you like, that they would not be prepared to do. So that certainly gives credence to that theory.

**Mr HOLLIS**—I accept the mandate Amnesty has about political prisoners and I very much support the idea of not interfering in their affairs, but sometimes I wonder and I am concerned about some people who are loosely defined as missionaries who are often trying to convert people to a different faith and that that often results in persecution. I know it is an extremely complex issue, but there was one case in India earlier this year where some people have argued that, by making people Christians or something, that was going to diminish the power of the Hindu ruling elite or something like that.

A lot of Indians have said that here was an outsider, a Christian, trying to convert someone away from their faith to another faith. Does Amnesty have any views on that or do you only become involved if someone is arrested and becomes a prisoner? It seems to me that your mandate, maybe of necessity, is fairly narrow. You do not go behind the actual causes; you just deal with the result. Am I being too simplistic?

**Mr Goodwin**—Broadly speaking, that is correct, yes. We do not go too far into the analysis of the causes; we come at it from the point of view of what the obligations are on state authorities and, ultimately, on non-government authorities or non-state actors and what their obligations are in relation to promoting and protecting human rights. In its expression, this may be religious communities proselytising, it may be religious communities seeking to defend themselves in peaceful ways from outside proselytising.

A lot of cases that we work on in a country like Iran, for example, relate to cases of apostasy; and some of the death penalty cases that we deal with in Pakistan are actually around the issue of conversions—in that case, peaceful conversions to what is portrayed as an outside, hostile, alien threat. So in a case like the Indian one, we would look to where the possible state authority or state sanction might be in relation to that series of violence, but we would not be going too far, as you say, into the actual causes in relation to the violence itself.

**CHAIR**—It seems to me that Amnesty's position is that if a Catholic, a Jew and a Muslim are all locked up in a country without trial and purely for holding their particular beliefs, you are not actually arbitrating about which is the right belief or what you believe in; you are concerned about the fact that they have been deprived of a fundamental human right.

**Mr Goodwin**—Absolutely. That is a very important condition in our work and in the global nature of our work, because it will express itself in parts of the Middle East as defending a Shi'ite cleric, or a member of a Sunni community in another country. It could be a member of a Baha'i community or a dissident Christian sect. It could be a member of a breakaway Buddhist church or, indeed, a Roman Catholic bishop. So in that sense the international character demands that what we defend is creating the space for them to hold peaceful, conscientiously held religious belief, but not actually entering into the content of what that belief might be.

**Senator BOURNE**—You mention religious believers as human rights defenders. From what you say here and from what you know, do you think it is becoming more prevalent that religion is used as an excuse to lock up or to get rid of people who are defending human rights because they happen to be prominent in one religious group or another? Do you think it is being considered around the world that it is more legitimate to say, 'This person is being locked up because of their religious beliefs,' rather than because they are defending the human rights of others—if in fact both are the case?

**Mr Goodwin**—Certainly, it is very much a factor; absolutely. Perhaps in a world where the expression of human rights is becoming more important to governments, even to governments that are very efficient violators of human rights, in that case, dealing with it on what might seem to be more nebulous terms of threats to national security or being part of a

dissident movement, or as a lot of religious communities are defined in various countries, is certainly the sort of umbrella that long-term prisoners of conscience can be detained under.

A number of the incidents we refer to in our submission occur in countries like Laos and Vietnam, involving members of the non-registered Buddhist hierarchy in Vietnam or Christian sects within Laos. What they are accused of, what they are charged with, is about undermining the state and it is about illegal contact with foreigners as much as it is about their religious beliefs as such. So quite often there is a very social and political character to what they are accused of, but primarily it is the religious crimes—belonging to unregistered organisations, for example—that they are accused under.

These countries can point back to open-ended constitutional provisions. The first half of the sentence sounds very strong about citizens having the right to religious and political beliefs and expression; then they will continue on, as the Vietnamese constitution does, and say that it is 'subject to'. The open-ended part of it is open to grave political abuse as well.

One of the individual cases in Laos that we highlighted concerned a man who had been jailed for illegal mapping activities within the country, even though it had come out of his authorised work. But the other stronger part of the charges was the fact that he had had contact with foreigners—authorised contact with foreigners—for a US Presbyterian church body to fund the construction of a school. The third part of it was his peaceful religious activities as a member of a Christian community within Laos. In his case, he was jailed under charges covering a variety of those offences which were later dropped, but he was detained for some time after that, including being held in medieval stocks for 20 days at a time. In a situation like that, it was a bundle of religious and political offences. But what they added up to was a violation of several basic rights, pre-eminent among which was his religious belief itself. He had been warned early on. He had been working in government service before that and he had been warned by his superiors to drop his Christian activities and stop professing Christian beliefs or he was heading for trouble.

**Senator BOURNE**—I will remember not to go mapping in Laos! Do you think that sort of thing is on the increase?

**Mr Goodwin**—As governments deal with the public relations challenges of how to run repressive institutions and still give lip service to human rights standards, and particularly standards of human rights defenders, I think it is certainly set to increase, and it represents a new challenge for us in keeping the focus on things like freedom of religion as a specific category of human rights.

**Senator HARRADINE**—In a number of submissions that we have had, and by application yours as well, there seems to be a feeling that sufficient priority is not given to monitoring violations of human rights and raising these issues, and for the Australian government to raise these issues on both a bilateral and multilateral level.

In your recommendations here, you have included, as some of the goals which we should attain, raising of the issue at all levels of bilateral contact between the Australian government and other governments where freedom of religion and belief is not respected. You mention the UN Special Rapporteur on Religious Intolerance. The supplementary submission by the

ACBC, which you may not have, talks about the rapporteur—the submission as a whole does—and says:

Australia should support the call to re-name the Special Rapporteur as the Special Rapporteur on Freedom of Religion or Belief thereby permitting the rapporteur to play a more active role and increasing the prospect that his in situ visits to individual countries will be constructive.

Presumably, it was said on the basis that if he fronts up as a special rapporteur for religious intolerance there is an implication that the country will not accept it if he wants to go there. If you cannot answer that, can you take it on notice, consider it and see whether, in the view of Amnesty, that is an appropriate way to proceed.

**Mr Goodwin**—It is a very interesting suggestion. The call on that one would need to come, obviously, from our international secretariat level. I think in its broadest terms we would be supportive of any move that would strengthen the ability of the thematic rapporteur on religion as such to strengthen their mandate and their ability to raise these issues with governments.

**Senator HARRADINE**—What else can the Australian government do in response to this? You have a list here, and thank you very much, but maybe you would like to choose an issue and expand on it. For example, do you think that our embassies should be specifically monitoring this question of—

**Mr Goodwin**—Certainly within the region that is an avenue that is very important. Again, a number of the countries whom we referred to in our submission are actually closed to Amnesty and to many international organisations who would conduct that monitoring—countries like Laos and Vietnam, most obviously. So any information and any pertinent questions could be asked through our diplomatic representation and also through government to government representation. The seeking of information is a crucially important part of that.

In Laos, we go through long periods of saying that we believe that somebody is being held, and in certain instances we are able to get hold of transcripts of court judgments, for example. But then there are other times when we just have no idea, or we know that the people are being held but we do not know under what conditions. So I think any avenue for finding out what the situation is and asking those pertinent questions is certainly important.

As we have outlined in our submission, we want to see that accompanied as well by a strong profile for raising these issues within all bilateral relationships and official dialogues between countries—in the way it is treated at the Commission on Human Rights at the UN level and also in how ratifications and the moves towards establishing human rights institutions in the region are conducted as well. That is crucially important. If you have steps towards human rights institutions that are independent, credible and representative of minority groups and men and women within communities, that is certainly going to be a step forward.

**Senator PAYNE**—Could you tell us what role, if any, Amnesty has at the moment either in or in relation to East Timor?

**Mr Goodwin**—We have been campaigning very strongly over the past few months on East Timor in the lead-up to and following the ballot itself. That has been at the UN level internationally. It has also been within our sections. At the moment, we are still in major crisis mode on East Timor. It is the only time in the history of Amnesty that it has ever been declared in the Asia-Pacific region, which basically means that the weight and the campaigning energy of the entire movement worldwide is focused on East Timor for at least this period.

The Australian section is campaigning quite strongly on the issue. A very strong theme we are addressing at the moment is humanitarian and monitoring access and United Nations High Commission for Refugees access to the camps in West Timor. There is also the theme of investigations into the violations conducted in East Timor and the possible moves towards establishing an international tribunal, which we would want to see under the authority of the Secretary-General, to investigate and prosecute individuals found to be responsible.

The other issue that we see as very serious is about impunity, about accountability, for the violators. It is a theme that we have been endeavouring to address for a number of years in relation to Indonesia about the cycles of violations and the way the cycles are encouraged or at least allowed to continue. That is particularly serious, given the experience in East Timor and the fact that many of those units and military officials are being redeployed to Aceh, Irian Jaya and other parts of the country. The illustration of the potential of those units has been very strong for us in the past weeks and months.

In addition, we have a research mission still based in Darwin. Up until a couple of weeks ago, I was actually part of that mission in Darwin. As well as liaising with the United Nations and the humanitarian agencies, our job was also about collecting testimony from the East Timorese evacuees to Darwin. That mission would at present be examining the issue of how soon we can move into East Timor in order to conduct research on the ground.

Our main concerns there are not only about the security situation on the ground in terms of our delegation but the security situation for the people whom they would be looking to speak to. The vexed question of the degree of militia activity there is still a crucial part of that. People have to be free to speak to Amnesty without fear of reprisals once we have left the towns. That is a quick run through of the issues that we are looking to address at the moment.

**Senator PAYNE**—Just on the latter point, who makes that judgment call about when to go and whether it is safe? How do you gather the information to make that call, when you are not on the ground?

**Mr Goodwin**—The call will ultimately be made by the mission in Darwin in consultation with our secretariat in London. I think they are looking at the possibility of doing a reconnaissance mission of some sort—maybe a quick visit in order to assess the situation, at least in the capital. That is the importance of the base in Darwin too, with a number of people coming through, including military sources of information, the media who are travelling in and out of East Timor and also the humanitarian staff who are seeking to get into as many of the districts within East Timor as well. I think what they will be doing is basically—as with much Amnesty research—collecting as much information as possible and

making a judgment on the basis of speaking to, for example, people who are involved in medical clinics, who are very well placed to make a judgment on what they are hearing, on what the issues are within the local community and on the security situation.

**Senator PAYNE**—I met one of your people a couple of weeks ago, whose name I think was Gillian Nevins.

**Mr Goodwin**—Yes.

**Senator PAYNE**—In the fourth dot point in your submission in relation to the means by which the government can promote freedom of religion in the region and around the world—and the chair began with this question—you refer to the formation of national human rights institutions. Assuming they are forming successfully, as they are in a couple of areas, what sort of relationship or interaction, if any, does Amnesty have with those?

**Mr Goodwin**—Our relationship is one of encouraging but at the same time critically monitoring the performance of commissions themselves. At its broadest, we see it as a positive step forward and certainly another means with a great deal of potential for implementing and strengthening human rights protection within a country. But we do not by any means see it as the entire solution to the problem. Certainly there are a number of ways that they can be established but ignored or sidelined in terms of human rights implementation within the country. As for our relationship, we would be involved certainly in providing a lot of information to those commissions and also in critically analysing the reports that come out of them.

We are involved at a section level in encouraging other governments to make moves to strengthen those commissions. So we would be encouraging the Australian government, for example, in its efforts to fund and provide technical assistance programs, training, legislative reviews, logistics and these sorts of things that often underresourced commissions would find immensely valuable in their work. So, certainly, it is a step forward. But we still, as with much of our work, retain the right to stand back and look critically at their performance and at how their recommendations are being adopted within the political structures within the country.

**Senator SCHACHT**—In the broad context of human rights, religious freedom, et cetera, often when you raise the issue of human rights in countries that have a particular religion—I do not know which religion it is—they say, ‘But you do not understand the history or the culture of our country, and we do things differently.’ In your study in Amnesty of all of these issues, have you ever found in any of the major religions in the world any example of where the basic teachings say it is right for one person to abuse the human rights of another?

**Mr Goodwin**—Some of these questions come down to interpretation, in a large measure.

**Senator SCHACHT**—I will put it this way: when I argued this issue in China, they said, ‘You do not understand.’ ‘Cultural relativism,’ is the phrase that is used. I said, ‘If you can show me an example of a peasant who likes being beaten up or tortured, having his wife raped, his crop pinched, being starved, et cetera, then I will believe that cultural relativism, under any culture, has some standing.’ But in all my reading of human rights, I have never

yet come across anybody who likes to be tortured, beaten up or physically harmed—let alone politically harmed. I raise it on the record because Amnesty has a better record than any other for being even-handed in raising the issue. Have you ever come across this?

**Mr Goodwin**—Not at that level, no. It tends to come up more in issues like the proper role of women in society or the accordance given to the so-called Asian values. They talk about ‘communal values’ under certain religious traditions. As I said before, a lot of our religious members from all religious traditions would say that they find basic standards of tolerance, even-handedness and just treatment of fellow human beings. Activities of just rulers is another one that comes up. Quite frequently, there are voices from within these traditions who are pointing to statements about the obligations of a fair ruler, for example, under their religious tradition. They will be saying that the fair ruler is one who does not act with violence; is one who acts with even-handedness; is one who acts with all the positive spirit that in a modern world we would interpret as being consistent with respect for human rights.

When the basic standards of religions are used in order to justify human rights violations—for example, under certain interpretations of Shariah—we would point, first of all, to the issues that you have raised, the arguments about no religious tradition arguing that torture is an acceptable way of dealing with conflict or social problems, and also that ultimately those legal systems that these countries argue are based on an interpretation of Shariah have to be consistent with basic fundamental universal standards, which is where we come back to the international legal and moral framework of human rights.

**Senator SCHACHT**—Would it be true to say that the bigger the abuser of human rights, the stronger their support for cultural relativism?

**Mr Goodwin**—If you graphed it, I think you would probably find that was the case. They are certainly the ones who are—

**CHAIR**—He will ask you to name names.

**Senator SCHACHT**—I might not, because I do not want you to get shot yet.

**Mr Goodwin**—A country like Sudan comes to mind, for example.

**Senator SCHACHT**—I have been to Sudan. I have seen it, and it is horrific.

**Mr Goodwin**—Yes, and the regime in Sudan is extremely active in arguing that Amnesty is antiIslamic, that the United Nations bodies are antiIslamic, that the special rapporteurs who report to the UN on countries—

**Senator SCHACHT**—This is the same government that, at the very least, allows slavery to continue and, without any control, allows rape, pillage and murder of people they disagree with.

**Mr Goodwin**—Yes.

**Senator SCHACHT**—And the southern part of Sudan has had 30 years of endless civil war—

**Mr Goodwin**—Absolutely.

**Senator SCHACHT**—with the most horrific human rights abuses, particularly of young people. I have had the argument put to me in Sudan that we do not understand the culture. The same was done over here. They are murdering people, and I said, ‘What culture is this?’

**Mr Goodwin**—I think some of these cultural arguments in the Australian setting actually bring to mind the richness and diversity of Australia’s cultural make-up now. Earlier in the week I met with the Mufti of the Australian Islamic community here in Sydney. He was extremely positive towards the human rights values that Amnesty stands for and towards international human rights protection. He was, in fact, himself a victim of the kind of human rights violations that we would work on. His argument was very strongly that the values of Islam were consistent. I think that broader debate and discussion within Australian communities holds a lot of potential for how we explore our approaches to these cultural arguments.

**Senator SCHACHT**—Do you have a list of countries where, in one form or another, a religion is the established religion that the government has written into the constitution or is formally recognised by the government as having a particular and special role within the community? Do those countries have a history of higher levels of human rights violations and oppression of minorities?

**Mr Goodwin**—We do not have a list as such, although our files are bulging with the analysis of the countries that you are referring to and I am sure we could put one together without too much difficulty.

**Senator SCHACHT**—I do not want to waste your resources because your best resources are for getting people out of jail and protected, et cetera, rather than writing reports for us, but could you provide from those files which you have in London—which I have seen myself and which are as good as any in the world—a list where countries have adopted particular religions, either formally in their constitution or in their particular law, to ban certain activities or oppress other activities that other people who do not follow that religion might find onerous at the very least. I would find that useful actually.

**CHAIR**—You are going to take that on notice?

**Mr Goodwin**—Yes.

**Senator SCHACHT**—Keep the good work going.

**CHAIR**—The time is moving on. I would just like to ask one final question. We were talking earlier about activities of embassies in terms of diplomatic staff trying to find out about human rights abuses and how the feeding back of that intelligence can be useful in work you or other NGOs do. Clearly, that is quite important in terms of you going into countries where you have not got a presence.



I am aware, for example, that in terms of interaction between government and NGOs that in recent human rights dialogue with China there was a session with the government here before it occurred for NGOs to have their input and to say, 'These are issues we want you to raise,' and there was a reporting back by the bureaucracy to NGOs afterwards.

But there is also the situation where quite often NGOs in a country can actually get around much more easily than the formal diplomatic representatives. It seems to me that, quite apart from Amnesty publishing position papers or exhorting governments publicly to do A, B and C, which is all very important, nevertheless there is intelligence which NGOs can often feed to governments which could be put to productive use. Does that happen with Amnesty very much? Are there any mechanisms there? Has that been thought about or do you approve? Do you think you should do that? Is that contaminating your purity too much?

**Mr Goodwin**—No. I mean the same conditions apply about maintaining enough distance to be critical but at the same time being aware that the actions of government need to be informed by as much information as possible.

**CHAIR**—Do you have a mechanism for doing that?

**Mr Goodwin**—In different sections it differs according to the capacity, I suppose. Ideally, we would have that very close relationship across as many areas as possible. For example, in response to the recent events in East Timor, we have been liaising very closely with agencies within the Australian government that are coordinating a political response to it, and there has been quite an open exchange of information both ways about what we are hearing. That has been particularly important because in the situation like that everybody has heard the rumours and everybody hears the stories and everybody reads the quotes, but the question of actually verifying what is happening is the most important part of that, and government is looking to do that as much as we are.

Yes, certainly, we would be looking to safeguard our independence within that, but we would not see that, per se, as being a problem. In fact, it has a lot of potential because it then offers other avenues that the government can follow up in its bilateral contact as well.

**CHAIR**—I think we will wind up with Amnesty for the moment. I thank you for coming here today. Apart from the questions you have taken on notice, if there are other matters that the committee wants additional information on, the secretary will write to you. We will send you a copy of the transcript of your evidence to which you can make corrections. As I said, for a couple of my colleagues who were not here at the beginning of this evidence, I did declare an interest on behalf of all—

**Senator SCHACHT**—I will declare mine. I have been member of Amnesty International for practically all of my adult life.

**CHAIR**—All of us on this side are members of Amnesty so I declare that interest up-front. Thanks very much.

[11.23 a.m.]

**BASSAT, Mrs Nina, President, Executive Council of Australian Jewry**

**JONES, Mr Jeremy Sean, National Vice President, Executive Council of Australian Jewry**

**CHAIR**—On behalf of the subcommittee I welcome representatives of the Executive Council of Australian Jewry. 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 now invite you to make a short opening statement, if you wish, before we proceed to questions.

**Mr Jones**—Thank you for the opportunity to speak today further to our written submission. Just over a year ago I was in Moscow at a meeting of the Executive of the World Jewish Congress. The reason we were in Moscow was to mark the opening of the first synagogue in the former Soviet Union since bolshevism. The synagogue was in a large park in Moscow, right between a new Orthodox church and a new mosque.

Australia had a particular role, in that the first country to raise the persecution of Jews in the Soviet Union at the United Nations was Australia. One of the calls that everyone around this table supported was the call of the right to leave, or the right to live as Jews in the former Soviet Union. Those who chose to remain and live in the former Soviet Union now have the opportunity in most of those countries to practise their religion freely, and they have taken that opportunity up very gladly.

Earlier this year, both I and Nina Bassat, the President of the Executive Council of Australian Jewry, were in Jerusalem for an executive meeting of the World Jewish Congress where one of the key items on the agenda was the recent, at that time, arrest of a number of Jews in Iran on charges of spying. One of the points made there, and it was made by members of the House of Representatives during a debate which took place last month, was that the people had been arrested purely on the grounds that they were Jewish. There was no other logical reason, no other possible rationale, for arresting a student, a religious teacher, a rabbi. Although they were accused of spying, as had been pointed out by many people, there was no possibility of a Jewish person, let alone an identifying, practising, public member of the Jewish community, being anywhere near the sort of information which could possibly compromise the state of Iran.

But at that meeting Australia was also recognised as one of the first two or three countries in the world to raise the matter. Within a week of the news of the arrest of those members of the Jewish community becoming public, the Australian government summoned the Iranian ambassador to put the view very strongly that this was an abuse of human rights.

When we represent Australia overseas at international Jewish meetings and elsewhere, we can go there with a great deal of pride about the record of religious freedom within this country. There were Jews on the First Fleet—my own family has been in Australia since the 1850s—and we have been able to live as Orthodox, observant Jews with full participation, with minor obstacles, right across Australian life.

Nevertheless, with that said, we also drew attention in our submission to the existence of antisemitism in Australia, and our council, since I started looking after the database on 1 January 1990, has recorded 2,248 incidents which the Human Rights Commission would define as acts of racist violence, of which 186 could be seriously regarded as racist violence—things like serious property damage to synagogues, or assault.

In this past month, the Jewish communities around the world observed our high holy days, including the Jewish New Year and the Yom Kippur or the Day of Atonement. In Germany around that time and in Argentina there were cemetery desecrations. In France and New Zealand there were serious attacks on synagogues. In Australia we had a number of incidents of harassment of people going to and from synagogues, with the most disturbing incident being at one metropolitan synagogue where worshippers arrived for their service and found a head of a pig waiting on the steps of the synagogue to greet them.

We know that in this country there is not state support for that sort of action. There is overwhelming public condemnation. We would hope that if the perpetrators are found they would be recognised for doing something which is not only antisocial but also designed to cause deep offence.

There is obviously a huge difference between that sort of act and what we are talking about in Iran. And what we have noticed in our years as a council—the council was formed in 1945 so we have been involved in advocating Jewish rights since that time—is that in totalitarian regimes where there is a lack of freedom generally, they are the regimes which are most likely to put restrictions on religion and the practice of religion. Most of the cases that we would bring now to our government and ask for support for in taking up the human rights of Jewish communities, in particular, take place in countries where there is a general view that a person who represents something which is a minority view, a minority religion, is a threat. They might not understand the threat but they recognise the expression of difference, including religious differences, is a threat.

But our experience with the Australian government has been that when we have been able to raise these matters with the government, with Foreign Affairs, with parliament, there has been an effort made by all those parties to, at the very least, let the state responsible for the abuse know how strongly Australia objects to this sort of behaviour.

**Senator SCHACHT**—Just out of curiosity, for the sake of the record, were the Jews on the First Fleet political prisoners because they had done something wrong in not supporting the established church of the United Kingdom at the time, or were they there, like all the rest of them, for pinching something and being railroaded by the dreadful laws of England at the time?

**Mr Jones**—It included people who were there as prisoners, but very early on there were Jews who came as free settlers. There is no evidence, to my knowledge, of any lawyer thinking out the ‘political prisoner’ defence in the Old Bailey, or wherever the trial might have been held prior to transportation.

**Senator SCHACHT**—I now have that on the record—about the offences and the attacks throughout history on the Jewish community. Does the Jewish community overwhelmingly believe that the consistent abuse of the Jewish community—the pogroms of history, even the recent desecration—is basically an outcome of people who, for their own purposes, blame the Jews for the crucifixion of Christ?

**Mr Jones**—It is a very complex historical question. It varies in different circumstances. While it has played a very large part in the historic experience of many countries, it has not applied in the States where it has been a matter of a Jewish person being a member of a small minority; therefore being an outsider and therefore being a convenient scapegoat. But, certainly, you will find within the Australian Jewish community a large number of survivors of the Nazi Holocaust, or people who have been in circumstances of extreme antisemitism, who found the most non-religious and nonobservant of their persecutors able to hurl at them the sort of abuse in religious terms that you refer to.

**Mrs Bassat**—I think that what Mr Jones has said substantially sums it up. There has been a historical perspective to that. I think there has been a shift in that, and of course it relates only to certain parts of the world. It does not relate to the Islamic world.

**Senator SCHACHT**—Yes, of course.

**Mrs Bassat**—I assume that is what you meant.

**Senator SCHACHT**—Is it in the Christian world—western Europe?

**Mrs Bassat**—I think, historically, that has been a component. I do not know whether it is the major component. I do believe that minority groups are scapegoated, for whatever reason, and that may have been a convenient coathanger but not necessarily the rationale.

**Senator SCHACHT**—This is the question that I am sure you have a lot of times. Is Judaism a race or a religion?

**Mrs Bassat**—I like the way Jeremy handballs the easy ones to me. My answer to that would be that it is a complex of both. I have known people who are intrinsically Jewish to their every fibre who follow no religious precepts whatsoever and yet could never be denied the label of Judaism. I think the prime requirement is to be born a Jew. The second requirement is to identify yourself as a Jew. Whether you do this historically, culturally or religiously is a very wide question, and I would not dare to define it for what would happen within my own community.

**Senator SCHACHT**—I now turn to a more specific situation within Australia. You mentioned desecration. Obviously, if people are caught, they should be dealt with according to the laws of the land; that is quite clear. But there is another level which I know the

Jewish community quite rightly gets agitated about in many ways, and that is the language and the abusive forms of Semitism which can be everything from telling jokes, phrases, et cetera. Some people say that, if we try to ban all of that, again there is this whole thing that it is too politically correct, that that is actually an infringement on free speech within a democracy such as ours. What do you think is the balance between someone making some sort of a joke or a phrase—which I am not going to repeat here—that might also be made about an American, an Englishman, a New Zealander, ourselves, or whatever? Those are common in the language. What do you think is the balance between where that becomes ongoing as a way of reinforcing bigotry and prejudice?

**Mr Jones**—There are actually legal tests for this. New South Wales has a set of antivilification and antidiscrimination laws. The laws which govern what can and cannot be said, and when they can be said without the risk of a penalty, were brought in by the Greiner government. They have been slightly amended since that time to make sure that the balance is maintained.

Federally, we also have a Racial Hatred Act. The difficulty there is the tragic underfunding of the human rights commission, which means that the law is there but it is almost impossible for it to be administered properly. But if you look at the law on paper you can see there has been an attempt to get a balance. It talks in terms of what is likely in all the circumstances—and that is important—to cause offence or insult. Basically, you are looking at the likely effect on the victim, on the person against whom the action—and it can include words—is aimed.

**Senator SCHACHT**—This hearing is under privilege and so I cannot be sued, but I will just give an example. A lot of Australians use rhyming slang phrases. The standard description of an American is ‘septic tank’ for Yank, ‘trouble and strife’ for wife—which can be offensive to women—and ‘four-by-two’ for a Jew. Is that offensive to the Jewish community, or is that seen in the broader context?

**Mr Jones**—You have to look at the circumstances. I have dealt with cases where there has been an individual in a workplace who every day was singled out and harassed by words, including a reference to being a ‘four-by-two.’ So context is important. If it is somebody using a casual expression like ‘four-by-two,’ I do not think very many people would be offended by it. Some would laugh at it, some would not understand it, and some would ignore it. The context is incredibly important. That is why I did refer in my answer to your question to the fact that we have state law, federal law and we have test cases and we can see. I do not know whether there has been any more or less usage of an expression like ‘four-by-two’ since New South Wales had the law, but nobody has complained to the Anti-Discrimination board about it.

**Senator SCHACHT**—I have one last question on discrimination in Australia. It is well known that certain elite private clubs refuse Jewish membership—the Melbourne Club, the Adelaide Club, and so on. Members of the Jewish community will tell you in Melbourne that they may as well not apply to join the Melbourne Club because the blackball will be dropped and there are no Jews as members. Is that a form of racial discrimination, religious discrimination, against the Jewish community, or do you accept that a voluntary club has the

right to say, 'We do not want a particular group of people because of their religious beliefs in our club?'

**Mrs Bassat**—I find that a very complex question because I do believe that a club should be entitled to set its own parameters. However, those parameters must be within the guidelines of what is acceptable in the country in which that club operates. Very often it becomes a fact situation to distinguish whether they are working within their own freedom of autonomy or impinging the freedom that is set down by the country. You have asked specifically about the Melbourne Club. My answer to that is, 'Why on earth would you want to join the Melbourne Club?'

**Senator SCHACHT**—Groucho Marx said that he would not want to join any club that would have him as a member!

**Mrs Bassat**—Precisely—why would I want to join? I am resting on your assurance of privilege in having said that, of course.

**Senator SCHACHT**—Parliamentary privilege is a big advantage.

**Mrs Bassat**—I do think that you must always, in every circumstance, balance the right of autonomy of an organisation with the rights of religious practice and general freedom to—

**Senator SCHACHT**—Has anybody in the Jewish community thought of going to the various federal or state laws over these examples of the blackballing of Jews, which are now so well known? On any criteria—wealth, position, contribution to the community, generational support for Australia, et cetera—such behaviour does seem to be anachronistic. Has anyone thought of going to the tribunals and saying this is discriminatory?

**Mrs Bassat**—Not that I am aware of. I would have thought that we would prefer to leave it to our non-Jewish friends to take up the cudgels on our behalf.

**Senator SCHACHT**—Yes, but we are not being discriminated against. I do not have enough money, and I am in the wrong political party.

**Mrs Bassat**—No, in other ways.

**Mr Jones**—With the question of the way the Jewish community has related to the antiracism legislation, we have obviously looked at what most seriously affects most people and what has caused the most offence. It is quite simple. I spoke about 2,248 antisemitic incidents. There is also a whole world out there of antisemitic organisations. There are the occasional public outbursts that we want to respond to. We have two cases currently awaiting findings from public hearings held last November where groups of people were affected by the activities of Australians, and their quality of life was affected. That may be why we have not taken up the case of clubs, if there are people who feel very strongly about that issue.

There are other ways of dealing with issues. Mrs Bassat referred to hoping others would take up the cudgels. There are many examples of people refusing to join clubs that would

not take women, would not take Jews or whatever. We have the situation with the recent re-jigging of the parliamentary Internet site. A speech that you gave, Senator Schacht, in response to an Adelaide *Advertiser* use of The Protocols of the Learned Elders of Zion to explain the New World Order, suddenly became accessible to anybody searching the Net for The Protocols of the Learned Elders of Zion.

**Senator SCHACHT**—I was giving it a—

**Mr Jones**—You took it up publicly, and that is now there on the public record. That was a very strong response to people who are trying to bring up that particular slur. I am just saying there are levels of response and levels of the way the Jewish community will react. Sometimes we feel that we have to use certain laws, other times we look for other people to behave in a way which would change other people's policies.

**Senator SCHACHT**—Are there any clubs—

**CHAIR**—Senator Schacht, you said you had one last one question.

**Senator SCHACHT**—I have had four last ones.

**CHAIR**—Please make this the last one.

**Senator SCHACHT**—Are there any Jewish clubs where it works in reverse? You might say, 'You have to be a member of the Jewish faith to be a member of this club,' which is a reasonable description of why people are in it. There are soccer clubs or social clubs that have a major Jewish influence, for various reasons. Is a gentile refused membership if they show that they are willing to support the general parameters of the club?

**Mr Jones**—I am not aware whether it would go outside the constitution or the purposes of the particular organisation if there is an organisation which is a place for Jewish people. For instance, my son was in a Sunday morning soccer club that was formed specifically for Jewish kids who were not able to participate in the competitions that took place on Saturdays.

**Senator SCHACHT**—Yes.

**Mr Jones**—It was formed to allow kids to play in a competition. I am not aware of any non-Jews wanting to sign up. I play in a Hasid led indoor soccer team, but when we find a good player who will help our team, we have no problems in allowing them temporary membership of our team.

**Senator SCHACHT**—Thank you.

**CHAIR**—Senator Schacht has finished. The Deputy Chair would like to ask some questions.

**Mr HOLLIS**—I am interested in the list of organisations or individuals you have made. As members of parliament, we receive communications—sometimes anonymously—from

what could best be defined as fringe groups. From your study of this, do you think these fringe groups, however defined, are on the increase or on the decrease in Australia?

**Mr Jones**—It comes and goes; it comes in waves. There was a big increase in the number of fringe groups in the mid-1990s. We saw the development of a whole range of new fringe groups, mainly inspired by overseas groups, and they were just imitating them here. A lot of them coalesced into One Nation supporters. That is a simple fact, it is not a pejorative—

**Mr HOLLIS**—Did that give them legitimacy?

**Mr Jones**—It is very hard to say, without going into a detailed analysis. At one stage they thought they could save the world only by hiding their guns and hiding their bibles and then having a revolution. Then they thought they could change the world by supporting One Nation. Now it is interesting to see that they are fracturing again and what forms they are taking with the various groups.

But what we are seeing on the Internet is that anybody, a single person somewhere, can appear to be a group. That person can find other people who appeal to him or her in a way they were not able to before. They can have a local and an international significance. We find that the individual ratbag in a small country town who was not going to do anything because they were the only one there, suddenly is part of an international movement because of modern communications technology. We are seeing a development in that area. It is quite hard to predict what will happen next with the fracturing and the regrouping of the far right. I do not think the numbers of individuals have changed dramatically.

**Senator HARRADINE**—No wonder I got the last preferences from One Nation.

**Mr HOLLIS**—With regard to those groups—and I know it is very difficult—are there any purely anti-Semitic groups? Or are they a combination of gun lovers and the whole range of things? Is there anything specific?

**Mr Jones**—Yes, there are certainly organisations that have, as their primary driving force, antisemitism. They mainly call themselves things along the line of ‘Christian identity’ or Covenant Vision. They put themselves forward as Christians but they define their Christianity in not what the Jews would have anything to do with. They define Jews as descended from the devil and Christians as descended from God, with an ultimate battle going to take place. They come out with that sort of thing.

Most of those groups are also very contemptuous of indigenous Australians and other groups that they do not feel fit the white Anglo-Saxon mould, but their driving force is antisemitism. Then you get a group like the Australian League of Rights, whose entire world view is based on the international Jewish conspiracy. They do not only talk about the international Jewish conspiracy—it is right at the heart of the way they see the world.

Then you have other groups who, half the time, might even be consciously thinking about what they are doing in terms of the way they talk about Jews. You get far right wing groups, magazines like *The Strategy* from down in Bendigo or *Lock, Stock & Barrel*, when it



published, from Queensland. They all throw in antisemitism as part of their grab bag. When you speak to the editors or the writers of the articles, half the time they have not even realised they have said it. It is just the language they are used to using in their particular world of the far right.

**Mr HOLLIS**—I have a final question. I took note of what you said about the state laws and the underfunding of the commission, with which I agree. Do you think our laws in this country are strong enough or are applied vigorously enough in these cases of, say, racial discrimination?

**Mr Jones**—I think most laws, whatever the subject, can be improved across time when you evaluate. I know governments, state and federal, are in a constant process of re-evaluating various legislation to find out what best applies in the current circumstances. I would say in answering your question that, federally, one of the problems is that there have only been I think four public hearings under the racial hatred provisions of the act. One person was successful, but it was a one on one situation in a public place. The second one fell flat because there is a defence in the law about artistic performance. It appeared that somebody could put in a play as long as it was a play. Even if the play was very clearly offensive to a particular group, as long as it was a performance then it had a defence.

With the two cases we have had going, we lodged these complaints over three years ago and we have not had findings. Until we have findings we cannot really judge whether the law is likely to work in these cases. Both of them are real test cases because once the principles are established here they will apply to much more than the individual situation. So with the federal law it is a bit difficult to say whether the laws themselves cover everything. We have looked at the area of religious vilification being included. We think there is a very strong argument in favour of that being part of the same family of provisions which cover a range of discriminations and vilifications. But, again, we do not really know what we are going to see with the findings in the current cases.

**Senator SCHACHT**—Would you ban *Mein Kampf* in Australia?

**Mr Jones**—I am not aware of any organisational attempt to ban *Mein Kampf* in Australia. The Sydney University library had a special reserve area so that it was accessible for people who wanted it for scholarship but not necessarily accessible for people who wanted to promote particular world views from that. There are ways of making distinctions.

**Senator BOURNE**—I had two questions, one of which has pretty well been answered by your last answer, thank goodness, so I am down to one. Can you tell me if you think that antisemitism, particularly in regard to Judaism, is increasing or decreasing not just in Australia but within our region?

**Mr Jones**—It is an interesting situation because we had the phenomenon in Poland a few years ago of what was called ‘the antisemitism without Jews’. There was such a small number of people it was amazing that it filled so much of the political rhetoric. Certainly we have had political rhetoric, but there have not been direct victims. For instance, the Aum Supreme Sect, which is best known for its Sarin attack on a Tokyo subway, is as antisemitic as the League of Rights. A very central part of their world view is that there is an

international Jewish conspiracy doing certain things. There is a great amount of conspiracy theory propaganda circulating in Japan that is popular reading material. A huge amount of that is antisemitic.

Amien Rais in Indonesia has made a number of strongly antisemitic statements during his political career. We have heard comments at various times from the Prime Minister of Malaysia. These comments come up but there are not Jewish targets, so they fulfil a different place in the politics or the society than they would in a country like Australia. But except for Australia, the next substantial Jewish population is Israel in one direction and the United States in the other. In our region there is a small Jewish population. There are Jewish communities in a number of the countries, but they are very small.

**Senator BOURNE**—So if you were looking at it you would be looking at Australia anyway in this region.

**Mr Jones**—For this region. But, at the same time, the issue of religious freedom bothers us. On the first day of the Jewish new year, my rabbi's sermon was devoted to the fact that there had been people in East Timor who were serving God who had been attacked. It is an issue which transcends a particular faith or religious affiliation.

**Senator PAYNE**—Mr Jones, in your submission you state that, in relation to religious freedom in Australia, at a number of public ceremonies there has been acknowledgment that not all Australians are Christian, which I find interesting in the context of this whole discussion. How important is that acknowledgment to the executive council? How important do you think it is to the general encouragement of religious freedom?

**Mr Jones**—I could tell you how I felt as a Jew with two specific examples. After the Port Arthur massacre there was a magnificent service held, I think at St David's. At that service they went out of the way to make sure that Australians as a whole—not only religious Australians, Christians, Jewish people and I do not know who else from the service but also non-Christian Australians—felt this was something speaking for all Australians. That is how it was framed. When the week of prayer for Aboriginal reconciliation was launched, which was also something done by Australians for everybody, they were very inclusive and you felt, as a Jewish person, part of them.

When you have a situation such as the Burial of the Unknown Soldier, which is clearly a Christian ceremony—a non-denominational Christian but clearly Christian ceremony—and you have General Sir John Monash who is Jewish, for example, or the only public ceremony for the Thredbo victims of which I am aware was clearly a Christian ceremony, you feel that there is still some way to go before our society is as inclusive as it might want to be. But the Unknown Soldier was a very significant occasion.

**Senator SCHACHT**—Did you comment at the time or make a late protest about that or inquire about that?

**Mr Jones**—There were quiet discussions. At the same time, we are conscious of the importance of an occasion like that for everyone, so you do not want to take away from the significance of an event either.

**Senator SCHACHT**—What was the answer?

**Mr Jones**—There were a number of answers, unfortunately. My understanding is it was thought about and it was thought that the appropriate service was the service that took place. But other people got slightly different answers, so it is really uncertain.

**Senator SCHACHT**—Did you think that Keating's address was broad enough when he made the famous remarks about him being one of us, that we do not know whether he had a religion or whether he worshipped God or had a God? Did you think those remarks covered the broad range of Australians?

**Mr Jones**—They help but a ceremony like that for most people is going to be a brief snip on the news or it is going to be something which is more comprehensive than a single speech or a speech in context. Those sorts of things are important.

**Senator SCHACHT**—If I may interject, as the shadow Minister for Veterans' Affairs, I have now been to a dozen or more memorial services in a year. You have really hit home on something that I had not really clicked in on. Even though I am not religious myself, they are overwhelmingly dominated by a Christian perspective about the way the service is conducted. It is a good point you make.

**Senator PAYNE**—Mr Jones, is there a network, informal or otherwise, that it would be possible for the Jewish faith to be involved in to ensure that an awareness of this issue is more highly developed. I know Australia's significant Muslim community, for example, would possibly feel in very many cases equally excluded.

**Mr Jones**—Yes, there have been a number of attempts to build both an informal and a formal network, some more successful than others. There is a voluntary membership organisation called the World Conference on Religion and Peace. They bring heads of faith meetings together in Sydney and Melbourne, and this is the sort of issue which is taken up. There was a conference funded by the Australian Multicultural Foundation on Religion and Cultural Diversity in Melbourne—I think it was in 1997—where, again, there was a good opportunity for this matter to be raised. It was interesting because at least one prominent churchman said, 'But, for the good of Australia, we had to have a Christian service for the burial of the Unknown Soldier, rather than a multifaith service.' So it was deliberate from his perspective.

**Senator PAYNE**—I am not sure what, 'For the good of Australia' means.

**Mr Jones**—But I want to say also that we have active interfaith dialogue in Australia. The Uniting Church, which has had the longest formal dialogue, has often taken up these issues as a church because they have felt it to be important. The Australian Catholic Bishops Conference—we have had two of the series of annual dialogue meetings—has also made the point that there now is a place for expression of your own faith and a place for your expression of faith to be included in something which also includes others. I think there is a development of awareness.

**Senator PAYNE**—For a range of reasons, there are often so-called ecumenical church services held in various parts of Canberra, occasionally in the parliament. It might be possible that this committee could suggest a very broad-ranging service of some sort, which would be demonstrative to the rest of the country of perhaps the breadth of faiths represented in Australia and play some role in that process.

**CHAIR**—Any reaction to that?

**Mr Jones**—A suggestion like that is certainly something which sounds very pleasant to my ears. But, at the same time, it depends on what the function is. There was a prayer meeting, for instance, in New South Wales once and a particular member wanted to make it a multifaith prayer service but all the people who wanted to come to it were Christians—I think they were nearly all Catholics—and the service was one that met the needs of the people gathering for the particular purpose. It would have been almost gratuitous to put in something beyond that.

**Senator PAYNE**—One way to address multifaith representation would be to invite the Canberra diplomatic community as well as the parliament. You would have a ready-made audience or congregation as it were.

**Mr Jones**—Parliament is more and more diverse all the time.

**Senator PAYNE**—Not quite that diverse, Mr Jones.

**Mr Jones**—But it is getting there.

**Senator HARRADINE**—The phrase ‘Judaeo-Christian society’—do you think that Australia is one?

**Mr Jones**—Mrs Bassat might have a different answer, but I do not personally think you can have a Judaeo-Christian society. I think Judaism and Christianity are different faiths that get along very well. There is some overlap and perhaps a linkage, but Judaeo-Christian to me is often a nice way of saying, ‘We want to be inclusive,’ but it really does not tell you terribly much about what society you are representing. We have a situation where, for instance, if I was ever to run for parliament or local council, on polling day I could not hand out how-to-votes because it is the Jewish Sabbath. There are features like that. Christmas and Easter are public holidays, but Jewish and Muslim festivals are not public holidays, so if it is a Judaeo-Christian society, it would be with a small j and a very large C.

**Senator HARRADINE**—I was going deeper than that.

**Mr Jones**—I understand that.

**Senator HARRADINE**—The two commandments are absolutely common, aren’t they?

**Mr Jones**—Yes.

**Senator HARRADINE**—To love God with your whole heart, with your whole soul, with all your being and your neighbour as yourself. That is what I was meaning.

**Mr Jones**—There is not a huge translation of biblical teaching into public policy.

**Senator HARRADINE**—No. That concept of Judaeo-Christian is not a new one.

**Mr Jones**—No.

**Senator HARRADINE**—It goes back centuries.

**Mr Jones**—Not many centuries. No, really, it does not go back that far.

**Senator HARRADINE**—It goes back to the early scriptures.

**Mr Jones**—But then it disappeared for 1,500 years.

**Senator HARRADINE**—When I say ‘early scriptures’ I mean early new testaments. I could discuss that with you at length and quote certain of them. You mentioned the question of persecutions. The response of the Popes over the last number of years and particularly the response of John Paul II, referring to the Jewish people as our older brothers and sisters and making a formal apology for some of the things that you mentioned before—what is your response to that?

**Mr Jones**—The statements by the Pope and the statements by others—but there have not been any quite as strong as the Pope’s that I am aware of—have been very significant because people do listen to that sort of message. I do not think it is insignificant that in 1986 in St Marys Cathedral, Pope John Paul II described antisemitism as a sin for the first time. That happened to be the venue for this. I think we can take a bit of pride that Cardinal Edward Clancy is an Australian. It took 1,800 years but it might never have come. If you think of what happened in the 20 years prior to that you could see that there were immense shifts.

**Senator HARRADINE**—It has been indicated all one’s life that antisemitism was a sin. It was not a new thing. Certainly, you can quote fathers of the church and other people over certain centuries. The mind of the church is a different thing, as was described this morning. I am coming to the question of where the most persecution of Jews occurs. Could you identify the particular area and give us reasons for it?

**Mr Jones**—Where—in Australia or internationally?

**Senator HARRADINE**—I am talking internationally. I would not say that there is—

**Mr Jones**—Persecution as such here.

**Senator HARRADINE**—In your submission you are not saying that. You are saying that Australia is pretty right. Whereabouts?

**Mr Jones**—There are variations. Iran, for instance, is one of the least nice places to be a Jewish person at the moment. There is a Jewish community in Syria that suffers discrimination. As to the situation in Yemen, my understanding is that the law has not changed. It certainly was the case when the Human Rights Subcommittee was first formed and I gave an early submission. In Yemen, a Jewish orphan automatically becomes a Muslim, for example. There were clear differences in social and political standing. In various countries, you cannot be a Jew. You cannot practise Judaism in Saudi Arabia; it is illegal. In Jordan, you cannot sell land to a Jewish person. In other countries, though, there are different levels.

There was a major fear and it has not totally receded that, should Russia or some of the other countries of the former Soviet Union implode, the safety of the Jewish community would be at a very high risk because of the rhetoric and the activities of extremist organisations which are not only overtly militaristic but overtly anti-Jewish. We have situations like that.

You have situations where there are now very small Jewish communities living in countries where there is a great deal of anti-Jewish rhetoric but there does not seem to be any translation into political action. But there is a big fear there. For many years a small Jewish community remained in Lebanon after the establishment of the state of Israel and they thought they were as totally Lebanese as anybody else within Lebanon, but, since the murders, the arrests, the mistreatment of the Jewish community of Lebanon now, nobody would use that rhetoric. It turned around relatively quickly. That is the fate that can befall a small minority, wherever there is a small Jewish minority.

You have to understand that the large, substantial Jewish populations today are in Israel, the United States, the former Soviet Union, countries such as France, England, Argentina, and Brazil. Australia is up there in the top 10, but we are still insignificant in terms of our numbers within the community. So it is only really in countries where there is a substantial Jewish community that the question of an ongoing policy of persecution becomes most relevant. But when we hear of individual incidents in other countries—and we cannot say it is one country all the time—and we bring these before the Australian government, we have had a response which would indicate that there is a great deal of sensitivity in successive Australian administrations in terms of the morality of international affairs, saying that antisemitism and persecution of minorities is simply wrong.

**Senator HARRADINE**—But is there a structure between you and the department of foreign affairs, is there an ongoing discussion and do you have a person on a particular desk who deals with this?

**Mr Jones**—No, we deal with different people on different issues. If it is a matter relating to Holocaust assets, for instance—

**Senator HARRADINE**—No, I am talking about—

**Mr Jones**—But this relates to antisemitism. If we are in regular contact with someone from Foreign Affairs on Holocaust memorial and Holocaust assets, antisemitism comes into the conversation; if we are in conversation with someone on the Middle East desk and we

are talking about an incident that has taken place within the Middle East, it would also come up. But we would also make representations to the secretary of the department or to the appropriate assistant secretary or to the minister, depending on the possibility of getting access in a particular situation.

**Senator HARRADINE**—So you have got that networking type of thing. We have had in some other submissions an indication that there should be a higher priority given to—

**Mr Jones**—There is an NGO forum held by the Department of Foreign Affairs and Trade. I think it meets every four months or every six months. They certainly send out a lot of notices so it feels like a lot of meetings.

**Senator HARRADINE**—On freedom of religion?

**Mr Jones**—No, on human rights.

**Senator HARRADINE**—I am talking specifically on that.

**Mr Jones**—I understand. I am just saying that because we are an affiliate of the World Jewish Congress, which has ECOSOC status at the UN, we are at those forums and we can bring up material there.

**Senator HARRADINE**—You do it pretty well and you get action from the department of foreign affairs. I am just wondering how you do it because, as you mentioned, if there is persecution taking place it is best to act rapidly. So you make your complaints and then the Foreign Affairs people or the Australian government then lodge a complaint with the relevant—

**Mr Jones**—We would have to prove it pretty strongly.

**CHAIR**—And I would suggest, Senator, that in many cases they probably do not have to make representations because quite often when particular instances occur in other parts of the world and they are picked up by diplomatic representatives and reported back, literally on an hour-by-hour basis sometimes, depending on the seriousness of the thing, the government will react spontaneously because it is the right thing to do.

**Senator HARRADINE**—No doubt.

**Mrs Bassat**—I think that you have partly said what I was about to say. If I understand your question correctly, you are asking: have we established some sort of special connection or special channels—

**Senator HARRADINE**—No.

**Mrs Bassat**—What I understood Mr Jones to say and what I understand the situation to be is that the government functions in a very open way, with access by non-government organisations, so that when an issue arises within any community, whether it is a minority community or another section, there are very open means of communication. So there is the

combination of the government itself being aware of situations and the fact that, certainly, I as a refugee to this country find extreme accessibility to the government and openness to listen to people. I think that is already there, so if you have had, in various submissions, an indication that perhaps there is limited access, I am not so sure that that is correct. I think the access is there and there is a willingness to listen.

**CHAIR**—I would like to take a totally different tack. We have had a number of submissions and I would like to get your response to some of the things contained in some of those other submissions. In particular, for example, claims have been made that in Israel Jewish religious extremists are supported and protected by the Israeli government. I wonder what your response is to that. In other words, the indication is that the boot is on the other foot.

**Mr Jones**—If you have seen the statements that have come out from Israeli Prime Minister Barak in recent days in particular, or if you have looked at any of the official government material appearing on the Israeli government web site, you could not possibly draw that conclusion. Just yesterday, 54 major religious figures issued an extraordinary injunction against contact with the person who assassinated Yitzhak Rabin because they were responding to those religious people—certainly not government people—who thought he had done anything other than something which was totally reprehensible in religious terms.

There are political parties which have been outlawed in Israel because of their harassment of or attitude towards non-Jewish members of the Israeli population. Two of them, incidentally, appear on the US terrorists list, but when they were present in Israel they were arrested and not allowed to participate in public life. Israel has much stronger punishments for people involved in religious harassment or vilification than Australia does. I add that it would be a bit inconsistent if Israel were encouraging these groups when we look at the fact that in the past 11 years over 200 new mosques have been built and opened within Israel. There were 80; now there are close to 300 mosques in Israel. These are new mosques that have opened because of need. There has been a rapid development in the growth of the number of places of observance for Muslims. That would not be the sort of policy which I would imagine would go hand in hand with one of religious persecution.

**CHAIR**—We have been told, to give you a specific example—because the difficulty with dealing in generalisations is that you can make a general statement and it is very hard, obviously, to pin it down—about Dr Baruch Goldstein, who killed, as I understand it, 48 Palestinians in a mosque. As I understand it, there has not really been the reaction by the Israeli government in that case that there has been in, say, the case of a Palestinian who has killed Jewish people in similar circumstances.

**Mr Jones**—I was in Israel when that happened and I was not terribly far from where it happened. The reaction from the Israeli government and the Israeli people at the time, the public apologies issued by Israelis across the board—not just the political voice—the sense of shame and anger that this could take place, were overwhelming. Unfortunately, a very small number of people, a handful of people, a tiny proportion, somehow thought he did something which was in some way justified, and they are held in contempt overwhelmingly within the Israeli population. If somebody attempted to get elected to the Israeli parliament



on this issue, even though it is easier to get elected to the Israeli parliament than to the New South Wales upper house in terms of proportions of votes needed—

**Senator SCHACHT**—There is a reform movement on it.

**Mr Jones**—There is a reform movement on it, but you would not get in. There was an incredible response and an outpouring of upset and anger when that took place. I was staying with people about whom, if you wanted to make stereotypes, religiously or otherwise, you would say, ‘These are the sort of people who might support him.’ They were absolutely horrified and deeply upset that a religion that they hold so deeply as a religion of humanity could be inverted and perverted in such a way.

**CHAIR**—It has been put to us that in Israel racism is actually institutionalised by a variety of laws that make Jews a privileged class within the country—the Law of Return, for example, or the Law of Citizenship, the Status Law, and the Jewish National Fund. So there is a whole range of those sorts of laws that, it has been put to us, mean that there is quite open discrimination against non-Jews in Israel. You would obviously be aware of those sorts of claims, and the claims that the Jewish National Fund supports, therefore, the privilege of Jews to the detriment of non-Jews and that Australia should perhaps remove the tax exempt status from organisations such as the Jewish National Fund of Australia. Could you give us a response to that?

**Mr Jones**—Firstly, I know there is a substantial submission because an author of a submission put out a long press release. I would be stunned if any person could think they could maintain intellectual integrity after making statements such as that. I will explain why in short. Look at an issue like the Law of Return. The Law of Return talks about somebody in ethnic definition, not religious definition; it is basically an ethnic definition of a Jewish person being able to have a privileged status in immigration. Other people can immigrate, but they do not enjoy that privilege. But if you look at the laws of countries such as Germany, Poland and many other countries, you will see they have very similarly framed ethnic laws which talk about a certain sort of person, because of a particular tie in a national sense, having more than one opportunity to become a citizen, a quicker citizenship. Israel nevertheless allows people to become citizens and to immigrate in other ways. It is not an exclusion; it is the issue of positive discrimination as against negative discrimination if you are looking at the Law of Return. I am not sure of the other things you mentioned. Can you remind me of some of the other points?

**CHAIR**—There is the Law of Citizenship and the Status Law. On the Law of Return, as I understand it—and I do not claim to be an expert—what is being said is that under that law a Palestinian, for example, does not get the same sort of automatic benefits that a Jewish person would get and, therefore, you have got a discrimination even though Palestinians may have equally strong connections with that part of the land.

**Mr Jones**—The political context comes in once you start making a comparison with a Palestinian and given the various negotiations that have gone on over citizenship and return. You have to remember—I am sure you know—that from late 1947 until 1948 there was a war—an attempt by Arab armies to wipe Israel off the face of the earth. That was an unsuccessful attempt. Israel established within certain boundaries; within the land it

established it set up a series of laws which included the Law of Return. In most, if not all, of the laws relating to minorities and ethnic groups, they kept in place either the British mandate laws or the Turkish laws which related to the question that this committee addresses, freedom of religion, and specifically to the protection of religious places, to access, to freedom to attend certain sites. The people within Israel at the time were not discriminated against in terms of access. When it came to the right of return, that related to how you solved a problem which has become known to the world as the Palestinian refugee problem. The way you were going to solve that problem without immediately creating a Jewish refugee problem is the question that is still before the negotiators through the Wye and the Sharm accords and the ongoing series of negotiations which, hopefully, will solve the problem in the not too distant future.

**CHAIR**—But isn't the underlying point that the law in Israel, in a variety of ways, gives rights and entitlements to Jews that it does not give to Palestinians?

**Mr Jones**—I would say that you could argue quite strongly that the rights and entitlements of all religious minorities in Israel are much stronger than the rights and entitlements of religious minorities in Australia. I could go through a range, if that was necessary. At the same time, as you mentioned, there are going to be some laws which are designed as part of the process of rebuilding the first Jewish state anywhere in the world since the destruction of the temple almost 2,000 years ago, so there may be some areas of positive discrimination.

There are other areas which directly result from the war situation between Israel and the Arab states for so long and the situation of Palestinians vis-a-vis Israel in terms of what can be a final settlement which goes the best way towards meeting the needs of both parties. If there are specific detailed questions, I would need notice of those, but I am more than happy to respond to specific detailed questions from this committee on any of those areas.

**Mrs Bassat**—The one thing which you raise which puzzles me somewhat, unless I misunderstood you, is that you said that the Jewish National Fund was an Israeli law.

**CHAIR**—No. As I understand it, the Jewish National Fund is used to support a number of organisations in Israel.

**Mrs Bassat**—The Jewish National Fund is an environmental and refugee resettlement fund.

**CHAIR**—Yes, but the suggestion is that it is used quite specifically to support activities that discriminate against Palestinians.

**Mr Jones**—The major project supported by Australia is the building of a dam in the Negev to increase the amount of drinking water. I am not quite sure how that would—

**CHAIR**—As I understand it, and I stand to be corrected, the Jewish National Fund supported the establishment of a Jewish cultural facility, for example, right on the doorstep in Hebron of a Palestinian mosque in a way that quite clearly was a fairly open affront to the population there.

**Mrs Bassat**—I am sorry, the establishment of what?

**CHAIR**—There was an establishment of a Jewish facility right at the doorstep of a Palestinian mosque in Hebron.

**Mrs Bassat**—Right at the doorstep? I am not sure that I understand.

**CHAIR**—It was done, as I understand it, as a deliberate, provocative act.

**Mrs Bassat**—In the first instance, I would like to know what is meant by ‘right at the doorstep’ and a ‘provocative act’. Please bear in mind that Israel is a tiny country—everything is on everyone else’s doorstep, otherwise nothing would exist. There is only one golf course because you have not got room for another one—truly, you would cause an international incident.

**CHAIR**—I have been there, I understand.

**Mrs Bassat**—So ‘right on the doorstep’ has a totally different connotation there. That is the first thing. Secondly, to the best of my knowledge, there have never been funds, certainly from Australia, to anything other than environmental and refugee resettlement programs. Thirdly, if it is a cultural centre, I do not know how that can be an affront to anyone else. Why don’t you turn that around and say, ‘Why, in what is purported,’ and I do say purported, ‘to be a Jewish state is the mosque not considered an affront?’ That is allowed to have freedom and yet a Jewish cultural centre is termed an affront. That in itself speaks of the type of pejorative language that is being used.

**CHAIR**—I will get more specific information, and I will come back to you.

**Mr Jones**—We would want that.

**Senator SCHACHT**—One particular human rights issue that I think is important is the case of Mr Vanunu, the person found guilty of exposing Israeli nuclear secrets. There have been a lot of stories over time, but recently there was a major article in one of the weekend newspapers in Australia about his condition, the secrecy of his trial, his solitary confinement, the lack of contact, et cetera, and there was a suggestion that the long period of complete solitary confinement and the nature of his imprisonment, although he was not physically tortured, was clearly psychologically damaging and he may well have suffered mental deterioration. If that is true, then I believe that, whatever his crime, he has suffered a form of barbaric imprisonment—not as bad as having someone beaten or having electric shocks or anything like that, but there is no doubt that psychologically he has suffered way beyond what I think a civilised state, which Israel quite rightly claims to be, should have imposed on him.

Has the Jewish community in Australia any view about Vanunu? Have they raised as a human rights issue the terms and style of his imprisonment? The other suggestion was that his real crime, which compounded it, was that he converted to Christianity. I find it strange not that he converted but that the Jewish state would get even for someone converting—but that was one of the inferences. I also have to say that it appears, unfortunately, that ASIO in

Australia might have played a role in his apprehension, which I thought would not have been in our best interests. Does the community have a view?

**Mr Jones**—One of the key points you raise is if it is true. We have certainly made inquiries to try and find out what is true and what is not. The line that was in the feature article in *Good Weekend* a few weeks ago, that his sisters would have broken Jewish law by having contact with him if he was a Christian, would mean that the two of us and every Australian Jew and every Jewish person I have ever met in every country is regularly breaking Jewish law. That was an absurdity. With regard to the concept that Israel is persecuting him because he converted to Christianity, you would have to ask: what about the others who have converted to Christianity or Islam or whatever? It does seem a very strange argument and almost a gratuitous—

**Senator SCHACHT**—I do not accept it.

**Mr Jones**—I know that article because I tried to find out what was right and what was wrong in it. It said that he was not allowed to receive parcels. Israeli prisoners are not allowed to receive parcels, except those presented and opened in front of people, by which time they are no longer parcels, so that was not a particular persecution. I believe there was a hearing in September in Beersheba on Vanunu's conditions. As I understand it, the key issue with Vanunu—again, we are working only from the inquiries that we can make—is that he has said that, if he is free, he will reveal the information which has been assessed regularly by Israeli justice to still be something which would compromise Israel's national security. It is very complex—what can you do with somebody who says, 'If you let me out I will do the thing I have been prevented from doing by these trials'? With regard to the conditions, we are in regular communication with the Israeli Embassy here to try to find out at least what their arguments are. One of the difficulties in this particular case is, as you say, so much of it is conjecture. We do not really know.

**Senator SCHACHT**—Every time I hear a government, even my own, say, 'National security is at stake,' I am always suspicious that that is a grab-bag line to cover a multitude of sins.

**Mr Jones**—But fortunately, now, with the Internet you can read the Syrian, the Lebanese, the Egyptian news translated in English, and you can pick up the statements made within the Iranian Majlis, you can hear from Saddam Hussein, you can hear there are people who present serious existential threats to Israel. Obviously, I am not trying to belittle your comment. What I am saying is sometimes it is going to be a gratuitous throwaway defence, other times it is going to have meaning, and this could well be a situation where it does, but I cannot say with certainty.

**Senator SCHACHT**—Has Israel signed the Nuclear Non-proliferation Treaty?

**Mr Jones**—No.

**Senator SCHACHT**—Therefore, I might say, as an internationalist, that what he is doing is in the best interests internationally because it is explaining to the world that there is a country that has a nuclear bomb or a number of nuclear bombs and that this is a threat to

the international security of the world. Therefore, I might say that he has done all of us a favour by exposing this.

**Mr Jones**—Yes, you might say that.

**Senator SCHACHT**—Anyway, I am pleased to hear that your community—

**Mr Jones**—We find out what we can.

**Senator SCHACHT**—I would be interested to hear any information you can give us on the condition of Mr Vanunu, who I think has been harshly dealt with.

**Mr Jones**—I want to say one other thing which I should have said earlier with regard to religious freedom in Israel. When Jerusalem was under Jordanian administration, every speech given on Friday at the mosque was read through by the Jordanians and censored. When Moshe Dayan was in charge of Jerusalem he said that was an unacceptable practice, that it went against freedom of religion. So the speeches given every Friday in Jerusalem at the Al Aksa Mosque, which are now available in English on the Internet, together with so much, are not censored. Some of them are extremely hostile, provocative and, you could say, full of incitement against Jews generally, including the Jews in Jerusalem. To me, that is a very high level of recognition of religious freedom, and probably one which many other countries would say is even over the top. But Israel takes religious freedom incredibly seriously.

**Mrs Bassat**—If I may give one very small example. I give it, not because of the case itself, but because it had wide publicity and it is illustrative of how the courts deal with this matter. It is the example of a young woman who was handing out pamphlets which were a slur on Islam. I think it depicted the prophet Mohammed in an extremely offensive manner. That woman was immediately dealt with by the courts and punished. I cannot think of a parallel where there was no physical harm but very enormous offence to the Muslim people of Israel, where another country in the Middle East would have dealt in such a way with someone who had offended on that level. It is an illustration of how the country as a whole deals with these matters.

**CHAIR**—We have run very badly over time. In talking about Israel—and I acknowledge that I raised the subject—we almost come back it seems to me to the fundamental question about where you separate the religion from the nationality. There are far broader issues other than religious factors, of course, in there about which we all have various views. Thank you very much for coming today. We will write to you about any further matters that we need additional information on. We will send you a copy of the transcript of your evidence to which you can make corrections of fact. Thank you once again for coming.

**Mrs Bassat**—Thank you for giving us the opportunity.

[12.33 p.m.]

**ERTAS, Mr Daniel, Vice President, Syrian Orthodox Federation of Australia**

**CHAIR**—On behalf of the subcommittee, I welcome our next witness, who is the representative of the Syrian Orthodox Federation of Australia. 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 address if you wish, and then we will proceed to questions.

**Mr Ertas**—Thank you. As honourable members of this subcommittee are aware, the Turkish government has violated and continues to violate the articles of several international declarations and conventions on human rights, and they continue to persecute the Syrian Orthodox Christians and other Christians in the country. After the systemic genocide of the Syrian Orthodox community in 1914, 1915 and beyond, there now remains about 2,400 left in the south-east region and almost 14,000 Syrian Orthodox Christians in the main cities of Turkey. Not long ago, there were close to one million Syrian Orthodox Christians living within Turkish borders.

The Syrian Orthodox people, who are also known as the Syrians or the Arameans, are in a unique situation in that they are yet to be recognised as an ethnic minority group under the 1923 Treaty of Lussanne, in which equality of Turkish minority groups was guaranteed under the law, although even for the Jewish, Greek and Armenian communities, equality under the law has somewhat failed to materialise.

Clearly the Syrian Orthodox community are on the path to absolute annihilation and genocide within south-east Turkey. The community can no longer fend for itself and it needs international assistance before it exists no more in its original homelands. There is positive action taking place and this includes the upcoming visit to the south-east region in December by the UN Special Rapporteur and the OSCE meeting, which is the Organisation for Security and Cooperation in Europe of which the United States and Canada are members. That meeting will be taking place quite soon as well, I understand.

It is also the responsibility of the Australian government, I believe, to take appropriate action against Turkey. The history of persecution against Syrian Christians is immense. Current persecutions and killings are equally disturbing. Although difficult to ascertain exact numbers, the Jubilee Campaign, a human rights organisation based in the United Kingdom, has provided a list of at least 44 unsolved murders of Syrian Orthodox people in the south-east of Turkey in more recent times. I have provided you with a list.

Without question, the persecution of the Syrian Orthodox community continues unabated, and I have provided that information in the submission so I will not go over it again. Basically, I sit before this subcommittee in the hope that awareness may achieve something—anything. I can make no absolute demands on you or on the Australian

government. The Syrian community does not have the power for that and the reality is that Turkey has too many friends in too many influential places for my words to be taken too seriously. However, I do not believe it will stop the Syrian Orthodox community from fighting the cause which we believe so strongly in. Therefore, the Syrian Orthodox Federation of Australia recommends the Australian government take the following action—and, again, I have provided you with a list of those recommendations. Would you like me to go over them?

**CHAIR**—Everybody has a copy. No, that is all right.

**Mr Ertas**—That is basically it then.

**CHAIR**—Thank you.

**Senator SCHACHT**—What is the size of the Syrian community in Turkey?

**Mr Ertas**—There are 14,000 Syrian Orthodox Christians.

**Senator SCHACHT**—Fourteen thousand?

**Mr Ertas**—Yes. Probably most of them are in Istanbul and there are 2,400 left in the south-east region where all the persecution is taking place.

**Senator SCHACHT**—That is people?

**Mr Ertas**—Yes, people.

**Senator SCHACHT**—Only that number left now?

**Mr Ertas**—Only that number left. Most of them migrated out of Turkey during the 1960s and 1970s, the ones who survived.

**Senator SCHACHT**—Did any go to Syria?

**Mr Ertas**—Yes. There are probably about 70,000 Syrian Orthodox Christians in Syria and about 5,000 who have come to Australia to reside. A great number, about 70,000, are in Sweden and 60,000 in Germany. There are numbers like that, but in order to survive they all had to escape from Turkey.

**Senator SCHACHT**—How many Syrian Christians are actually in Syria? What is the size of the community in Syria?

**Mr Ertas**—When you talk about Syrian Christians, there is about 15 per cent of Christians in Syria. But Syrian Christians would also include Syrian Catholics, Syrian Protestants and so on. They were originally part of the Syrian Orthodox community, or the Aramean community, before they changed over.

**Senator SCHACHT**—Historically for centuries the area in south-east Turkey has been where the Syrian Christian community has lived?

**Mr Ertas**—Yes. I am not too sure about your awareness of the Old Testament, the Bible and all that type of thing, but basically, the Aramean people populated the entire western region of the Middle East and up north as well. So we had several city-states in that south-east region and that is where most of us resided, and all the way down the left as well. So they have been there for thousands of years, actually.

**Senator SCHACHT**—Thank you.

**Senator BOURNE**—With this list of unsolved murders, which is pretty damning, do you know if Amnesty International has taken up any of this?

**Mr Ertas**—I have contacted Amnesty International on several occasions. Through Australia, there is no action taking place. Their head office in the United Kingdom has sent me sporadic information on what is going on, but nothing like that. I have never seen anything like that from Amnesty. I had to get that information through the Jubilee Campaign, which regularly visits south-east Turkey. In Australia, Amnesty have said to me, ‘We don’t even have a group that know the Syrian Orthodox people, so if you want to start one, then go right ahead.’ That does not help us very much.

**Senator BOURNE**—I ask that because I know that the Australian government does take up—and has done for years—every urgent action case through Amnesty. So if any of these had been, they would have been taken up by the Australian government. But if they have not gone through that process through Amnesty—

**Mr Ertas**—Not that I am aware.

**Senator BOURNE**—It is unlikely then.

**CHAIR**—Most of those Amnesty urgent action things actually come out of the UK as well.

**Senator BOURNE**—They do, out of the head office.

**CHAIR**—If the head office in Europe is aware, is active, then they would be picked up and the government would pursue them.

**Mr Ertas**—I have sent quite a few letters to the UK head office as well, asking them for information on Syrian Orthodox people, but they took that to mean Syrian Arabs, so I have been getting all this information on Syrian Arabs which I really do not know what to do with.

**Senator BOURNE**—Very interesting, but not what you are after.

**CHAIR**—You obviously did not ask the right questions.



**Senator PAYNE**—How many members of your community are there in Australia?

**Mr Ertas**—About 5,000, and most of them are in Sydney, but not very active.

**Senator PAYNE**—In Western Sydney?

**Mr Ertas**—Yes.

**Senator PAYNE**—Is it your view that they feel free to practise their Syrian Orthodox religion as they wish?

**Mr Ertas**—In Australia?

**Senator PAYNE**—Yes.

**Mr Ertas**—In Australia, yes. We are blessed that we even got here, to be quite frank with you. A lot of us ended up here by accident.

**Senator PAYNE**—What do you mean?

**Mr Ertas**—A lot of the Syrian Orthodox people escaped from Turkey and went to Syria. A lot of them went to Lebanon and a lot of them remained there until one country would allow them in. So the first couple of families ended up in Australia and then other families ended up in Sweden, Germany, Holland and throughout Europe. Some of us were very fortunate to have a few relatives in Australia and ended up coming here, but most of them went to Sweden and Germany because they had the open immigration policy at that time, during the 1970s and 1960s.

**CHAIR**—Where you finished up was a lottery?

**Mr Ertas**—Yes, basically.

**Mr HOLLIS**—When you say that you are permitted to practise your religion here, do you have your own ministers?

**Mr Ertas**—Yes, we do. We have an archpriest of Australia, whose name is Reverend Father Zeki Zitoun. Our archdiocese is in Lidcombe. We have four churches in Sydney, two churches in Melbourne and one church in Perth. So we are doing okay. The Australian government has been great to us, although we are not very active.

**Mr HOLLIS**—When you say that you are not very active, in what way do you mean?

**Mr Ertas**—We are not very active politically. We went through a process even of trying to get our archdiocese built, for example. It took us five years to get it through council, and that was on the same land and involved just an extra floor. We do not know the processes; we do not know who to go to; we do not even know what we are doing. We have only been here for about 30 years, so we are not a well-established minority group.

**Senator SCHACHT**—How many members of your community have taken out citizenship?

**Mr Ertas**—Probably almost all of them.

**Mr HOLLIS**—How close knit is the community?

**Mr Ertas**—We are pretty close.

**Mr HOLLIS**—Do you have social functions?

**Mr Ertas**—Yes. The Syrian Orthodox Federation regularly holds social functions, parties and educational events. We are pretty close. We could be closer, and there is always going to be in-fighting and all the rest of that type of thing which goes on within every community, I would say. They are a great bunch of people, I must say. They go to church and we all do that type of thing. The other thing about the Syrian Orthodox community in Australia is that they are all very hard workers and they own their own businesses.

**Senator SCHACHT**—There are not high levels of unemployment amongst the community?

**Mr Ertas**—No, not at all. There would be probably much less than the Australian average.

**CHAIR**—Mr Ertas, you have given us a paper here headed ‘Recommendations to the Australian government’. There are 14 of them. Having a quick glance, I would not have thought there was much there that anybody on this committee would argue with. I would not have thought there was much there that, frankly, the government would argue with. I suspect that many of those things, if not all, probably to some extent or other, are already being undertaken by the government. My question is: have you submitted this list to the government and, if so, have you had a response?

**Mr Ertas**—No, I have not submitted it to the government. This is the first forum in which the Syrian Orthodox community have even—

**Senator SCHACHT**—How did you hear about this forum?

**Mr Ertas**—Through a friend of mine who works at the Refugee Review Tribunal. He saw the advertisement and said to me, ‘Daniel, you’d better go and do it.’ I have appeared before Amnesty International as well and I have given a speech to them in October 1997. That was the first time they had heard of it in Australia and that was through this contact as well, who is very heavily involved in the Catholic community. So he always keeps me abreast of any opportunities for us.

**CHAIR**—Good for you.

**Senator HARRADINE**—Thank you for your submission. Just following up what the chair asked you, concerning the continued persecution of your brothers and sisters in Turkey,

have you been in touch with the foreign affairs department or the office of the Minister for Foreign Affairs about the need for Australia to protest to Turkey about those matters?

**Mr Ertas**—No, I have to say that we have not done anything, really.

**Senator HARRADINE**—Is that because you did not know where to go or what to do?

**Mr Ertas**—We did not know where to go and, as you can see, the Syrian Orthodox Federation is a very young group of people. We are probably the first generation who are actually university educated people to come through the community. The community are very old, so it is very difficult for us to even know where to go or what to do. It is only through contacts that we have established that we even know what to do. As I was saying to the chair, this is the first forum in which we have expressed these views, which is a shame.

**Senator SCHACHT**—One of your recommendations deals with the release of Soner Onder. In the submission you give the details of his case which, if correct, is horrific. Has Amnesty taken up his case individually?

**Mr Ertas**—They have.

**Senator SCHACHT**—With respect to the evidence you have given here on page 4 of your submission, they have accepted the validity of the evidence of his torture?

**Mr Ertas**—That has actually come from Amnesty International.

**Senator SCHACHT**—I see. You do not know whether the Australian government has made any particular representation on behalf of Mr Onder?

**Mr Ertas**—I do not. I am not aware of any.

**CHAIR**—My understanding is that they have, in the context, I think, of not expressing a view about guilt or otherwise, but urging the Turkish government to make sure that they apply internationally accepted due process in his trial and so on. In fact, I am very confident that that has happened because I have asked the question previously.

Resolved (on motion by Mr Hollis):

That the document from the Syrian Orthodox Federation entitled *Recommendations to the Australian Government* be accepted as an exhibit to the inquiry into freedom of religion and belief.

**CHAIR**—We can incorporate that.

**Senator SCHACHT**—With the list of people who were killed?

**CHAIR**—Yes, plus the list. Is it the wish of the committee that the documents be incorporated in the transcript of evidence? There being no objection, it is so ordered.

*The documents read as follows—*

**Senator SCHACHT**—On that list you say ‘unsolved murders’. Do you and Amnesty have any informal information, not proven in a court, that these people were killed politically?

**Mr Ertas**—We are unaware of that. I cannot say with absolute certainty that that is the case. I have been speaking to Jubilee Campaign and, from what they say, the political situation in Turkey or in south-east Turkey is one—

**Senator SCHACHT**—Is mixed in with the Kurdish issue.

**Mr Ertas**—Exactly right. What you have is the Syrian Orthodox community caught in the middle. You also now have the Hezbollah in there as well.

**Senator SCHACHT**—In south-east Turkey?

**Mr Ertas**—Yes. There are fundamentalists in there as well. What you have now are fundamentalist Muslims, extremists, coming around and killing innocent Christians, and you also have Syrian Orthodox Christians caught in the middle of the PKK and Turkish government. What can they do? Villages are also being closed down in south-east Turkey. At the moment there are only 21 villages left, as opposed to the thousands that were in south-east Turkey only 50 years ago.

**Senator SCHACHT**—And they were mainly Kurdish?

**Mr Ertas**—They were actually Syrian Orthodox villages. At the moment, probably only about five villages are being occupied by Syrian Orthodox Christians. The other 15 or so have maybe one or two families in them, so you cannot really call them a village anymore. That is also because the Turkish government has gone on a campaign of closing down villages and destroying villages that exist in order, basically, to not allow the PKK into those villages and to take food and do whatever. It is a terrible situation in which the Syrian Orthodox community find themselves.

**CHAIR**—Since there are no further questions, thank you very much for coming and talking to us today.

**Mr Ertas**—Thank you all very much.

**Proceedings suspended from 12.53 p.m. to 2.02 p.m.**

[2.02 p.m.]

**MacLEAN, Mr Donald Howard, Director, Watchtower Bible and Tract Society of Australia**

**TOOLE, Mr Vincent Joseph, Legal Officer, Watchtower Bible and Tract Society of Australia**

**CHAIR**—On behalf of the subcommittee I welcome representatives of Watchtower Bible and Tract Society. 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 committee 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 we will then proceed to questions.

**Mr MacLean**—I would like to express appreciation for coming before the committee. Most religions espouse principles of tolerance and morality and thus the free practice of religion can promote stability within a community.

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights show that the international community believes religious freedom to be of very considerable importance. Nevertheless, throughout the world religious intolerance continues and is increasing.

As far as Jehovah's Witnesses are concerned, the intolerance is exhibited by both secular authorities and religious groups. So we must, at the outset, say that much of the discrimination against Jehovah's Witnesses by governments is supported or instigated by other religions. While Jehovah's Witnesses stay clear of politics and do not try to use religious influence to steer or control governments, this is not the case with many major and minor religions.

In our submission we directed attention to some conspicuous examples of discrimination against Jehovah's Witnesses. We did so to highlight failings within the systems in which they occur. For example, a parliamentary inquiry into dangerous religious sects in France obtained its information about Jehovah's Witnesses from those who oppose us, and they did not seek or accept information from the Witnesses themselves. Thus the published report was based on misinformation.

We believe that discrimination seldom occurs in a vacuum. Thus, to eradicate religious intolerance, the climate for religious tolerance must first be improved. There also has to be an international and unbiased source of reliable information on religions, on their beliefs and practices.

Religious discrimination and persecution is often based also on fear. Fear is often based on inaccurate information. For example, one hears of the Jonestown mass suicide and the

Waco Texas massacre and assumes that, because Jehovah's Witnesses are zealous in their religious worship, they promote blind loyalty and members would commit suicide.

Despite the guarantees of religious freedom contained in the Constitution of Singapore, Jehovah's Witnesses are under a ban in that country. Their religious and morally up-building literature, including copies of the authorised King James version of the Bible published by the Watchtower Society, and publications that are freely distributed throughout Australia and much of the rest of the world, are considered 'undesirable publications'.

This action by the Singapore government is based on the stand taken by the Witnesses to remain neutral in military and political matters. In most countries, authorities have come to realise that the Jehovah's Witnesses' position in this regard poses no real threat to national security. Individuals have been imprisoned—some have lost their jobs—and the courts have not upheld their rights under Singapore's constitution. So that is Singapore.

Despite the guarantee of freedom of religion found in article 28 of the 1993 Russian constitution, Russia has recently enacted legislation restricting the activity of religions considered to be 'foreign' or 'new'. While Jehovah's Witnesses have been accepted for registration recently as a recognised religion in Russia, attempts have been made to close meetings and disrupt religious activities, and the clergy of the traditional faiths support and vigorously advocate these measures in Russia.

Several criminal investigations have been brought against the Moscow congregation but each investigation has been closed because the allegations were demonstrated to be false. At this time a civil prosecution is continuing and seems to be putting non-orthodox theological beliefs on trial rather than adhering to the rule of law or allowing freedom of belief in that country.

In France and throughout Europe there is a move to impose crippling taxes on Jehovah's Witnesses. We have been in France now for over a hundred years and we are the third largest Christian religion in that country. The French government is currently attempting to impose a 60 per cent tax on all donations made to Jehovah's Witnesses. The tax is imposed on no other religious organisation. This action is based on a report which classified Jehovah's Witnesses as not being a religion but rather a sect—and this is the land of liberty, equality and fraternity, as you know.

From time to time we have received support from non-government organisations, particularly in exposing the persecution. We have also received support from the American embassy, the US Secretary of State, Madeleine Albright, and the President's wife, Hillary Clinton. However if any international steps taken by Australia in support of religious freedom are to be truly effective, Australia needs to consider whether it is upholding the principles of religious freedom at home. I just give two examples highlighting something in our submissions to the committee. Firstly, we notice that the present Australian state laws permit blood transfusions to be administered to minors without parental consent and, secondly, we note the discriminatory manner in which adoption laws are applied to Jehovah's Witnesses in Australia.

In summary, we believe that at home the Australian legislation should be amended to permit parents to obtain medical treatment for their children without violating their conscience and to prevent religious discrimination in child adoption. This may include clarification of section 116 of the Australian Constitution. Abroad, we believe that Australia could be actively aware of religious discrimination and be prepared to make representation and speak out against violations of freedom of religion. Perhaps we could see non-government organisations supporting this work, particularly as a watchdog of religious freedom, but we believe the Australian government must at least voice strong objections to these violations.

**Senator SCHACHT**—I want to raise this issue that you have raised at great length in your submission on blood transfusion and the role of law in Australia. You say this is an invasion of your religious beliefs. On page 33 of your submission you say:

Jehovah's Witnesses base their stand concerning blood transfusions on the law of God as set out in the Holy Bible.

Can you tell me what part of the Holy Bible deals with blood transfusion?

**Mr MacLean**—We have the Book of Acts in chapter 15, verses 19, 20, 28 and 29 which talk about blood and the misuse of blood. The first meeting of the newly formed Christian congregation—what you might term their governing body—had to make a decision about the Gentiles, the non-Jews, coming into the Christian congregation. The use of blood was not prohibited to them but it was to the Jews, so we had the decision there being made by this group of Christian men that blood was not to be taken. It was equated with fornication and with idolatry, so blood was a prohibited substance to be taken by the Christians.

**Senator SCHACHT**—Which Holy Bible are we talking about?

**Mr MacLean**—The King James version or any Bible that we have in this country.

**Senator SCHACHT**—That was written nearly 400 years ago in the early 17th century. Are you confident that the versions of the Bible going back to 1,600 years before that have the same description as you say the Acts have about blood transfusion?

**Mr MacLean**—Yes. You will find any translation of the Bible that you could pick up in this country—any modern version or old version—would have the same text exactly.

**Senator SCHACHT**—The same text?

**Mr MacLean**—Yes.

**Senator SCHACHT**—Again, I cannot claim any great knowledge of the Bible, but are you the only Christian church or denomination that has interpreted that section of the Bible to mean that blood transfusion is not allowed?

**Mr MacLean**—Probably so, yes.

**Senator SCHACHT**—Do you agree with the legislation that the Australian parliament has put through to ban female genital mutilation and circumcision that is carried out for cultural reasons in countries that are overwhelmingly, but not totally, non-Christian?

**Mr MacLean**—I think any person in this country would feel that is a very cruel and unnecessary operation.

**Senator SCHACHT**—Which is life threatening.

**Mr MacLean**—Yes, very much so.

**Senator SCHACHT**—Couldn't the absence of a blood transfusion be life threatening as well?

**Mr MacLean**—We do not view it that way. Perhaps Mr Toole might like to make some comments about that.

**Mr Toole**—In answer to your question as to whether this has been a standard. If we just remove emotion from the discussion because it is a fairly emotive subject and the newspapers tend to blow it up that way—

**Senator SCHACHT**—I am just quoting what you have written, not what the newspapers have written.

**Mr Toole**—What I was mentioning is that the scriptures simply say to abstain from blood. It is not an ambiguous statement. If you go to the doctor and he says, 'Abstain from alcohol', it is not as though what he means is complicated. Jehovah's Witnesses interpret 'abstain from blood' to mean, effectively abstain from blood and have nothing whatever to do with it. To take the point that you raised, I will take you back to a historical quotation from Tertullian. He lived from 160 to 230. He says:

Let your unnatural ways blush before the Christians. We do not even have the blood of animals at our meals for these consist of ordinary food. . . . At the trials of Christians you -

That is the pagan Romans—

offer them sausages filled with blood. You are convinced, of course, that the very thing with which you try to make them deviate from the right way is unlawful for them. How is it that, when you are confident that they will shudder at the blood of an animal, you believe that they pant eagerly at human blood.

The interdict upon 'blood' we shall understand to be much more upon human blood.

So effectively what that is saying is that back there one of the ways they used to establish who were Christians was to try to get them to violate the edict on blood. They tried to get people to eat blood sausages et cetera. The point I am making is that this was understood back in the early Christian church to be a prohibition.

**Senator SCHACHT**—In any of the testaments, did Christ himself use the phrase, 'to abstain from blood'?



**Mr MacLean**—Not specifically, no, but he quoted God's law continually hundreds of times including various parts of the law of God which contain this very prominently in it.

**Senator SCHACHT**—Which law of God is that?

**Mr MacLean**—That is the old Hebrew law that was given to the Hebrew Jews of which Jesus was, of course, a Jew himself. He was familiar with the laws.

**Senator SCHACHT**—He was Jewish, of course. He was born a Jew. Back to the Old Testament and the Hebrew view, we should have asked this question when we had the Jewish people before us here before lunch. As far as I am aware, I do not think they ban blood transfusions.

**Mr MacLean**—No.

**Senator SCHACHT**—If it was an old Hebrew law, one would have thought it would have had some standing in Jewish practice and theology.

**Mr MacLean**—We would agree. We wonder why.

**Senator SCHACHT**—I see. I just want to turn now to the well-documented case from your point of view about children and the complaint that we have laws in Australia in all states giving medical practitioners the right to overrule the parents. Do you not think it is reasonable that, until a child is old enough to make up their own minds and has got some maturity, they should have the right to decide whether they have a blood transfusion which, if they do not have it, might actually mean that they die?

**Mr MacLean**—Do you mean the child?

**Senator SCHACHT**—The parents are imposing a view on the child at a very young age when the child has no ability to make their own judgment. I accept that. But surely you should give the child the chance to live long enough so that they can have the maturity of views to make a judgment that if they then choose to follow the views of the Jehovah Witnesses and not have blood transfusion, they make that choice and take the consequences. For the parents to impose a life or death issue on children who have not yet the ability to think for themselves, I have to say I find a complete and absolute attack on that child's human rights and their right to live.

**Mr Toole**—What you are saying—can I be pretty straight?

**Senator SCHACHT**—You can be as straight as you like. It is under privilege, so say what you like.

**Mr Toole**—What you are saying effectively starts on a premise that blood is not in itself a dangerous therapy. Medically, that is not necessarily the case. For example, just to quote Dr James Isbister, one of the leading haematologists in this country, quoted in an editorial in the *Medical Journal of Australia*. He says:

The fact that blood transfusion can be lethal has never been doubted, but the laity (sic) and many members of the medical profession have thought that the risks related only to the blood group. The long list of potential complications of homologous blood transfusion has been well known for many years and is ever increasing, but the fact that HIV can be transmitted by blood component therapy has taken the medical, nursing and scientific sectors of the health care profession, as well as patients, rapidly up the learning curve. A blood transfusion was previously seen as the gift of life, but the tables have been turned and the general perception now is that bloodless surgery and the avoiding of transfusion may be the gift of life.

All I am saying is that medically there is another side to the story, I am sure, in the light of some of the recent events that we have had even in this country. We have got hundreds of people suing the Red Cross as a result of getting hepatitis from blood transfusions. We have had an instance just recently in Melbourne involving a doctor where, in spite of what he was asked for, a young child tragically received AIDS from an infected blood transfusion.

All I am saying is that anybody who is going to have a blood transfusion in this day and age, whether for themselves or their children, is going to have to do a risk-benefit analysis. They are going to have to weigh up the benefits as opposed to the potential risks. If you read the submission that came in, particularly the one that we put in with it, it showed that virtually every kind of medical treatment can be done without transfusions. I will just round up my comment by citing a newspaper article written by the Chairman of Urology at Long Island College Hospital in New York. The article is entitled 'Are blood transfusions any longer necessary?'. The author says:

The introduction of bloodless medicine and surgery have brought the issue of blood transfusion into sharper focus.

... ..

Today blood would probably not be approved as a medication, since it would not fulfill safety criteria of the Food and Drug Administration.

... ..

The lack of hard data on the benefit of transfusion has added to the confusion surrounding transfusion practice. The benefit is so questionable that many surgeons have adopted a philosophy of "transfusion avoidance" not only for medical but also for legal reasons.

He concludes by saying:

It is quite possible that in the very near future transfusion will be eliminated altogether.

... ..

Transfusion is not only costly and dangerous; it simply does not provide the highest quality of care that patients deserve.

So our position basically is this. We do not have a blood transfusion for ourselves or our families, because the Bible says to abstain from blood. It is a religious position we take. But for people that are prepared to go out and do some research medically they find there is an awful lot of evidence that makes it make sense medically. I guess that is the reason why the doctor in Melbourne said what he said. I finish with a quotation from the *Bulletin* of 10 August:

Why did you have concerns about blood being made available?

My concerns about blood donation arise as a result of my training. Especially as a surgeon, one is constantly doing a risk-benefit analysis on behalf of the patient and trying to choose the right course. As far as transfusion is concerned, I know that there is a risk of infection, and I know that any blood bank has to trade off cost versus benefit in searching for viruses. I am aware how slow public health authorities seem to move in keeping up with the latest information on HIV. Blood banks are inevitably reactive, responding, sometimes slowly, to what other researchers have found, and sometimes choosing not to adopt the most recent advances out of costs restraints. With this knowledge it is only natural to have a healthy scepticism.

Are your concerns shared by the larger medical community?

The reason . . . why the blood bank and the Royal Children's Hospital seem a little defensive is that they would probably agree. I think most parents who are doctors would have done exactly the same thing . . .

All I am saying is that a lot of people, for medical reasons, would choose that. We are not saying in our recommendation that the law should not exist. What we have said is that there may well be circumstances arise where it does become an absolute life and death issue. We have said that in those circumstances that is the way the law should be framed. In its present form, the law is not framed that way and it allows an invasion of the family and an overruling of the principles of that family in circumstances that really do not call for that at all. It is in that sense that the laws are quite discriminatory.

**Senator SCHACHT**—You have quoted two different doctors. I presume if I rang the AMA and we sought the AMA's view or the view of the medical profession in various areas we would probably get 20 doctors saying the opposite. I presume when the legislation was brought down through state parliaments it was done very much with the support of the medical profession in Australia. I do not think members of parliament would have stepped in in a lively way to move such legislation without medical discussion and consultation.

**CHAIR**—I think you have put your question and, whether you agree or not, we have had the response. I suggest we move on.

**Senator SCHACHT**—I just want to say that I think the legislation actually protects the child's human rights and I think that the state has done the correct thing.

**Mr HOLLIS**—My apologies for coming in a little late; I was delayed downstairs. I am fairly ignorant about Jehovah's Witnesses. Could you just give me a little bit of a thumbnail sketch of roughly the numbers in Australia and the activities you engage in in Australia.

**Mr MacLean**—We have currently in the vicinity of 100,000 associates in the country. I came from Canada myself 51 years ago. When I arrived here there were about 3,500 active witnesses. It has grown very much in that time. We have 760 congregations in the various states. We have annual conventions. We will have one at the superdome here at the end of this month. There will be about 15,000 here in Sydney. We just had about 20,000 up in Brisbane and over in Perth last weekend another 12,000. We have these annually. Our work is involved in the public ministry. As you probably all know—you have been visited by one of our people, no doubt, at some time in the past—

**CHAIR**—Two, as I recall. Usually two.

**Mr MacLean**—Usually two, that is right. Our objective in doing that is to start Bible studies with people in their homes if possible. We leave literature. You have seen this magazine, *Awake!*, I am sure, lots of times. We left a copy of that one on religious intolerance with you. The *Watchtower* is published now in 135 languages, about 20 million copies every issue, so it is widely read throughout the world. We print them here at our place in Ingleburn. That is a little bit of our work.

**Mr HOLLIS**—You are not vegetarian, are you?

**Mr MacLean**—No, no. We have no dietary laws as such.

**Senator SCHACHT**—You have never eaten blood.

**Mr MacLean**—Just blood, that is all. We do not feed on blood; that is right.

**Senator SCHACHT**—But you eat red meat.

**Mr MacLean**—Nothing that has blood in it do we eat. We avoid that very much—like blood sausage.

**Senator SCHACHT**—So you do not eat your steaks rare then.

**Mr MacLean**—There again, you are coming into a fine line. The Bible says to drain the blood. It should be drained. We do that.

**Mr HOLLIS**—The point I was trying to make before Senator Schacht intervened is this: you said you had no dietary laws, and I accept that, but I was interested to ask if you were vegetarian, because it would seem to me—I am not an expert in the field—that unless you treat meat specifically it must contain an element of blood.

**Mr MacLean**—Yes. Obviously, yes. You do not spin-dry it or something like that.

**Mr HOLLIS**—You said you had no dietary laws. You do not treat the meat in a special way? You go and buy your meat the same as I go and buy meat?

**Mr MacLean**—We guarantee that it is bled before we touch it. Whether it is chickens or beef, or whatever it might be, it has to be properly bled. We have beef cattle on our property as a matter of fact, and that is supervised very carefully.

**Mr HOLLIS**—So you have a special butchery?

**Mr MacLean**—No, it is done by registered butcheries and so on. But we are very conscious of the fact that it must be bled.

**Mr Toole**—It does not have any special kind of bleeding; it is just bled as in the abattoirs. That is all the Bible says had to be done—blood poured out on the ground. God's people back in ancient times were permitted to eat the flesh. In many ways we are pretty normal, but we obey the law when it says 'Abstain from blood'.

**Mr HOLLIS**—That is all, thank you.

**Senator PAYNE**—I have one frivolous question and one serious question. I am taken by the reference on page 48 of your submission, or the part of your submission relating to adoption questions, that Jehovah's Witnesses are more qualified to be adoptive parents because they do not participate in dangerous sports. Is that a universal application to Jehovah's Witnesses—that nobody boxes, bungee jumps, hang-glides, et cetera? That is the frivolous one, you will be relieved to know. It is just an interesting thing to have in a submission, and I am slightly curious. I suppose golf could be dangerous.

**Mr MacLean**—We view our lives as something dedicated to God. In other words, we are doing the will of God, we consider, when we give that dedication and have the baptism as we engage in. Therefore, what we do with our lives is very important. We have no right to just on whim or impulse jump off a bridge or go bungee jumping and engage in very risky sports like you mentioned. Anything of that nature is abuse of our lives, we consider, so we try to preserve our lives in the service of God. That is the basic principle there.

**Senator PAYNE**—The serious question is in relation to your detailed submission on violations against your religion in various parts of the world—France in particular, but you go on to mention Eritrea, Armenia, Singapore and so on. There are a number of human rights organisations and human rights activist organisations in the world, such as Amnesty, with whom we met earlier this morning. When you put forward to this committee examples like this of violations of religious freedom, do you work with organisations like that in countries? Do you approach them for support to assist your members or your associates with these problems, or do you campaign alone to look after them and help them?

**Mr Toole**—We will take all the help we can get—anybody at all that is prepared to stand up and be counted. For example, in those court cases in Singapore, Amnesty, as I understand, came and sat down in those cases and listened to all that was presented there. They came to us for information. We supplied every bit of information we possibly could to try and assist. We feel that at the end of the day that is probably one of the means that could be promoted to a much greater degree to try and address these issues, because what ends up happening, as Mr MacLean's opening highlighted, is that you end up with a lot of misinformation and disinformation about things. If I wanted to know about you, I would not go and speak to someone who has got some other agenda that is opposed to you.

**Senator PAYNE**—There would be many who would help you with that.

**Mr Toole**—But I think it would be appropriate to come to you and to people who can look at your situation objectively. So an organisation like Amnesty International, who one would think does not have a hidden agenda or some other agenda, is prepared to objectively look at what is the position and then can make a report to those various organisations that are, in fact, working difficulties on our people and other religious groups as well. It would be considered a non-partisan group who would be very much in a position to be able to have a real input.

We have this situation in Europe where we are categorised as almost something out of a science fiction movie in some of these places, in some of these newspaper articles. People

are happy to take that aboard and then act on that basis even at governmental level. It is an extraordinary proposition. Yet we feel that organisations like Amnesty should be approached and should be fed information, for want of a better word, so that they can then make representations to those governments as an objective body that really is just objectively endeavouring to present the facts.

**Senator PAYNE**—In relation to France, I understood Mr MacLean to say that you were the third largest Christian religion in France.

**Mr MacLean**—Yes.

**Senator PAYNE**—How is it that you have achieved such a size, if you like, when the environment is obviously not a particularly conducive one at this stage?

**Mr MacLean**—Do you mean because it is predominantly a Catholic country?

**Senator PAYNE**—No, because of the attitude that you presented in your report of government and so on.

**Mr MacLean**—We have been operating in France for 100 years, as you notice there. There is a movement in France right now, because of this sectarian thing that has developed in the last few years—these weird sects that we have seen developing—and the country has become very sensitive to that type of thing. People are being classified as dangerous sects or dangerous cults. It has become a very prominent classification now in France, and that is what is making it so difficult for us because we are just lumped in with all the other ones.

**Senator PAYNE**—How many members or associates would you have?

**Mr MacLean**—We have about 200,000 in France. We find it very strange that they have classified us as a dangerous sect without any proper understanding of the operations of our work at all. They have gone to the opposing side and accepted, gullibly, what the opposers to us have told them. They have accepted that as gospel truth and they have acted upon that, so we are very active in France trying to clarify that point, distributing publications and going through various means to inform the people of the true position of the Witnesses.

**CHAIR**—Can I just pursue that a little bit? I do not think there is much doubt that there are groups or sects, whatever label you might apply, that most of us would regard as not in the public interest. There are people who commit acts of violence or mass suicides or whatever. What suggestions would you have as to how civilised society either defines sects or, if you cannot effectively come up with a worthwhile definition of sect or if it is not possible, how society protects itself from groups that it perceives as doing the wrong sort of thing? How does society say, ‘That group is okay, but that group isn’t’?

**Mr MacLean**—That is really what we are engaged in: the idea of informing people, studying with them and endeavouring to help them to reason and to be able to divide correctly what is right and what is wrong. I would just use a scriptural quotation. The apostle Paul said that mature people are those who, through use, have their perceptive powers trained to distinguish both right and wrong. That is from the book of Hebrews, chapter 5,

verse 14. That is the principle we would use, and we try to help people mature in their assessment of anything to do with religion. It is all very well to be dogmatic and say, 'I'm right and you're wrong.' But, then, where is the proof of it? Can you stand up and give an intelligent account of your beliefs and why you believe this? We believe the basis for that should be the Bible.

**CHAIR**—You have been active in France for 100 years and you have got 200,000 members, but they are still classifying you as a sect and they slug you with a 60 per cent tax which they would not other religions, which is a fairly draconian measure, although I suppose in other countries they may not be as civilised as to apply their prejudices with tax—they might do it by more direct means. Are you saying that really means that you have not actually got your message across in all that time with that number of people?

**Mr MacLean**—Not to the government officials.

**Mr Toole**—Mr MacLean has had a personal experience and I thought it might be nice if he could share it. He was actually in Quebec and, if you know much about history, Jehovah's Witnesses in Quebec were absolutely vilified in the most dastardly way at the time of the Second World War. He was there, part of it all. So he has actually seen first-hand what has now historically been demonstrated to be an absolute abuse of power in the entire system. Maybe a comment or two from him about that might enlighten your committee as to what it is like to be on the other end of that.

**Mr MacLean**—I think you have a submission here from the *Human Rights Without Frontiers*. Did we leave a copy of that with the committee?

**CHAIR**—Yes.

**Mr MacLean**—We have a few copies here if you would like to see them.

**Senator HARRADINE**—It is in their submission.

**CHAIR**—Yes, we have got it.

**Mr Toole**—We just left you some additional ones in case you did not all have a copy, that was all.

**Senator HARRADINE**—It is in the submission.

**CHAIR**—I have seen that somewhere.

**Mr MacLean**—This gentleman here pictured in the front is Mr Glen How from Canada. He took up the case of Jehovah's Witnesses in Quebec and fought that through for years to the Supreme Court. He finally won a very big victory in the Supreme Court for freedom of worship in Quebec. It became a national issue and the whole country was incensed over what took place in Quebec. The thing was that, at that time, there was no bill of rights in Canada, very much like in Australia. It was assumed that everyone had freedom of worship

in Canada, that there was no problem. But that Quebec issue was a stunning example of how freedom of worship can be denied to people in a country and on a grand scale.

At one time there were 1,800 people under arrest in Quebec for going about their work as Jehovah's Witnesses. There was no freedom of assembly; they would break into our meeting places. They had a big headline in the paper that Premier Maurice Duplissis of the province had 'declared war on Jehovah's Witnesses'. It was quite a thing back in the 1940s and 1950s.

Finally, this bill of rights was brought in mainly because of the fight of Glen How in the Supreme Court in this case of Jehovah's Witnesses. As you know, that became legislation and it is part of the country's arrangements now. I just thought it would be interesting to mention that because I remember so well the issue it was in Canada just before I came to Australia in the late 1940s.

**Senator PAYNE**—I was just going to say: is that why you left Canada?

**Mr MacLean**—No, I love Canada like I love Australia.

**Senator HARRADINE**—On page 57, in the conclusion of your submission, you state that:

Throughout the world, different reasons exist for religious discrimination, from misunderstanding the beliefs involved to being unwilling to accept another, possible non-traditional, view.

Could you expand on that, please, and what you think most often lies behind religious intolerance shown by governments or by individuals?

**Mr Toole**—If I can I will just explain it to you firstly so you understand our position in terms of that, and then I will go directly to answering your question. We take the view that we know that everybody we talk to is not going to agree with me or you. We understand that. But the fact that people do not necessarily agree with the position or your understanding of something does not mean you become intolerant of their view or that you cannot live with it. If we all had to be exactly the same on everything, it would be a rather unusual world. But we believe education—

**CHAIR**—You are fine as long as everybody agrees with me.

**Mr Toole**—Particularly in our situation. We call on people. If you have ever thought about being on our side of the door, for example, you have to become a pretty tolerant person because you get all sorts of views on all sorts of things. It is really quite fascinating to know what people believe and why they believe it. Now, I do not have to agree or disagree.

**Senator HARRADINE**—Politicians do doorknock from time to time.

**Mr Toole**—I guess so, and I guess it is the same thing—you will disagree but yet you are the best of friends. That is the view we take. The fact that people do not necessarily



share our particular understanding and they think, 'Oh no, that is not the way I want to believe it,' is fine. We are really trying to educate people and teach tolerance. That really is getting at the very root cause of the problem. It is fanaticism that causes some of these problems, where people have a singular view that their way is right and woe betide anybody who disagrees with it. It gets to the stage, when you start having that elevated to a level of government, where you have a very dangerous situation because then you are only one step away from totalitarianism, where you have people in high places deciding what you can and cannot believe on a whole host of things.

Tying in with your question before about what should governments do, I would have thought in a free society that people should be able to have whatever beliefs they want unless they become detrimental or positively disruptive to society at large. The price we pay for a free society is to allow people to have whatever opinions they want, unless it gets to the stage where they are destroying the public order. Now, whether or not it is destroying the public order should be a matter for objective analysis, not a subjective, bigoted type of imposition of other people's wills.

That is why we feel that, a lot of times, these people that have caused us tremendous difficulty have got a hidden agenda. For example, in Russia—and I do not think I am being unkind when I say this—the Russian Orthodox Church sees anybody that arrives there as a threat. We go out and we talk to people, and a lot of people are very interested in what we have to say. As a result, they study and they learn a lot of things and they wonder, 'Well, why weren't we taught all these things out of our own bibles before?' That really has disrupted a lot of what is going on in Russia. Many people have decided to espouse the beliefs that we are sharing. That is their choice. That is entirely their choice, but the Russian Orthodox Church sees that as a great threat. Now they have gone and framed mischief by law and all manner of media releases and disinformation.

One classic example in the midst of this court case going on over there that Mr MacLean mentioned is that of three young girls who committed suicide by jumping out of a window. Why they jumped out of the window, I have no idea, but the next thing is we are across the front page of the paper. This was the result of Jehovah's Witnesses having something to do with them and motivating them to commit suicide. How do you attack that kind of disinformation? That is extraordinary. We have nothing whatever to do with these people. We have no idea who they are. But you can see what is happening: it is not an objective body trying to allow people to have freedom of thoughts but rather it is somebody with a hidden agenda.

If Amnesty International or some other organisation could provide input to those governments, and if governments like Australia's were prepared to make representations to those governments and say, 'This has been our experience,' that should go a long way towards helping the situation. To the extent that we can educate people and help them not be frightened of gremlins, that is also good.

**Senator HARRADINE**—Are you in constant dialogue with other religions?

**Mr MacLean**—Not specifically, Senator, no.

**Senator HARRADINE**—Is there any reason for that? Are you part of the Council of Churches, for example, here in Australia?

**Mr MacLean**—We do not become involved in interfaith movements as such. We respect other religions, as Mr Toole mentioned. We know that everyone has a right to their own beliefs and when we visit people we try to have dialogue with them of different faiths, but we do not have conferences with faiths as such on a higher level. We prefer to go to people individually and to talk to them on that basis.

**Senator HARRADINE**—Do you see the benefit in the ecumenical movement amongst Christians to finally become totally united or not?

**Mr MacLean**—We do not think that will be of benefit because, from our viewpoint, so many of those that are involved in that type of thing are not particularly involved in the Bible teaching. We do not agree with their philosophies and their background quite frequently. Just let me give you one example. Virtually all of the churches in this country have, as their basic creed, the doctrine of the Trinity. They often say you cannot even become a member of the Council of Churches unless you believe that doctrine. We do not believe it. We think it is diametrically opposed to the Bible teaching. We emphasise, as one God, Jehovah and his son, Jesus Christ. So just from that angle alone, at basic teaching we could not go along with those people who believe this and unite with them in the common cause.

**Senator HARRADINE**—What about common prayer with other religions that believe in one God—Christian religions and, say, the Muslim religion? Do you come together? I am trying to see what actions maybe you are taking to break down the barriers.

**Mr MacLean**—Yes, I understand what you mean, Senator.

**Senator HARRADINE**—And the prejudices for that matter.

**Mr MacLean**—We are very much in favour of breaking down the prejudices and having people see eye to eye but, again, may I just emphasise that we cannot go along with the basic teachings of these churches. For that reason we do not act intolerantly toward them, but we say, ‘Let us see what the Scriptures say. Let us come to a common understanding of what God’s word says, which you also profess to believe.’ In that way we become united in the Bible teaching. That is what we emphasise. So that is the position.

We are not intolerant toward them. They have a right to believe that. But we do not feel that we can have unity and prayer with them or fellowship with them because of their teachings. They are praying to a Trinity God which we do not believe in. We are praying to a Jehovah God whom we believe is supreme.

**CHAIR**—So if, for argument’s sake—heaven forbid—a terrorist bomb exploded and this building crumbled and we were all killed, there are people in this room who are Catholics, there are yourselves and there are those who have no faith at all. That is on the public record this morning. After the initial trauma and so on, it is likely there would be a memorial service. Would you join with other religions or churches in a joint memorial service for

those who perished in this terrible tragedy or would you stand aside from that and have your own totally separate service? I think this is what Senator Harradine was getting at.

**Mr MacLean**—We will take an example of what happened with that terrible train crash in Britain. Individuals certainly have a feeling of compassion and concern for those people who perished and we certainly want them to be remembered by God, as well as, naturally, by their loved ones and so on. That would be an individual matter of choice. Some individuals from our people may want to go along and express condolences, and even say a prayer on behalf of those people that they might be remembered by God.

**CHAIR**—There were multid denominational commemorative services there.

**Mr MacLean**—Yes.

**CHAIR**—You are saying that your church as an organisation would not officially participate in that?

**Mr MacLean**—As an organisation we would probably not be there, no, but individuals have that right.

**Senator SCHACHT**—You said before that in Quebec you were opposed and you said that in Russia you were opposed by the Orthodox Church. Is the opposition to Jehovah's Witnesses around the world overwhelmingly from other Christian religions? Is that where you see most of your opposition?

**Mr MacLean**—Yes, and also, of course the Islamic faith is very hostile to our work.

**Senator SCHACHT**—Is the hostility from other Christian churches because, as you say, you do not believe in the Trinity; I presume that means that you see Christ as a prophet of God and not a divine figure.

**Mr MacLean**—We see him as God's son, subordinate to his Father.

**Senator SCHACHT**—Is that the reason why they oppose you?

**Mr MacLean**—That is just one. That is a basic doctrinal difference.

**Senator SCHACHT**—I can understand that.

**Mr MacLean**—We have a parallel in the case of our Lord Jesus when he was on the Earth, and the early Christians. They were very much opposed by the Jewish clergy and system at that time because they were not with them in their thinking and their practices. Jesus called them hypocrites in his case. He was very forthright in his condemnation of their hypocrisy and so on. That was the standard Jewish system at that time. The Christians left that system and they were vilified because they would not go along with the popular opinion that tied the thinking at that time. Our Lord stuck very closely to the scriptures and quoted them continually in his ministry. They cut right across the traditional teachings of the church

back then. He said, 'You have made the word of God invalid by your traditions.' In other words, they put tradition far above the word of God.

**Senator SCHACHT**—Who was the Jewish God?

**Mr MacLean**—The Jewish God was Jehovah. They professed to worship Jehovah but they did not, really.

**Senator SCHACHT**—Is the doctrinal thing the reason that you think they are opposing you?

**Mr MacLean**—That is what Jesus said—that their doctrines were above the word of God, and that incensed them.

**Senator SCHACHT**—I do not want to get into a theological debate, but on the record have they expressed any other attitude about the activities of your church that they find offensive—I raised one myself earlier on—that meant they have been active in opposing your Christianity?

**Mr MacLean**—Mr Toole mentioned a moment ago what happened in Russia. The predominant church there, the Russian Orthodox Church, is worried that inroads are being made into their populace. They have the domain there, which is their sacred domain of all these multitudes of Russian people—the traditional church of the country.

In Quebec, as you know, it was a very strong church oriented society there. I guess you all know about that. The same thing happened there: we would approach a village or a little town to do some of our witnessing and meeting people. They would ring the church bells and school bells. The school would be emptied and there would be a great mass of young people and others joined together to drive our people out of the city or the town. That went on for years, until finally we had to take some action to expose it, and that inflamed the thing tremendously. That is when they declared war on us. That is the reason why we have the opposition: it is a feeling of concern that we are invading their flocks.

**Senator PAYNE**—I have read in a number of the submissions a reference to voting. Do members of the church not vote?

**Mr MacLean**—No. We do not take sides politically; we avoid that. We maintain a neutral stand in regard to those things.

**Senator SCHACHT**—You do not vote?

**Senator PAYNE**—That is what he said.

**Mr MacLean**—No. We take advantage of the laws in each of the states in this country which allow people who have conscientious religious feelings not to vote if they wish not to.

**Mr HOLLIS**—Don't you feel that you have a moral responsibility to vote?

**Mr MacLean**—I will just make this point: please do not feel that because we do not vote that we do not believe in order and the law and the support of Caesar, as the Bible terms it. We have a moral obligation to be strictly obedient to the law of the land. We support it and we believe it is correct to do that. We have a God-given right to do it and we should do it. But as far as supporting one party against another, we have never done that.

**Mr HOLLIS**—It is an interesting point and I do not want to labour it, but many people would argue that thousands of people in Timor lost their lives because they took advantage of their democratic right to vote. But I do not want to pursue that.

**Mr Toole**—In answer to that question—just so that you get a bit more of an overall picture—the world over we do not vote. We are neutral politically the world over.

**Mr HOLLIS**—We do not accept that, but that is—

**Mr Toole**—No, I am not asking you to, but of course it is nice that we can share those differences at the table. That is what we are all about. On the other hand, we do not go to war either. Hitler tried to get people to say, 'Heil, Hitler.' As far as religious organisations were concerned, we were basically the only religion in the whole of Germany that stood its ground. He put our members in concentration camps, tried to exterminate us, and thousands lost their lives, but they would not compromise because they felt that killing people was incompatible with being a Christian. The world over we are endeavouring to be neutral.

To take Mr MacLean's comment just a little further, we do conscientiously do what all governments would like their citizens to do—we pay their taxes and obey their laws. There is one exception: if the government asks us to do something that we feel God has commanded us not to do, or vice versa, then we feel we have a prior obligation to obey God. That is the only limit on our obedience to governments. If all subjects of Australia, for example, took that view it would be a very obedient country.

**Senator PAYNE**—We would possibly be out of a job.

**Mr HOLLIS**—Or it could go the other way. You make much of obeying the laws of the country, but it often is because of the laws of the country that people vote. If everyone decided not to vote, you may get laws in the country that you may have a little bit more difficulty invoking. I personally think it is a bit of a cop-out when people use these arguments about not voting.

**CHAIR**—We are now into subjective judgment. We have asked the question and we have got the response, which is what we needed.

**Senator PAYNE**—I have one final quick question. Do you run your own schools or do the children attend 'regular' government schools?

**Mr MacLean**—No. Our children just go to the normal—principally government—schools in this country and throughout the world. We take advantage of the arrangement of education.

**CHAIR**—Thank you for coming today. If there are any other matters that we have questions on afterwards, the secretary of the committee will write to you. We will send you a copy of the transcript of your evidence, to which you can make corrections of fact.

**Mr MacLean**—Thank you.

[3.01 p.m.]

**COSSOR, Ms Elizabeth Jane Louise, Member, Australia Tibet Council**

**THOMPSON, Ms Jo, National Vice-President and Secretary, Australia Tibet Council**

**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 an opening statement and then we will go on to questions.

**Ms Thompson**—Before the opening statement, which Lize will make, I would like to do a very brief introduction by way of background information. I know at least a couple of you know that the Australia Tibet Council is Australia's foremost Tibet support group. We have got over 3,500 members nationally. We are an independent, non-profit organisation with branches throughout Australia. We support the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination.

I would like to introduce Lize Cossor to you. Lize is a lawyer who specialises in international human rights law and who is a member of the Australia Tibet Council. From October 1996 until October 1998, Lize worked as a research associate for the Tibetan Centre for Human Rights and Democracy in Darmsala in India. The Tibetan Centre for Human Rights and Democracy is also a non-government organisation which monitors and researches human rights developments in Tibet. It relies primarily on testimonials provided by Tibetan refugees in India, in addition to sources within Tibet and other concerned human rights groups.

As a research associate, Lize was particularly responsible for interviewing recently arrived Tibetans, documenting testimonials, cross-referencing these testimonials and disseminating information to the Tibetan exiled community. Lize took testimonials from a range of Tibetans, including monks, nuns, former political prisoners, government officials, doctors, farmers and children. They were interviewed on a range of subjects, including education and religious education. From April to June 1998 Lize was based in Kathmandu, helping to establish the TCHRD field office. Her primary work there involved interviewing new arrivals every day at the reception centre.

Lize has also worked as a refugee lawyer at the Refugee Advice and Casework Service in Melbourne and with the UNHCR in Bosnia, working with Kosovar and Sandzak refugees

in camps in Bosnia. She currently works as a country program manager at Australian Volunteers International—formerly the Overseas Service Bureau—with responsibility for India and Bangladesh.

I think it is fairly self-evident that Lize has had a great deal of experience working with newly arrived Tibetans who have been victims of human rights abuses. As there has been so much controversy about the human rights situation in Tibet of late, we thought it would be useful for the subcommittee to hear from a professional who has had first-hand experience working with these victims.

**Ms Cossor**—Thank you, Jo. At the outset I should say that I have not prepared a formal opening submission; I did not want to reiterate what had been said in the written submission and I would encourage some more spontaneous questioning.

As an overview, Jo has already said quite a lot about the sort of work I did with the Tibetan Centre for Human Rights and Democracy. I would also like to add to that by saying that it was not just my working in that organisation in the actual interviewing of Tibetan refugees, but also my living with a Tibetan community for two years that I believe gave me a certain insight. Most of my friendships there were with Tibetan refugees—and when I use the word ‘refugee’ I am using it in a loose sense rather than in the strict, conventional, international law, sense. A lot of those Tibetans were born in India.

During that time, I believe that I built up some sort of awareness of Tibetans, of Tibetan Buddhism—of their religion—and had a sense of how that was linked with their own national and cultural identity. I would also like to say that we were interviewing not just monks and nuns during that time but, as Jo mentioned, the ordinary folk also, if I can call them that—farmers, children, doctors, government officials, whoever it might be. I felt that the effects of religious freedom, repression and violations were across the board and really did have an effect on all sorts of ordinary Tibetans.

One of the two main points I raised in the written submission, when we look at religious rights in Tibet, was the effect of state control in the People’s Republic of China and in Tibet. It is very difficult to get information about Tibet, as you will probably appreciate. Our information depended primarily on personal testimonies of newly arrived Tibetans. When we could, we would cross-reference those testimonies. That would be with other human rights monitoring groups and they, in turn, use their own resources, whether that be personal testimonies or visits to Tibet or, in some cases, sources within Tibet.

In some cases, we received information from within Tibet. That information was generally smuggled documents or smuggled letters brought out of the country at great risk. In some cases, so that we were not always relying on information from Tibetans, we also interviewed foreigners who had been to that country. When possible we tried to speak with delegations before and after they went to Tibet. I think the thing we need to remember when we look at Tibet and what is happening in Tibet is that we really do need to go deep. It is not perhaps enough to speak to a few people, or to speak to one particular group of people, but to speak to as many different people as possible.

What really stands out as being the most pervasive violation of religious freedom in Tibet is the fact that, in most cases, Tibetans cannot officially possess a photograph of His Holiness the Dalai Lama. Many do, but that is at personal risk. The photographs are prohibited in monasteries, nunneries and public places. Again, they do exist but it is a risk to the monks and nuns who keep them.

The Dalai Lama is not just a religious leader, he is also a national leader, a secular leader, a political leader. I think that is a unique characteristic of Tibetans and their religious rights—they are all tied up with their cultural rights, their social rights and their educational rights. It is a very useful thing to see Tibetans living in India who have a far greater freedom and to see the way an audience with the Dalai Lama, or even a glimpse of the Dalai Lama, is the most incredible thing in the world to them.

We are not sure of the exact numbers of refugees still fleeing Tibet. The UN High Commissioner for Refugees estimates it is about 3,000 a year. It is an extraordinary journey that they make over the Himalayan mountains. It takes at least four weeks. It is by foot. They wear tennis shoes stuffed with barley flour to survive the trip. Many people die. Many children are sent alone, unaccompanied by parents. Parents give up a great deal of money to send their children on that trip. The biggest reason is to get them there and allow them to see their leader, the Dalai Lama. In my opinion, the strongest violation of religious rights for the Tibetans is that they cannot worship their religious leader within Tibet. I am probably going on a bit too long in this opening submission, so perhaps I should hand over for some questions.

**Senator SCHACHT**—Are both of you, in your personal beliefs, followers of Tibetan Buddhism?

**Ms Thompson**—I am not. I have dabbled and I have a very keen interest in Buddhism, but I could not call myself a Buddhist.

**Ms Cossor**—I feel quite similarly. I would not categorise myself as a Buddhist because there are certain aspects of it that are just difficult for me, with my Anglican background, to accept. But certainly I appreciate many aspects of it as a philosophy.

**Senator SCHACHT**—On the Australia Tibet Council, there are other organisations in Australia that claim to represent or do work on representing Tibetans. How many are there?

**Ms Thompson**—There are a number of other organisations. ATC is the political arm. There are others who are Buddhist groups only, there are some that are more cultural groups. Out of all of those groups, we are definitely the biggest and we are certainly the one with the political focus.

**Senator SCHACHT**—Are most of the Tibetan refugees who now live in Australia involved in the ATC?

**Ms Thompson**—A lot of them are.

**Senator SCHACHT**—More with yours than the other organisations?



**Ms Thompson**—There is also an organisation called the Tibetan Community of New South Wales and of Victoria—there is no national group at the moment. We certainly work very closely with them in New South Wales, and in Victoria we work very closely with that group. That is purely made up of Tibetans. We do a lot of political actions together. Many of them are members as well.

**Senator SCHACHT**—Ms Cossor, you described your work as involving about 3,000 refugees a year. Has that been a steady number over the last decade, or has it been cyclical?

**Ms Cossor**—It seems to be fairly consistent. I began in 1996, so it is a bit hard for me to speak about before that. For security reasons the Tibetan exiled government does not release those numbers. That is why I am using UN numbers. Two thousand to 3,000 seems to be quite consistent. It depends on the time of year as well, as to when they are coming.

**Senator SCHACHT**—As far as the Tibetan community in India is concerned, the information they are getting and you are getting is that throughout the 1990s there has been no improvement in the human rights inside Tibet, that it has been bad and it has stayed bad.

**Ms Cossor**—I think there have been improvements in some areas. You mentioned the nineties specifically, but certainly if we compare it to the time of the Cultural Revolution it is a vast improvement.

**Senator SCHACHT**—I really have to say from 1978 onwards, in terms of the Chinese government regime, when Deng Xiaoping came in and changed a lot of things.

**Ms Cossor**—What we recorded, based on testimonies, was increased repression from April 1996 onwards when the patriotic re-education campaign was launched in Tibet as part of a Chinese national campaign called ‘yan da’. That means ‘strike down on criminals’, loosely translated. Within Tibet that involved sending working groups into monasteries and nunneries and re-educating the monks and nuns there. It involved quotas on the numbers of monks and nuns. Many monasteries and nunneries were closed. We recorded thousands of expulsions of monks and nuns. Many would leave voluntarily rather than make a pledge against the Dalai Lama or against the Panchen Lama, the second highest spiritual leader for the Tibetans. We considered that a distinct worsening of the situation. That was from 1996 onwards.

**Senator SCHACHT**—How many people do you think are in jail in Tibet, in the broadest definition? They often put people in jail and use a different description. Corruption is often used as a way of getting someone for political activity in China.

**Ms Cossor**—Absolutely, yes, and endangering national security is another one.

**Senator SCHACHT**—Threatening the sovereignty of the socialist state is another classic. That means whatever the official says it is, you are gone.

**Ms Cossor**—Absolutely. We have names. It is very difficult to get exact numbers, of course, as you would appreciate. Tibetans have a confusing variety of names as well, so in some cases we may be recording two people whereas it is the one person with a slight

variation in names. Undoubtedly, we are missing a lot of people because we are always relying on the update of information coming from refugees. From memory—and I would like perhaps to clarify it later—we had something like 700 to 800 names at the end of 1997. That has undoubtedly changed to some degree.

**Senator SCHACHT**—Were they being held in jail in Tibet itself, or have any of those been sent elsewhere in China?

**Ms Cossor**—When we talk about Tibet within this context, we talk about historical Tibet. That would incorporate provinces that are now considered to be part of China. We were talking about ethnic Tibetans being imprisoned in Tibet.

**Senator SCHACHT**—Have you been able to visit Tibet yourself, either of you?

**Ms Cossor**—I was able to. On my return from India, I planned to go to Tibet. I visited through Yunan Province in China and found myself, for the first time, on Tibetan soil, but I did not realise I was there. It was completely sinocised. That is the way we describe it. That was in Yunan Province, not the Tibet Autonomous Region.

**CHAIR**—Are you talking about the traditional area of Tibet?

**Ms Cossor**—Absolutely, yes.

**CHAIR**—The current political definition of the boundaries?

**Ms Cossor**—That is true.

**Senator SCHACHT**—You never made it into Lhasa?

**Ms Cossor**—No, but I would have liked to.

**Senator SCHACHT**—When I went there with the human rights delegation in 1991, we had the guided tour. We also had a Tibetan speaker with us. He spent 10 years in India. Jo, you might be able to tell me his name?

**Ms Thompson**—I cannot remember his surname, but I know who you mean.

**Senator SCHACHT**—We took him as our interpreter so that we had our own reliable interpreter. We picked up a lot of information which we put in our report, and other information we did not put in our report as we did not want to put people at risk. We were told that since the 1980s, the Chinese regime was allowing monks and nuns to go back into monasteries, to the Ganden monastery, for example, which had been totally destroyed by the Cultural Revolution. They were rebuilding it. Already in 1991, 700 or 800 monks were back there, and the government was providing the funds to rebuild. Has that continued, or are you now saying that they got to a certain level and the authorities then closed them down and kicked them out again?

**Ms Cossor**—We certainly have reports of some funding and some increased numbers in what you would call the high profile monasteries, which is the three monasteries quite close to Lhasa. They are the three most often visited by tourists. But even Ganden, from memory, was reduced from about 700 monks to about 500 in 1998 or so. In my opinion, it is across the board that the numbers have been reduced. There are so many little monasteries with 20 monks that we will not really know about them.

**Senator SCHACHT**—You mentioned the issue of photographs of the Dalai Lama and how having them is an offence under some regulation. We were there in 1991. Everywhere you went, people, and kids in particular, asked you for photographs of the Dalai Lama. Kevin took hundreds with him. I think because we were travelling diplomatically we were able to get them through so we started giving them out everywhere, much to the disgust of the minders. There were lots of photographs everywhere. If you went to the small little shrines, there would be a photograph cut out of a magazine. It might well have been put there by tourists; I do not know. They were pretty ubiquitous. They were not displayed on the main street, but there were plenty of photographs around and a lot of people were openly asking for them.

**Ms Cossor**—The ban came in 1994-95, which is certainly after the time you were there.

**Senator SCHACHT**—Do you have evidence that people have been arrested for having them?

**Ms Cossor**—Yes.

**Senator SCHACHT**—Thank you for updating me on that. I did not realise.

**Ms Cossor**—You can still see them.

**Senator SCHACHT**—Recently, one of our parliamentary colleagues—I wish he were here because he might disagree with what I will say; he has been a member of the committee in the past—Gary Nehl made a private visit and made some remarks upon his return. I have not had a chance to speak with Gary, but I was a bit incredulous about his remark that he had seen more troops and authorities on Sydney Harbour Bridge than he had seen in—

**CHAIR**—I think you are confusing that with a remark attributed to me.

**Senator SCHACHT**—Mr Nugent.

**Ms Cossor**—I must say that I thought it was Mr Nugent's comment.

**CHAIR**—Let me clarify that point. I was there with a group of parliamentarians in April this year. We had an escort but also had long periods where we were not escorted and we went off all over the place. Subsequently, I was in Beijing a month or six weeks ago with the Australian human rights delegation shortly after Bob Brown had been to Tibet and the kafuffle that resulted from that.

In a radio interview I gave to an ABC reporter in Beijing, he asked me about my reactions to Tibet. I made a number of comments. Some were regarded by the Chinese as positive and some were regarded as not positive by the Chinese. I tried to say that this was what I factually saw and what I did and these are the things I still think are wrong. Bob Brown said he saw hundreds of thousands of armed troops on the streets of Lhasa. I said that that is not what we saw. We were there over a period of several days. There were nine of us and we went off in all sorts of different directions at different times. We were totally unsupervised. We had people from the Beijing embassy with us who spoke the language. They did not go on any of the formal calls. They went around the back streets and so on to see what they could find out. There really was no heavy military presence.

When I was pressed by the ABC reporter, I said that the reality of life is that I do not understand how Bob Brown said he saw all those hundreds of thousands of armed people because I did not see them; in fact, I think I saw two armed military people in the whole time I was there. The throwaway line I said was that I see more policemen with guns on the streets of Melbourne than I saw in Lhasa.

**Senator SCHACHT**—Policemen trying to shoot a few people.

**CHAIR**—It was in that context. That comment has been picked up and translated from ‘police’ to ‘military’. It has been used in a context in which it was never plausible. As you know, it is a penalty of our profession that that happens. That is where the comment came from.

**Senator SCHACHT**—I did not want to get into a debate with the chairman. What other knowledge do you have through the people coming out about the military presence generally in Tibet, not just in Lhasa but all over the place? What about the PLA, the police, the security forces? Do they feel it is pervasive, that it is always there, that they do run the risk that if they have a picture of the Dalai Lama it could be an excuse to arrest them? What information do you have?

**Ms Cossor**—It is difficult when you start talking about the presence of military in Tibet. We need to look more at the presence of PRC officials. It is very complicated to start talking about the political structure. In local areas there is a religious affairs bureau. The officials within that bureau may be ethnic Han Chinese or Tibetans who have been chosen by the communist party or Beijing. The very strong impression I have is that public representation is dominated by those who are pro PRC, if I can say it that way.

Within the monasteries and nunneries, since the patriotic re-education campaign, they have democratic management committees, which are selected by Chinese officials. They are Tibetan, but they are chosen because they are seen as patriotic Tibetans because they have signed the patriotic pledge saying, ‘China and Tibet are one; I don’t support the Dalai Lama; I don’t support the Panchan Lama; I’m not going to listen to the Voice of America.’ Once they make this pledge, they are considered eligible to sit on that sort of committee. I think that is pervasive.

The influence of Beijing is extremely pervasive. You do not see the military in the monasteries and nunneries. If you entered the monastery—I have not been, so it is difficult

to say; this is from what they say—you would feel that everything was going quite okay because there are monks and nuns and they are praying. What you would not realise is that their prayers are regulated. They are not allowed to have a prayer to their higher spiritual figure, the Dalai Lama. This would be absolutely disallowed. They are not allowed to pray to their Panchan Lama. There is a Chinese Panchan Lama and there is a Tibetan Panchan Lama chosen by the Dalai Lama. If they were found with anything worshipping those people, they would be in the most serious trouble. The work groups are often Chinese and Tibetan. They have been regularly—across the board, from what I can see— sent into monasteries and nunneries.

**Senator SCHACHT**—You may want to take this question on notice and give us the answer confidentially. When you were in India, did you have any information regarding fighting, insurgency and armed activity by Tibetan independence groups, to put it in its broadest terms? An example would be people knocking over a PLA truck and attacking it. What about guerrilla activity and informal independence fighting?

**Ms Cossor**—I have heard of isolated events such as monks sneaking out at night, visiting the local religious affairs bureau and pulling down the plaque. That is the extent of it.

**Senator PAYNE**—On page 4 of your submission you refer to the US delegation that visited in 1998 and the subsequent decision of the United States not to sponsor a resolution on China at the UN Commission on Human Rights. What impact, if any, has that had on the campaign in relation to Tibet internationally? A US delegation went in—it is in that paragraph—and then the United States decided not to sponsor the resolution. Can you give me your perception of that?

**Ms Cossor**—There has been a distinct trade-off between having delegations visit Tibet and China and promoting bilateral dialogue with China. I am not claiming to be any sort of China expert. However, it seems to me that there is a fairly strong invitation by the PRC to engage in that sort of dialogue rather than use multilateral fora, such as the UN Commission on Human Rights.

We have seen that sort of trade-off since 1997, which is when Australia first withdrew its support for a resolution on discussing human rights in China. At the same time, we saw an increased willingness to engage in bilateral dialogue with China. My feeling is that it would be useful to have both. The difficulty with Tibet is that when you have a bilateral dialogue it happens behind closed doors. If you enter China and you discuss this with China, you can be taken around as a delegation with Chinese officials. Perhaps you will have a Tibetan translator. It is very worth while to have it in a far more public forum where you can actually encourage Tibetans to make submissions, for example. I understand that it is very difficult for delegations to speak with Tibetans when they are in Tibet. This is a really dangerous trend. The Tibetans feel like that. They are very disheartened that it is no longer discussed in multilateral fora such as the UN commission. That is my feeling.

**Senator PAYNE**—I was interested in your impressions, as you described them, of the effect on ‘ordinary’ Tibetans of their whole experience, as you have seen them, as refugees.

There is nothing particular on the record about that. Could you relate something to us? If so, that would be of great interest.

**Ms Cossor**—As soon as children get to Nepal or India, they put on a Dalai Lama badge. They know who he is. They have such reverence for him. Kids pray to pictures of the Dalai Lama. They know very well who he is. In Tibet, traditionally the monasteries and nunneries were seen as educational institutions. I think that still applies. The rites of education are something else that we are not going to discuss today. However, there are also difficulties with having access to education for Tibetan children.

Traditionally, one boy would be sent to a monastery so that he would receive some education in Tibetan language, philosophy and literature in a monastic environment. That is very difficult now. This is just one more example of how wide it goes when you talk about religious repression in Tibet. It is far harder now to be admitted in the monasteries and nunneries since the introduction of the patriotic re-education campaign. It used to be that you could enter as a young child. Now there are limits, in some cases of 18 years, in order to enter the monasteries.

There have been young novice monks and nuns. Many of them have also been expelled because they fall below 18 years or, in some cases, it might be 14 years. That is something else for ordinary folk. It was not just about religion; it is also about cultural and linguistic education. That has been affected. I was also thinking about the fact that photographs cannot be freely shown in an ordinary house, such as a farmer's house, for example.

**Senator PAYNE**—You mentioned farmers. What is the impact of religious oppression on a farmer from Tibet?

**Ms Cossor**—There is the issue of feedback. The people who are sent into monasteries and nunneries are also the people who come back to their local area and share that knowledge and experience. It is a very rural country, as you will appreciate. People do not always have the chance to go to a temple or to go into Lhasa and the temples there. It is also very important for nomads, for example, to have someone in the area who can share that religious knowledge with them. It is very much about passing knowledge through an oral tradition, I suppose. Given the reduced numbers of monks and nuns today, the ordinary folk will not be privy to as much information and education about their own religion and culture.

**CHAIR**—If it would help the committee, I could make a comment. I was in Lhasa, Shigatse and so on in April and, again, when I went to Beijing for the human rights dialogue. We then subsequently went to Quinghai and Xinning, which are part of the more traditional Tibetan boundaries, if you like. I think the sort of thing that is of concern is that, clearly, religion is closely linked with cultural and language factors. You can learn Tibetan at primary school, but not at secondary school.

At Lhasa university you can certainly study Tibetan. But large numbers of the most able young Tibetans aged 12 and 13 go to some 27 other educational institutions around other parts of China to do their secondary and tertiary education. They come back when they are perhaps 23 or 24. Certainly in specific cases that I was exposed to they came back with a

better knowledge of Chinese than Tibetan, in terms of language, history and all the rest of it. The Chinese view is that that is helping to prepare them for economic development. But, in terms of the impact on the language, the culture and the religion, clearly it is sinocising a generation of future leaders.

Clearly, monks are still there, but the numbers are down. Nobody denies that. Although you will see lots of people walking around with their prayer wheels and when you go to monasteries and so on people are prostrating themselves and praying and all of that sort of thing, the reality is that traditionally monks used to hold public teaching sessions, and that does not now happen. The generation that has been brought up in the religion will gradually die off, but it is not being passed on in the same way to the next generation coming up. Those are the sorts of things that struck me.

**Ms Cossor**—I have just one comment on the language point. It used to be the case that Tibetan could be learnt up to the end of primary school, but that is no longer the case. That has been reduced as well. Chinese is now introduced from a younger age. In the university of Lhasa even Tibetan courses are now taught in Chinese.

**CHAIR**—Yes, but I am told you can do Tibetan language as a course.

**Ms Cossor**—It is very restricted.

**CHAIR**—I agree with the thrust of what you are saying.

**Ms Cossor**—I just wanted to clarify it.

**CHAIR**—The thrust of those things were, frankly, put very directly to the Chinese in Beijing during the dialogue. There is no question of that; I did it myself.

**Ms Cossor**—What was their response?

**CHAIR**—They had a number of responses on the different areas. On Monday I am going to table in the parliament my delegation report from the human rights dialogue, so I will be addressing some of those issues in the five minutes I am going to be allowed to table my report. After it is tabled I would be quite happy to talk to you about it in more detail.

**Ms Cossor**—Wonderful. That would be great.

**Mr HOLLIS**—I just want to raise the unthinkable. Is there any consideration or any thought being given to separating the spiritual from the secular? It seems to me that being both the spiritual and the secular leader is much of the problem. Is that a no-go area, or is consideration being given to it?

**Ms Cossor**—I would have to agree with your choice of words: it is unthinkable. It is not a theocratic country or a theocratic social structure anymore. Certainly His Holiness advocates a democratic system, but I personally cannot see any way of separating out religion from Tibetan culture and Tibetan identity.

**Senator SCHACHT**—He will not stand for an election, because he would win with 98 per cent of the vote.

**Ms Cossor**—It is problematic; that is true. But the point is to have the people choose whom they would like to see leading them. Whether that is a religious figure or not—

**Senator SCHACHT**—The main argument the Chinese have used consistently—probably the one marginal feather they have to fly with—is that prior to 1949 Tibet was a dreadfully backward feudal state, including living conditions. There can be no argument about that. The Chinese say, ‘We have taken it from the fifth century,’ or wherever it was, ‘to the present.’ It may have created a ‘cultural genocide’—I think I used that phrase in my report in 1991—but the one thing they consistently throw up is, ‘How can you have a spiritual leader running a secular state,’ and so on. I have to say I think it is a reasonable question in a sense.

**Ms Thompson**—But he would be quite happy to stand aside and allow someone else—

**Senator SCHACHT**—Yes, I know. But I must say that for us in Australia it is all separated, and in the end you cannot see how you can run it—

**Ms Thompson**—Sort of.

**Senator SCHACHT**—The committee is an example of how we are trying to separate it. I just think that it is the one issue. The Chinese consistently say, ‘We spent all of this money building roads, bridges and buildings in Tibet, which under the old feudal system would not have been allowed. There was no education; we do provide education. In the old days they did not get it,’ and so on. I am not in any way using that as an excuse for what the Chinese have done. I think the Dalai Lama has proposed talks without prejudice related to some form of autonomy. I have to say that the Chinese have one underlying view: they are scared of India. They obviously see the Indian influence coming over the Himalayas into Tibet, and that is a geopolitical issue for them. The other thing is, even the reformers I met in 1991, who were in Tiananmen Square, had not thought of it: ‘But it is still China; it is the motherland.’

**Senator HARRADINE**—The International Commission of Jurists in 1997 adopted a recommendation for a plebiscite in Tibet to ascertain the views of the Tibetans as to how they were to be governed, what sort of government they wanted, independence, et cetera. Do you know where that has got to?

**Ms Thompson**—I do not know.

**Ms Cossor**—It stalled. It was a recommendation; I cannot give you an answer as to where it goes from there. It is unfortunate. It is something else that just needs to be constantly raised by individual governments. That is the only answer I can see.

**Senator HARRADINE**—It would be interesting to see that under the auspices of the United Nations or something like that. But I guess you would have to have the approval of China in the United Nations forum. But, as you say, it is something—



**Ms Cossor**—The question is for the Tibetan people.

**Senator HARRADINE**—that just seemed to sink without trace.

**Ms Cossor**—That is often the feeling you get when you look back, even at some of the Senate resolutions. These very strong comments are made time and time again—in the UN also—and it just stagnates. That is why we try to keep it on the agenda.

**Senator SCHACHT**—Have you lobbied the WTO—

**Ms Cossor**—No.

**Senator SCHACHT**—to say to China, ‘Unless you do something on Tibet, we will ask countries not to vote for you to be in the WTO.’

**Ms Cossor**—That is an idea.

**CHAIR**—Time is marching on, unfortunately. I thank you for coming here today. If there are any further things we want to know about, the secretary will write to you. We will send you a copy of the transcript of your evidence, to which you can make corrections of fact. Thank you very much for coming.

**Ms Cossor**—Thank you for your time.

**Ms Thompson**—Thank you for listening.

[3.48 p.m.]

**AHMAD, Mr Mahmood, National President, Ahmadiyya Muslim Association Australia**

**KHALID, Mr Saifullah, National Vice President, Ahmadiyya Muslim Association Australia**

**ACTING CHAIR (Mr Hollis)**—On behalf of the subcommittee, I welcome representatives of the Ahmadiyya Muslim Association of Australia. 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 the proceedings of the House, which means that you are covered by privilege, as indeed are we. I invite you to make an opening statement, and then the committee will proceed to questions.

**Mr Ahmad**—Thank you. On behalf of our community I would like to extend my profound gratitude and sincere appreciation to the members of the Joint Standing Committee on Foreign Affairs, Defence and Trade and its staff for their commitment and support against human rights abuse of the Ahmadis in Pakistan.

We are also thankful to the Australian government for their sympathy and kindness to the Ahmadis for a long period of time. Last year and the current year has not brought any change in our fate. In November 1998, the Punjab assembly passed a resolution to change the name of Rabwah, the international headquarters of Ahmadis. We purchased land in Rabwah. It developed from a barren tract into a veritable town over the past 50 years. Ninety-five per cent of its population comprise Ahmadis.

In 1999, our highest position holder in Pakistan, Mirza Masroor Ahmad, was put behind bars in a false accusation that he asked somebody to wipe out the Qur'anic verse from the signboard. On the contrary, the government of Australia kindly increased our SAC quota from 50 to 70. Many Ahmadis fled from Pakistan and many countries sheltered them, but undoubtedly Ahmadis consider Australia as the best among them. I again thank all of you and the government of Australia and its people.

Now we have hardship in Bangladesh. On 8 October 1999, a very powerful bomb exploded in Khulna Mosque while my brother-in-law was delivering the Friday sermon. Six people were killed and 15 people were injured by the blast. Some people are in a seriously critical condition. My brother-in-law lost his right leg. I would like to distribute this information.

**ACTING CHAIR**—Thank you very much. I note on this documentation that you—

**Mr Khalid**—This is actually another submission. It is in support of the previous submission.

**ACTING CHAIR**—Sure.

**Mr Khalid**—If you would kindly allow me, I could read it to you, or—

**ACTING CHAIR**—It is in English and we can all read English. We will receive it as evidence.

Resolved (on motion by **Senator Harradine**):

That the supplementary submission be received as evidence and authorised for publication.

**ACTING CHAIR**—I note that in one of these documents that you request the subcommittee to approach the government of Pakistan to take appropriate measures. It is a little bit difficult at the moment because we are not sure of what the government of Pakistan is. On that issue, with the recent change of the political situation, how do you think that will affect the membership?

**Mr Khalid**—We do not think that it will be of any effect whatsoever because just today we find that the chief executive, General Pervez Musharraf, has issued an order that all the previous laws of the country will stand as they are and they will be operative and the courts will be working as usual, with only one difference, that any order issued by him or on his behalf cannot be challenged in a court of law. So I would think that it will be as before. I think discriminatory laws will continue as before.

**ACTING CHAIR**—How many people migrate from Pakistan to Australia each year?

**Mr Khalid**—Under 70.

**ACTING CHAIR**—That is a set quota?

**Mr Ahmad**—It was 50, then this government increased it to 70.

**ACTING CHAIR**—And is that quota filled?

**Mr Khalid**—Yes, it is all filled.

**ACTING CHAIR**—It is always filled?

**Mr Khalid**—Always filled, yes.

**ACTING CHAIR**—And why do you think they migrate to Australia? Is it for family reasons, for economic reasons, or is it for reasons of religious freedom or a combination of all?

**Mr Khalid**—Many more migrate to Germany and to Canada because they are larger countries in population. The number coming over here is much less than that. There are thousands who have migrated to Canada and there are thousands who have migrated to Germany and other parts of Europe as well. But Australia is a very nice country. Most migrate on religious reasons.

**Mr Ahmad**—Australia has given us special assistance in migrant categories.

**Mr Khalid**—It is the only country which has given us quota under special assistance category.

**Mr Ahmad**—It is the only country in the world which has done us this favour.

**Senator SCHACHT**—How many in your community in Pakistan are there? What are the numbers as part of the population of Pakistan?

**Mr Khalid**—I think about three million.

**Senator SCHACHT**—Out of what, 80 million? What is the population of Pakistan?

**Mr Khalid**—It is 140 million.

**Senator SCHACHT**—So you have three million, so you are about two per cent? How many now are living in Australia?

**Mr Ahmad**—We are now more than 800.

**Senator SCHACHT**—Are you basically all in Sydney or are you all over Australia?

**Mr Ahmad**—No, the first group settled in Sydney, then the second group in Brisbane, the third group in Melbourne and the fourth group in Adelaide.

**Senator SCHACHT**—In your submission you say that way back in 1970, Mr Bhutto, the then Prime Minister declared you were not Muslim for the purpose of the constitution, then General Ziaul Haq went much further. Why did they declare that you are not properly Muslim? Is there a theological difference between what—

**Mr Khalid**—Yes, Ahmadis believe that God still speaks as He has been speaking in the past and the prophets can still appear through whom God speaks. But this is something which Muslims do not believe. They say that Mohammed is the final prophet in every respect while we say that a prophet who is subordinate to him and who does not bring a new law can appear among Muslims. So this is the basic difference actually.

**Senator SCHACHT**—As I understand that, that means that since Mohammed himself, you say, further prophets can appear and can make reformation which people can follow?

**Mr Khalid**—He made the prophecy that Jesus, son of Mary, would appear again to the Muslims. Also there were indications in the Koran that Jesus has died a natural death. So naturally somebody who has died, when he is prophesised to come back, somebody else has to come back in his name. So we believe that that person who came in his name and similar to him was the founder of the Ahmadi movement in Islam.

**Senator SCHACHT**—And how long ago was that?

**Mr Khalid**—He actually founded the community in 1889.

**Senator SCHACHT**—In 1889 AD.

**Mr Khalid**—Yes. We believe him to be a reformer whose advent was prophesied by prophet Mohammed.

**Senator SCHACHT**—Is it only in Pakistan that your group is established, or are you also in India and Bangladesh?

**Mr Khalid**—We are almost in 158 countries now. Our group's television, which is relayed from London, has 24-hour transmission. It is called Muslim Television Ahmadiyya; and now our number is more than 20 million.

**Senator SCHACHT**—Twenty million around the world. And within Pakistan itself, the Acting Chairman said, the government changed rather dramatically three or four days ago. But since General Ziaul Haq made his ordinance in 1984, have there been further ordinances by other governments, or has that one stood?

**Mr Khalid**—Actually, that is very important. I just wanted to explain that. This ordinance imposed punishment of three years imprisonment and an unlimited fine for calling ourselves Muslims or doing anything the Muslims do—claiming to be Muslim, using Islamic terminology and phrases or preaching our faith.

**Senator SCHACHT**—Or preaching your faith?

**Mr Khalid**—Yes. So that was three years imprisonment. But then they thought that three years was not enough; it should be possibly more. And what they did was that they issued blasphemy laws. Those blasphemy laws actually are applicable to both Christians and Ahmadis. Both were prosecuted under the blasphemy laws. And what they did was those acts which were originally covered by the President's ordinance are also tried under the blasphemy laws because they carry the death penalty. They are unbelievably harsh.

Recently another development has taken place which is very serious. Some time back in 1997 they created anti-terrorist courts. They are actually summary trial courts and within seven days the investigation has to be completed by the police and the decision takes another seven days. The appeal court also has to decide the appeal within seven days. That is the sort of thing. And they can give any punishment. So in our cases now the blasphemy charge is added and they are transferred to those courts.

**Mr Ahmad**—By the magistrate and by judges.

**Mr Khalid**—By the magistrates. Originally, they were charged for preaching. There are some instances up to 1998 here in our submission. In August 1999—just last month—what happened was that an Ahmadi person just said that the 'imam of the age had come'.

**Mr Ahmad**—Reformer of the age had come.

**Mr Khalid**—The reformer of the age has come. The reformer—imam actually means the religious leader.

**Senator SCHACHT**—The religious leader, yes.

**Mr Khalid**—The advent of the religious leader had taken place. This is what he said. On that he was charged for preaching and when he appeared before the magistrate, the magistrate said, ‘Now this is very serious. He has committed blasphemy. So I add section 295A as well;’—which is blasphemy, and that carried a heavy penalty—‘that is a non-bailable offence and I transfer the case to the anti-terrorist court.’ His case was transferred to the anti-terrorist court and he was imprisoned. He was awarded a 13-year sentence. It just happened in August.

**Mr Ahmad**—And a fine.

**Mr Khalid**—Fined equivalent to \$3,000. It was 100,000 rupees. Another instance given here is that somebody appeared before the magistrate and the person was already booked for just saluting or just saying, ‘Peace be on you’, or for doing something which other Muslims do, as reciting the Koran. Including our prayers we fundamentally do all the same things the other Muslims do. So when we do such things, we are booked for preaching or doing something but when he went before the magistrate or judge he added the other clauses, which are blasphemy and of injuring the feelings of others and creating sectarian hatred. That law was applied and that carries seven years imprisonment. Such punishments are now being awarded.

**ACTING CHAIR**—But these are all secular courts. They are not religious courts?

**Mr Khalid**—This is what is happening.

**ACTING CHAIR**—Yes, so this is the law of the land.

**Mr Khalid**—Yes. These are secular courts but they have turned religious.

**Senator SCHACHT**—Making religious law.

**ACTING CHAIR**—But do you regard yourself as Muslim but as a branch, as a sect within—

**Mr Khalid**—We regard ourselves as Muslim.

**ACTING CHAIR**—You regard yourself as a Muslim?

**Mr Khalid**—We are Muslims because we all believe in Koran and prophet Mohammed and everything, and no new law. We do not believe that anything has been abrogated from Koran. There is nothing to be added or subtracted until the last day. This is what we believe. We have the same prayers and the same rituals and rights. All these things are exactly the same. We are tolerant. There is no such punishment that we believe in—that the Apostates should be killed, for instance. We do not believe in holy war to convert people by force to Islam. They mostly believe in this. If there is a weaker country nearer to an Islamic country, the Muslim government will present Koran. If they accept it, all right; otherwise they attack

their country. This is what they call a holy war. We do not believe in all these things because they are against Islam.

**Mr Ahmad**—This type of holy war.

**Mr Khalid**—This type of holy war.

**Mr Ahmad**—We believe what Koran says, but we do not believe what Mullas says about jihad.

**Mr Khalid**—We are sympathetic and open—love for all, hatred for none. We do not believe in discriminatory things; we believe in absolute justice. Whatever laws are applicable to a Muslim, the same laws should be applicable to a non-Muslim. There should be no discrimination. This is what we believe.

**Senator HARRADINE**—In other countries where it is predominantly Islamic, are the Ahmadis persecuted in the same way?

**Mr Khalid**—Not in the same way, but they are persecuted depending upon the number that has been converted to our sect. If there are more who have been converted, then they are likely to face more opposition. But there are incidents in Bangladesh. In Bangladesh recently what happened was that they set ablaze the houses of Ahmadis in a central area, and also blasted our mosque over there.

**Senator HARRADINE**—Whereabouts?

**Mr Khalid**—In Khulna Bangladesh. Our president also belongs to Bangladesh, actually, which is separate to Pakistan. His brother-in-law was the imam over there. He was delivering a sermon, just last week on the 8th of this month. He lost one leg, six people were killed and 20 were seriously injured. Then two days after that, on 10 October, there were two powerful bombs planted in our central mosque in Dacca, the capital of Bangladesh. So things happen in Bangladesh, also in Saudi Arabia. It happens in Malaysia as well. We number hundreds of thousands in Indonesia, but sometimes the regional government over there may also go against us.

Actually, there are some countries that are against us to a lesser degree or some to a greater degree, depending upon the number of our enemies over there. If the population is more and there is more preaching and more conventions to our faith, then there is more opposition. Otherwise, if there are only a few, then there is less opposition.

**Senator HARRADINE**—So it is fair to say that the major problem, the major violation of the human right of freedom of religion, is in Pakistan.

**Mr Khalid**—It is in Pakistan, yes.

**Senator HARRADINE**—I was interested also in this additional part and the use of the anti-terrorist act and special courts. I suppose that is what you refer to in paragraph 1c of your submission, headed 'Prejudice of Courts Against Ahmadis', where it says:

Numerous cases happened during 1998, which suggested that even courts were prejudiced against the Ahmadis . . .

Are you referring there really to the normal courts or to the special courts under ‘anti-terrorist’?

**Mr Khalid**—Both of them.

**Senator HARRADINE**—So it is in the judicial system. I am wondering whether that prejudice is also evident—

**Mr Khalid**—Everywhere.

**Senator HARRADINE**—in the legal system as such? Is it?

**Mr Khalid**—There are some judges who are secular minded and moderate, but some are biased and prejudiced. Then there are some who come under the pressure of fanatic mullahs. They pressure the judge to decide against us, otherwise they put in complaints against that judge. That is the sort of thing. They just transfer the case and add some other clause saying I cannot decide if that clause is applicable. It will go to another court.

**Senator HARRADINE**—The legal system has a long history in Pakistan. Some quite renowned lawyers have come out of Pakistan. It is a bit disturbing to see that prejudice there.

**Mr Khalid**—Everybody is not prejudiced. We can say definitely that there is a good section of people in Pakistan who are not so prejudiced against us, otherwise life would become impossible over there. There is a section, particularly the mullahs, the fanatics, the fundamentalists—the religious parties who use religion as a tool. They exploit religion for political ends. They believe that the end justifies the means. So you can fabricate lies against Ahmadis and do anything you want and deny them justice. It is all fair and good because the end is good, and then you harass them, kill them, punish them.

**Senator HARRADINE**—That is clearly persecution. I come back to the question that the chair asked you originally. I refer to the quota of 70 per annum for Ahmadis to come to Australia. The chair asked you about the reasons for the 70 Ahmadis coming last year. What do you think the reasons were?

**Mr Khalid**—The criteria are this: only those people are selected under the special assistance category who have been subjected to substantial persecution and are still continuing to be subject to persecution. Either some member of their family has been killed, their house has been attacked, or there are some cases against them and their life is in danger. The most vulnerable are those 70. There are thousands of them actually. Everybody is vulnerable because, if anybody says that I have expressed my faith to them, that can be taken as preaching and as blasphemy. It is as simple as that. Anybody can make a complaint against me, and then I go behind bars, and nobody would listen to me about what happened. They will say that I have committed blasphemy.



Everybody is vulnerable to some degree, but there are some who are in the most vulnerable situations. They are the poor people. They have less influence in the society and they cannot get their cases withdrawn from the police. There are hundreds of cases, actually, that are withdrawn before they are taken up by the judges. When they are in the investigation stage with the police, some of them run about and bring their friends and relatives who are not Ahmadis and they ask to have the case withdrawn up against them. These cases happen in large numbers.

But those people who cannot do all these things have their property and lives attacked. So only those people who are most vulnerable are picked up by the community. Their cases are prepared on a religious basis and put up to the High Commissioner in Islamabad. They also listen to them, call them for interview and go through the complaints. Then they select them, but not necessarily every one of them. Some are rejected because there is no persecution at the level where they can be granted this assistance. So not all are selected, but mostly they are selected—the ones we suggest—and they come over here, 70 of them. They have already been through substantial discrimination and they are still continuing in the same situation. Their life and property is at stake and they are most vulnerable, and more so than average Ahmadis.

**Senator HARRADINE**—It is an interesting concept. Really, you are probably talking about cases that may well fall within the ambit of the Refugee Convention. Are there discussions between the Ahmadi leadership here in Australia and, say, the immigration department and the minister to manage the situation in that way?

**Mr Khalid**—Yes, we have had discussions with them. We are very thankful that they have appreciated our problem. Other governments have also continued to say to the government in Pakistan, ‘Look here, what you are doing is just discriminatory and you should not do that.’ But they have not revoked even a single law. We have been effectively disenfranchised. I will tell you how: previously in Pakistan, there were the same constituencies for Muslims and non-Muslims. So Muslims and non-Muslims used to work together for the same candidate. But then, General Ziaul Haq separated the constituencies of Muslims and non-Muslims. After that, he made it so that Muslims are those who will say that they are not Ahmadis. This is the wording of the declaration:

- (i) I am a Muslim and believe in the absolute and unqualified finality of the prophethood of Muhammad . . . the last of the prophets.

. . . . .

- (iii) I consider Mirza Ghulam Ahmad Qadiani—

the founder of the Ahmadiyya movement—

to be an imposter prophet and also consider his followers whether belonging to the Lahori or Qadiani group, to be Non-Muslim.

This is a declaration that is necessary to be given in order to get a passport as a Muslim. This form has been devised so that anybody who says he is a Muslim must say that the founder of the Ahmadiyya movement was an impostor.

**ACTING CHAIR**—If you are such a small group, why are they so frightened of you? You are not creating a threat.

**Mr Khalid**—Firstly, because our numbers are growing. Secondly, because we are more educated than them. Almost 90 per cent of people in our communities are educated, whereas in Pakistan, only about 30 per cent are educated. The literacy levels in our community are high.

**ACTING CHAIR**—You told Senator Schacht that your community numbers three million and the population of Pakistan is 140 million.

**Senator SCHACHT**—Two per cent of the population.

**Mr Ahmad**—For example, the first foreign minister of the country, Sir Muhammad Zafarullah Khan, who became the Chief Justice of the International Court of Justice and President of the 17th session of the General Assembly, was from our community. Dr Abdus-Salam, the first Muslim scientist to win the Nobel Prize for physics, was also from our community.

**Mr Khalid**—I was just explaining that to be a Muslim we have to recant ourselves as Ahmadis. But to be an Ahmadi, we have to be a Muslim. This is our situation.

**ACTING CHAIR**—A catch-22 situation.

**Senator SCHACHT**—In view of the fact that you have a higher education level than Muslims, do you have any different practices in regard to the way in which the women in your community live compared with some of the practices that we have seen the fundamentalists impose on women in Afghanistan or Iran?

**Mr Khalid**—Yes.

**Senator SCHACHT**—What is the treatment of women in your community? Do you insist on the chador and that sort of thing?

**Mr Khalid**—Ahmadi women are more educated. Some of them also do their service in Pakistan, as they do over here.

**Mr Ahmad**—Doctors.

**Mr Khalid**—There are doctors and nurses, and many of them are teachers. Some are professors—they go to universities. So our women are more educated, more enlightened, and our treatment of them is much better than average. Actually, our community is distinguished in Pakistan as far as education is concerned and our moral standards. For instance, in Pakistan, bribery is very common, but Ahmadis are predominantly honest.

**Senator SCHACHT**—Can I just get back to the women. In your community are women encouraged to get an education?

**Mr Khalid**—Yes.

**Senator SCHACHT**—Are women allowed to dress how they like?

**Mr Khalid**—Yes.

**Senator SCHACHT**—Do they have to wear the chador? That is not compulsory?

**Mr Khalid**—Actually, what we do here in Australia, for instance, is they just cover their heads. They keep their face open and then they will do their work.

**Mr Ahmad**—They can drive.

**Mr Khalid**—They can drive. My own daughters drive.

**Mr Ahmad**—My wife drives, my daughter drives, so they go to work, they go to university.

**Mr Khalid**—Working women keep their face open—

**Senator SCHACHT**—Do you get some criticism from other parts of the Muslim religion that you are too liberal in the treatment of your women? Do they criticise you for that—that your women are educated, encouraged to be educated and do other things?

**Mr Khalid**—Actually, despite being enlightened and educated, our women are still very modest, so they cannot have any objection made against them.

**Mr Ahmad**—In this country, especially.

**Mr Khalid**—In Pakistan as well, our women are more chaste. They enjoy a better level of respect.

**Senator SCHACHT**—Thank you.

**ACTING CHAIR**—Just one final question from me on your association here in Australia. In answer to Senator Harradine, you said that you are in contact with the minister and various people, but do you work with other human rights groups like Amnesty?

**Mr Khalid**—Yes, we sure do.

**ACTING CHAIR**—As there are no further questions, thank you very much for appearing before the subcommittee.

**Mr Khalid**—Thanks a lot.

**ACTING CHAIR**—I would like to thank Hansard staff for their work today, all the witnesses who have appeared before us and the committee members.

Resolved (on motion by **Senator Harradine**):

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

**Subcommittee adjourned at 4.23 p.m.**

