

Submission of the Communist Party of Australia (Marxist-Leninist) to the National Consultation on Human Rights in Australia

1. Human rights in Australia are poorly defined and not well protected. There is no national Bill of Rights and international conventions and treaties on human rights to which Australia is a signatory are not enforceable under Australian law.

2. Australia is a class society in which a handful of rich and powerful people, many of whom owe their privileged position to connections with foreign capital, oppress and exploit the overwhelming majority of the population. The separation of political democracy and economic democracy means that we do not have the right, once every three years, to vote this or that political party into office, while the reality of power residing in the hands of a ruling class of the owners of the very biggest industries and manufacturers, the very biggest banks and finance houses, the monopoly owners of the media, and those entrusted with running the army, the courts and the police excludes the majority of us from real access to decision-making.

3. The reality of the class structure of Australian society underlines all discussion of the "universality" of human rights in this country. For example, the "right to the freedom of the press" cannot mean the right of every person to purchase a newspaper empire or a television network and hence compete with the enormous influence of a Rupert Murdoch.

Rights, as valuable as they are, cannot be abstracted from the social contexts to which they apply. In the same way, the right of "equality before the law" is undermined not just by one's access, or otherwise, to expensive legal defence teams, but to the way that laws are written around assumptions of property rights and social stratification. As Anatole France once said, "The law in its majestic impartiality punishes alike both the rich and the poor for stealing bread, sleeping under bridges and begging in the streets."

4. Serious violations of human rights long held to be sacred throughout the bourgeois democracies have been violated in Australia in recent times. These violations are embedded in the secondary boycott provisions of the Trade Practices Act, Howard's Work Choices (much of which continues under Labor's Fair Work Act), the anti-terror legislations of the States and the Commonwealth, in the powers vested in the Australian Building and Construction Commission, in the "anti-bikie" laws now coming into effect in various States, and in the act of suspending the operation of the *Racial Discrimination Act 1975* in the Northern Territory to impose the so-called "Federal intervention" into Aboriginal communities. Such a sweeping range of violations over a relatively short recent period emphasises the vulnerability of human rights in Australia. They are part of an ongoing

assault on our rights and liberties that can be traced back through cases like the Egon Kisch case, the attempt to ban the Communist Party, and the attacks on progressive literature and art. The right to strike has always been under attack.

5. The main impediment to the better definition and protection of human rights in Australia is the prevailing political and economic system and its formal expression, the Australian Constitution. The founding Chairman of the CPA (M-L), the late E. F. Hill, an eminent barrister, wrote of the Australian Constitution:

"The constitution itself was a compromise between the British imperialists, the new central authority and the authority of the previous six separate colonies (now States). It was characterised firstly by its absolute exclusion of Australia's native black people (i.e. it assumed the complete correctness of seizure of Australia from the black people and their ruthless extermination)...It was a fairly weak federation. Its weakness was born of the vested imperial interests in the six separate colonies (States) which were reluctant to hand over authority to an unknown and untried central authority, and in the efforts of the British imperialists to maintain a direct hold on Australia."

6. Consistent with Hill's evaluation of the weak and compromised nature of the

Australian Constitution in not recognising the prior occupation and ownership of Australia by its Aboriginal and Torres Strait Islander inhabitants and its silence about their rights as indigenous Australians, the definition of human rights in Australia must begin with the recognition and acknowledgement of the rights of indigenous Australians.

7. The Australian working class played a major role in the struggle to end direct British colonial rule through the strikes and struggles of the 1890s; nevertheless, a consequence of the weaknesses of the organised working class at the time of the adoption of the Australian Constitution was its exclusion from real decision-making. The new Constitution says little about the democratic rights and civil liberties of the majority of the population. A republican constitution proclaiming Australia as an independent, sovereign and democratic nation is the proper place for a Bill of Rights that defines and protects our democratic rights and civil liberties. All other options, as noted by the Background Paper, are either unenforceable or subject to the legislative whims of the Government of the day.

8. The CPA (M-L) notes that although "amending the Constitution to include a bill of rights" is included as an option on page 13 of the Background Paper, the Terms of Reference on page 16 conclude with the statement that "The options

identified should preserve the sovereignty of the Parliament and not include a constitutionally entrenched bill of rights". The CPA (M-L) strongly condemns the arbitrary rejection by the Terms of Reference of any options that might be proposed during the consultation phase as itself a violation of the right to advocate for a preferred political course of action.

9. The CPA (M-L) submits that real and enforceable human rights for the majority of Australians will only become operative with the winning of genuine national independence from imperialism, and the ending of the capitalist system with its right to rule vested in the handful of the rich and powerful and protected by bourgeois law. Nevertheless, the CPA (M-L) values the pursuit of human rights under the existing conditions of Australia's economic and political system and supports the better definition and protection of those rights as being consistent with the immediate interests of the majority of the population.

10. The CPA (M-L) supports precisely what the Terms of Reference oppose, namely a referendum on the creation of a new republican Constitution, to include a Bill of Rights, and for the broadest possible involvement of the majority of the people in the process to achieve such a Constitution.

May 25, 2009

Statement from Toufan, The Party of Labour in Iran

"The ruling regime in Iran has encountered massive opposition to the fraudulent presidential elections held in June.

"The street marches and demonstrations go beyond support for the reformist candidates and strike a blow at the heart of the repressive forces of the regime.

"Fishing in troubled waters, the US imperialists try to contain the people's movement, hoping to see the ousting of the anti-imperialist incumbent, Ahmadinejad and his

replacement by a government headed by the "opposition" candidate Mousavi. They promote Mousavi as a candidate sympathetic to negotiating an end to Iran's nuclear program and promise a relaxation of their economic blockade of Iran if he can replace the "hard-liners".

"In fact, these two candidates are among the four chosen by the Guardian Council of the Islamic Republic to run for the elections. Each candidate is committed to the continuation of the Islamic Republic

and opposed to secular and progressive change.

"The reformists held office prior to the rise of Ahmadinejad. They had the opportunity twelve years ago to legalise the right to form trade unions, but refused. They support the neo-liberal economic policies of the WTO, the IMF and the World Bank and are fully in support of the privatisation of major sectors of the economy in order to attract imperialist investment.

"Ahmadinejad was brought into office by the Iranian ruling

class as a response to imperialist economic sanctions, sabotage and threats. He takes a militant stand against imperialism and Zionism on one hand, but on the other, refuses to mobilise the most conscious and steadfast anti-imperialist section of the Iranian people, the workers. Indeed, labour activists are tortured and jailed.

"This year's May Day rallies in Teheran, Sanandaj and other cities were brutally attacked by thugs of the regime, using electric batons and pepper spray. More than

150 activists were arrested.

"We support the right of the Iranian people to struggle against the bogus elections. The fight for the overthrow of the reactionary regime of the Islamic Republic, for the right to form trade unions and to strike, for full equality between men and women, for the prohibition of child labour and for the release of all imprisoned workers and progressive peoples, is entirely just and accords with the principle of international working class solidarity."