

National Human Rights Consultation Submission

AGWW-7RY6VU

Organisation: Falun Dafa Association of Victoria Incorporated

Submission Text:

Human Rights – Share Your Views

We thank the Federal Government for the opportunity to make the following submission.

1. We believe that human rights for all Australian residents must be protected first and foremost above all other considerations and that human rights are fundamental to what it means to be an Australian.
2. The persecution of Falun Gong has now been going on for 10 years. Notwithstanding attempts by the Chinese communist party's PR machine to try and convince the world that they are serious about eliminating torture, organ harvesting from prisoners of conscience, police corruption and a whole catalogue of other abuses, reports of horrific maltreatment of innocent people and deaths in custody arrive almost every day. To allow this to continue is nothing less than acquiescence in genocide. The Chinese Communist Party has not changed in this respect and, according to the statements of Party officials, has no intention of changing. The Party recently affirmed its assertion that the first duty of the law and judiciary is to serve the Party and that the Party does not support the concept of an independent legal system.
3. With further reference to point 2 above, human rights lawyers have recently been targetted in China, with legal firms closed down and lawyers and their families being harrassed, put under house arrest, beaten up, and in the case of Gao Shizheng – imprisoned and severely tortured. The Australian government, assuming it still supports the rule of law, must demand that Gao (a Nobel Prize nominee) and others be released immediately and unconditionally.
4. Dr. Manfred Nowak, the UN Rapporteur on Torture, has called for China's labour camps (logai) to be abolished. He has also estimated that over 70 percent of the millions incarcerated in those camps are Falun Gong practitioners. More than 50 percent of those practitioners are female with many being over 50 years of age – some even older and some under 21. All have been imprisoned without trial. In November 2008 the UN Committee on Torture ordered the Chinese Communist Party to properly investigate allegations of organ harvesting from living Falun Gong practitioners in custody, and to severely punish those responsible. To date there is no evidence that the CCP has any intention of complying with those instructions. International pressure needs to be exerted to ensure that the UN instructions are followed to the letter.
5. Human rights abuses anywhere diminish human rights everywhere else – so said the late Dr. Martin Luther King. By turning a blind eye, or even making just a token complaint, with regard to the persecution of Falun Gong, successive Australian governments have tainted the soul of the nation. As stated in point 1 above – human rights must always be put first and never subordinated to the demands of political pragmatism or economic and financial gain. The People's Republic of China is not a "normal" regime and should not be treated like one until it merits that privilege. The Chinese Communist Party subordinates everything else, including even the most basic ethics and morality, to the overriding goal of maintaining its hegemony within the Chinese Mainland, and working towards expanding that hegemony throughout the world – hence the regime's huge increase in

military spending in recent years.

6. Given the nature of the Chinese communist regime as described in point 5 we believe that it is inappropriate for the Australian Government to issue certificates giving immunity to former Chinese officials who are the subject of a lawsuit in the Supreme court of New South Wales, charging those former officials with torture and crimes against humanity. The purpose of the Foreign Immunities Act is not to prevent those accused of such serious crimes from being brought to trial. We submit that there should be NO IMMUNITY FROM PROSECUTION for those charged with torture, crimes against humanity and genocide

7. The priority of the Australian Government should be to defend the rights of Australian citizens and permanent residents. To subordinate the rights and interests of the latter to those of a foreign authoritarian regime is indefensible.

We further submit that the Australian Government must uphold the terms of the Convention on the Prevention and Punishment of the Crime of Genocide. Allowing the prosecutions referred to at point 6 to proceed would be in line with the terms of the aforementioned Convention. To allow immunity from prosecution is, we believe, a violation of the terms of that Convention.

8. Following on from point 7, the Australian government has an obligation to ensure that Australian citizens and permanent residents are not subject to surveillance, harassment, threats and in some cases actual physical and verbal abuse by diplomats attached to the embassy and consulates of the People's Republic of China. Those agencies continually overstep the bounds of the Vienna Convention by interfering in the legitimate and legal activities of Falun Gong practitioners within Australia. The defector Mr Chen Yonglin has clearly outlined the illegal activities of the embassy and consulates in this country, yet successive governments have taken no substantial measures to deal with this affront to our sovereignty. If the concept of human rights is to have any meaning in this country then stern measures must be taken to immediately curb the activities of Chinese diplomats which interfere with the normal conduct of the society in which they are guests.

9. The Bilateral Human Rights Dialogue has really achieved very little in terms of concrete improvement in human rights for the Chinese people. We believe that it is very much in the Chinese Communist Party's interests to promote these bilateral arrangements with as many countries as possible. This is an important part of their "divide and rule" policy which makes it virtually impossible for the western democracies to present a united front on this issue. Those western democracies need to impress upon the Chinese regime that if they wish to be accepted as a civilized member of the global community then they must abide by the international human rights treaties to which they are signatories. History has generally shown that authoritarian regimes respond to strength and unity and contemptuously regard "appeasement" as a weakness to be exploited. It is probably safe to say that the apartheid regime in South Africa had been treated as a normal regime and given the Olympic Games it would still be in existence today.

Sincerely,
Michael Pearson-Smith,
Secretary and Public Officer,
John Xiao,
President,
On behalf of the Executive Committee and Members of the Association,
The Falun Dafa Association of Victoria Inc. (with responsibility for SA,
WA, & Tas.)

