

Dear JSCOT Inquiry into Human Rights mechanisms for Asia Pacific,

My brief submission is to suggest that Australia is in a unique position in the Asia Pacific to be a leader in human rights protection and advancement, provided it upholds human rights itself and that it extends critical support to human rights and human rights defenders in the Asia Pacific, in both the areas of civil and political rights and also economic, cultural and social rights, as the two human rights treaties as envisaged by the UN are indivisible, interconnected, interrelated instruments which cannot be separated and may not be politicised. All governments as member states of the United Nations have an obligation to promote and advance the cause of human rights domestically and in concert with other UN member states and with international civil society.

My first attachment for the submission is the text of "Charter 08", an important manifesto written by Chinese human rights defenders calling for urgent, absolutely necessary improvements to the present shocking state of human rights in the People's Republic of China, for the rule of law and by constitution in PRC, for transparency and accountability and for democracy and and republicanism and an end to one party rule by the CCP. As an emerging economic and political power it is critically important that UN member states including Australia work for the advancement of human rights in the Asia Pacific and China in particular, as perhaps the country with the worst human rights performance and situation in the region and which government shows, including at the recent Universal Periodic Review of China at the UN Human Rights Council on Feb 9, continued contempt for human rights and a high degree of intolerance of criticism.

My second attachment is the acceptance speech given by Zeng Jinyan, wife of Chinese Human Rights' defender, AIDS and Environmental activist Hu Jia, for the 2008 award of the European Parliament's highest human rights prize, the Sakharov Prize for Freedom of Thought. Hu Jia was unable to accept the award in person and Zeng Jinyan needed to accept the award via video message since Hu Jia is currently in prison in China since April 2008 for 3 1/2 years sentence for 'subversion of state power' for his human rights defense work and work in defense of the rights of people living with HIV/AIDS and for better protection of the environment in China. This is a recurring problem for Chinese citizens working to uphold and promote human rights in China, who are often persecuted and imprisoned through improper legal proceedings on such charges as 'leaking state secrets' or 'subversion of state power.' I also include the following attachments from the Chinese human rights organisation, Chinese Human Rights Defenders, which outline the current state of human rights protection in the People's Republic of China: Persistent torture, unaccountable tortures; re-education through labor abuses continue; silencing complaints).

Dear Inquiry, the development of the internet and communications technology and other high

technologies has heralded an age of possibly unprecedented benefit to humanity if these technologies are used in an appropriate and useful fashion to the betterment of human life and to guarantee basic human freedoms including freedom from want. However, as the next part of my submission shows, there are countervailing forces which would see these technologies deployed in a negative fashion to curtail the freedom of peoples and human beings and to enforce their oppression in totalitarian societies. Please note the attachment: China's Golden Shield: Corporations and the Development of **Surveillance Technology in the People's Republic** of China.

More worrying is the collusion of multinational corporations and the Chinese state as well as the complicity of some other governments and security agencies in the development and deployment of these technologies of repression, particularly where they are used to the detriment of human rights and to persecute, imprison or otherwise mistreat human rights defenders, as has been the case in China. I would very much recommend to the Australian government to stand on the 'right side of history' to uphold human rights and to promote human rights protection and therefore I would suggest the Australian government to put resources and attention toward the scheduling of forums, research, dialogues, conferences, academic meetings and so forth pertaining to the intersection of human rights and new technologies, such as the internet and computers, which are developing at a very fast pace and as has often been stated, often outpacing the development of regulations and outpacing societal understanding of such issues as human rights and new technologies. I believe this is an area which needs critical support.

Secondly, in the area of new technologies and economic, social and cultural rights, I would like to draw the attention of the inquiry to the following decision of the UN Human Rights Committee, in 2008, regarding the Indian Government and the human rights situation of poor farmers in India and the promotion of Genetically Engineered seeds in India by the Indian government on behalf of multinational agribusiness and genetic engineering biotechnology multinational companies at the expense of poor farmers rights, including right to food and which the UN has drawn connections to the instance of a high prevalence of farmer suicides and the situation of the Indian governments promotion of GE seeds, in particular GE cotton seeds, to poor farmers in India. I reproduce the relevant section of the UN Human Rights Committee recommendation to the Indian government here:

29. The Committee is deeply concerned that the extreme hardship being experienced by farmers has led to an increasing incidence of suicides by farmers over the past decade. The Committee is particularly concerned that the extreme poverty among small-hold farmers caused by the lack of

land, access to credit and adequate rural infrastructures, has been exacerbated by the introduction of genetically modified seeds by multinational corporations and the ensuing escalation of prices of seeds, fertilisers and pesticides, particularly in the cotton industry.

69. The Committee urges the State party, in addition to the full implementation of the planned farmer debt waiver programme, to take all necessary measures to address the extreme poverty among small-holding farmers and to increase agricultural productivity as a matter of priority, by inter alia: developing the rural infrastructures including irrigation as part of the Bharat Nirman programme; providing financial and other forms of assistance to families of suicide victims; ensuring that the existing agricultural insurance schemes, including the Crop Insurance Scheme and the Calamity Relief Fund, are fully implemented and are accessible to all farmers; providing state subsidies to enable farmers to purchase generic seeds which they are able to re-use, with a view to eliminating their dependency on multinational corporations. The Committee also recommends the State party to review the Seed Bill (2004) in light of its obligations under the Covenant and draw the attention of the State party to para. 19 of the Committee's General Comment No.12 on the right to adequate food (1999).

Here are the Links to the website of the UN and the conclusions:

<http://www2.ohchr.org/english/bodies/cescr/cescrs40.htm>

[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/F78B077F459C8D31C12574440051A158?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/F78B077F459C8D31C12574440051A158?OpenDocument)

Dear Inquiry, the current situation with regard to the world food crisis as well as the world financial crisis is one that demands everyone's urgent attention. It is becoming increasingly apparent at the international level that the influence of the global agribusiness is working to the detriment of peoples right to food around the globe (and also that the detrimental effects of industrial agriculture are greatly contributing to global warming and land and water degradation in a world of ever increasing population) therefore the right to food and water are paramount and should be upheld in

each and every forum and instrument, including to those which the Australian government puts energy and resources. To put it simply, food is being viewed as a business which purpose is to make a profit rather than as a policy of governments to make sure people get fed and that agricultural policy is worked out on a rational basis. These two kinds of policies have very different outcomes, since if the policy is that of the agribusiness for making a profit or if the policy is that of making sure people get fed, in the first instance it may be for example, more profitable to feed agricultural commodities into cars as petrol, or to drive up the price of agricultural commodities by hoarding and so forth, while in both cases many people starve to death. These are pressing issues in a world of global warming where food production may well be harder to sustain, and I bring them to the urgent attention of the inquiry. Similarly, Tufts university in the United States has recently begun human feeding trials with GE rice which is against the Nuremberg code on performing medical experiments on human beings and the inquiry should be aware of these pressing science and technology and human rights issues. In another area there is the question of the high incidence of termination of pregnancies diagnosed with downs syndrome using prenatal techniques, an act of discrimination against a person based solely on disability and hearkening to eugenics – medical science and the human rights community needs to grapple with these issues.

Similarly with the issue of water rights, as the former head of the World Bank stated, the wars of this century may be about water, with an ever increasing population in countries and around the world, all needing access to ever decreasing water resources, conflicts over water resources are likely to grow. How can we adequately protect the rights to water and deescalate such conflicts?

It has not been examined enough how the UN instruments such as the Kyoto Protocol and UN Framework Convention on Climate Change as well as the World Trade Organisation and other trade and trade treaties and bilateral free trade treaties intersect with human rights and uphold human rights or otherwise. This is very worrying especially in the face of the financial crisis, for example Hilary Clinton this week on her visit to China has said that the US will not make human rights a priority in their relations with China. It is a very worrying scenario for the development of international human rights for governments to put trade and development ahead of human rights concerns, one can well ask what kind of trade world and development world will develop that is one that doesn't consider human rights a priority?

Thirdly, there have been many global developments including the UN Declaration of the Rights of Indigenous Peoples regarding the rights of indigenous and aboriginal peoples around the world. Australia has still not signed the UN Declaration on the Rights of Indigenous Peoples and would do honor to its citizens by doing so as well as begin to address some of the grievances and those historical grievances by doing so and upholding the rights of indigenous peoples.

Australia should make human rights a priority in its dealings with Indonesia, particularly over the issue of West Papua where large scale ongoing human rights abuses are continuing, and should not turn a blind eye or be complicit in those abuses by whitewashing them or denying their existence. This is essential to the peace of the region and development of human rights in the region, including fuller protection of human rights in Indonesia and supporting the democratic transition of Indonesia to a country which respects democracy, rule of law and human rights. This is of particular importance since Australia trains and gives support to the Indonesian military and other Indonesian security forces which are often times the perpetrators of abuse, and so Australia should be openly seen to be upholding human rights in particular in its dealings with Indonesia, if Australia wants to be taken seriously as a protector and promoter of human rights. Similarly, with the case of China, since Australia was one of the first countries to establish human rights dialogue with China, Australia is charged with the responsibility to make sure those are genuine dialogues and not a whitewashing service for the abusers of human rights and can rest assured that people around the world which is every day more and more globalising will be watching and critically inquiring about this process. It is simply not acceptable morally or in any other way to put money before human rights in the relations between states, it leads to an ever more unstable and more violent world.

With regard to the war on terror and torture, I urge the inquiry to take note of recent developments in this field such as the statement by Foreign Secretary of UK David Milliband that the war on terror was a mistake and has made the world more unsafe, a conclusion also shared by the recent international commission which former Irish leader Mary Robinson has been part of which has been looking into these matters and concluded in recent weeks that the war on terror has undermined human rights protection world wide and been counter productive. The world is becoming every day increasingly militarised, which is not helped by the financial crisis and ecological crises, so I urge the inquiry in the strongest possible way to consider very deeply how Australia can contribute as a nation to de-escalating these various crises and contribute in the best possible way to making the world a more peaceful and secure and equitable place for all.

Lastly, as stated in my opening paragraphs above, Australia as one of the key countries which supports human rights and considers them important in the Asia Pacific region has a real opportunity to be a leader in this area, which would do honor and justice to Australia and her people. In particular, Australia has an excellent opportunity to be a centre of excellence for human rights training as well as a sanctuary and asylum for the regional defenders of human rights, such as Hu Jia and his family, or other human rights defenders who are fleeing persecution, torture and oppression or even facing death. For example, a friend who works at Amnesty International Asia Pacific regional office has told me that it would be very good if Australia could share her considerable experience as a nation in such things as the care of human rights defenders and people who have suffered torture and persecution so that other people can learn and try and replicate those things in their own countries. For example, the NSW Service for the Treatment and Rehabilitation of Survivors of Torture and Trauma (STARTTS) provides excellent world class training and services in this area as well as being involved in developing international professional conferences such as the International Society for

Health and Human Rights, and is a true credit to Australia. I urge the inquiry to consider ways it can facilitate Australia to continue to be an international centre of excellence in these kinds of services to export to the world, through for example, training, collaborations and exchange programs offered by Australian service providers such as STARTTS.

Kind regards.

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