7 June 2011

Mr. Edward O'Donohue,
Chairperson, Scrutiny of Acts and Regulations Committee,
Parliament House, Spring Street,
East Melbourne Vic. 3002

Dear Mr. O'Donohue & Committee,

Submission to the Inquiry into the Charter of Human Rights & Responsibilities

1. Endeavour Forum Inc. is an Australian pro-family women's organisation which has special consultative status with the Economic & Social Council of the United Nations.

2. We submit that the Charter of Human Rights & Responsibilities should be repealed and abandoned. The Charter is unnecessary for protecting human rights in Victoria; such rights are better protected under specific legislation. The Charter gives too much power to unelected officials such as judges and the Victorian Equal Opportunity & Human Rights Commission instead of elected Parliamentarians, and it imposes an undue burden of costs because of an expanded bureaucracy (e.g. the VEOHRC which should also be abolished because of its blatant partisanship) on families who are already struggling with household expenses. The Charter has no mechanism for ensuring Responsibilities are met, and has too many serious flaws which are beyond amending. These flaws are detailed below.

3. Although the Charter claims to be based on International Treaties including the Convention on the Rights of the Child (CRC) it deliberately excludes the right to life of unborn children. Protection for the child before as well as after birth is expressly called for in the Preamble of the CRC.

4. The Charter has done nothing to protect the lives of babies born alive after induced abortions. These babies are legally entitled to the same medical care as other premature babies of the same gestational age, yet when the Hon. Peter Kavanagh MLC, called for an inquiry into the deaths of 52 babies born alive after abortion, his motion was voted against by the Brumby Labor government which had instigated the Charter. That Labor government did not even allow its members a conscience vote as is usually allowed on issues relating to abortion. The hypocrisy of that Labor government is breathtaking. The legalisation of abortion does not cover the plight and fate of these babies because they were born alive and separated from their mothers. If the mothers did not want their babies treated, a public guardian should have been appointed to ensure that
these babies received the appropriate care, just as is done in the cases of other children who are neglected or abused by their parents.

5. The Charter has failed to ensure that women seeking abortion are given all the information pertaining to the risks of the procedure and future health consequences, both physical and psychological. In any other surgical procedure, it would be considered malpractice if the doctor concealed x-rays or ultrasounds from the patient, but with induced abortion, it is routine practice to turn the ultrasound screen away from the mother so that she cannot see her fetus.

6. The Charter has failed to protect both the conscience rights and professional rights of doctors and other medical personnel who do not wish to be involved in providing or referring for abortion. The Abortion Law Reform Act 2008 infringes not only on conscience rights but also on the professional judgment of doctors, e.g. a doctor may well be pro-choice in regard to abortion, but may consider an induced abortion not appropriate for a particular patient if she has a personal or family history of mental illness, suicide, breast cancer or fertility problems, to name just a few conditions where induced abortion may be contra-indicated. The incompatibility of the Charter with the Abortion Law Reform Act 2008 again highlights the breathtaking hypocrisy of the Brumby government because it highly touted the claim that all its legislation would be examined to ensure compatibility with the Charter.

7. We are concerned that prisoners are regarded as being entitled to IVF treatment under the Charter. The reasons for imprisonment and the deprivation of liberty and its privileges is punishment for a crime. Prisoners are not entitled to conjugal rights, so how are they entitled to IVF treatment which is very expensive and a burden on taxpayers? And what of the child/children so conceived? Are they to be reared in prison or will the prisoner's sentence be commuted on the basis of the "rights of the child"?

8. The Charter concentrates on the rights of those accused of crimes, but shows no concern for the victims of crime. Many sex offenders go on to become repeat offenders, so we are concerned that Extended Supervisory Orders to monitor sex offenders is considered incompatible with the Charter. The Charter appears to be concerned only about rights with little concern about responsibilities, e.g. the responsibility of the government to ensure the safety of potential victims of sex offenders. The Sunday Herald Sun editorial 24/4/2011 pointed out that "the Charter has been hijacked by criminals...Killers, drug dealers, pedophiles and terrorists have all attempted to use it in long-running legal fights".

9. We are outraged that the Victorian Equal Opportunity and Human Rights Commission has fostered a culture of adulation of convicted terrorist David Hicks and considers his "rights" have been infringed under the Charter. Hicks is not a Victorian, so how is he covered by the Charter? Even after his release, Hicks has lied about his involvement with Osama bin Laden, e.g. in a letter in 2001 Hicks wrote:
"I have met Osama bin Laden about 20 times he is a lovely brother the only reason the West call him the most wanted terrorist is because he got the money to take action. I'm going back again [to Afghanistan] and this time with the Arabs direct to the Arab camps. So I will get to meet him [bin Laden] again. There is a group of us going. There are a lot of Muslims who want to meet Osama bin Laden but after being a Muslim for 16 months I get to meet him."
Then after bin Laden was captured and killed, David Hicks said:
"I didn't know the man so I was unconcerned with his fate, however it is a relief that a man who has been responsible for the death of so many people has been put in a position where he can no longer cause any more harm." (The Australian, 5/5/11)

On another occasion Hicks boasts about his experiences with the terrorist group Lashkar-e-Toiba, which he describes as a welfare organisation looking after orphans, and adds "Where else can a tourist be given a gun and able to fire at the enemy"? Lashkar-e-Toiba is based in the Pakistan sector of Kashmir, and in my opinion, the "enemy" that David Hicks enjoyed firing at were Indian troops in the Indian sector of Kashmir. After his release from Guantanamo Bay, the Australian government should have handed David Hicks over to the Indian government to be tried there. I feel strongly about this matter as I was born in India prior to the Partition of the subcontinent into India and Pakistan, and it is matter of great concern for me that David Hicks supports Lashkar-e-Toiba which has been involved in some of the worst acts of terrorism in India.
Below are extracts from a transcript of an ABC broadcast: Australian Broadcasting Corporation TV PROGRAM TRANSCRIPT LOCATION: http://www.abc.net.au/7.30/content/2004/s1186075.htm Broadcast: 26/08/2004 Emotional reunion for Terry and David Hicks........ Reporter: Matt Peacock

....MATT PEACOCK: Documentary maker Curtis Levy filmed Mr Hicks's efforts to retrace his son's steps from Kashmir to Afghanistan, following the trail left by David in letters that he'd sent his father that detailed his military training with the Taliban and Kashmiri insurgents.

TERRY HICKS: This is a letter that I've received from David, says, "Hello family, how are you?
I have arranged to go directly to the front -- good after all my waiting. This is not a problem. Between my experience in Kosovo, now Kashmir, slowly I am becoming a well-trained and practical soldier."
TED LAPKIN: David Hicks in his own letters to his father and actually very proudly he bragged about having trained with Lashkar-e-Toiba and having fought with Lashkar-e-Toiba in Kashmir. Lashkar-e-Toiba is part of the al-Qaeda network.

When David Hicks brags about having fought with Lashkar-e-Toiba, he was fighting against Indian troops, and it is scandalous that the VEOHRC should support someone fighting against the troops of a friendly Commonwealth country.

10. The Charter mentions freedom of conscience but how is this compatible with the Brumby government's refusal to allow Church schools and institutions to reject job applicants whose lifestyle and beliefs may not be in harmony with the teachings of the Church? Furthermore, Dr. Szoke's statement that a doctor's freedom of conscience (which the Charter supports) is subordinate to the rights of women to demand an abortion, (which is excluded from the Charter) is worthy of a contortionist.

11. While VEOHRC supported the rejection of an application by "Travel Sisters" to
run a women's only travel business, it has supported "women only" swimming times demanded by Muslim organisations. VEOHRC appears to support Muslims against Christians and is unsympathetic to business people, even though Islam is most repressive of women's rights.

12. The Charter fails the test of free speech and the right to information. Media lawyers have pointed out that the four years during which the Charter has been in force has coincided with a surge in gag orders against the media by the Victorian judges. Between 2006 and June 2008 Victorian had 627 suppression orders while NSW which does not have a Charter there were just 54. (The Australian, Legal Affairs, 29/4/11).

13. We are concerned that taxpayer-funded bodies such as the VEOHRC, the Federation of Community Legal Centres, the Human Rights Law Centre and the Victorian Council of Social Services have been providing templates of submissions or other assistance in making submissions for supporters of the Charter. Either the Inquiry into the Charter should ignore these submissions or equal funding should be given to opponents of the Charter.

14. We request that the VEOHRC be asked to place a copy of this submission on their website just as they have placed pro-Charter submissions.

For all the reasons cited above we request the complete repeal of the Charter of Human Rights and Responsibilities, and we request that if there are any hearings on this issue that we be given the opportunity give verbal evidence.

Mrs Babette Francis

Babette Francis
National & Overseas Co-ordinator
7 June 2011