

EXPLAINER

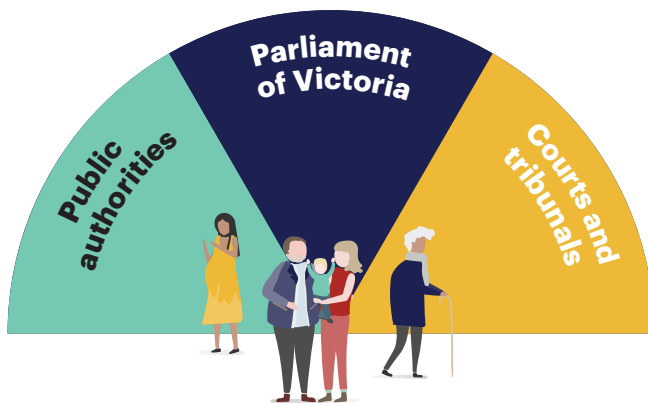
Protecting Victorians' human rights

The Charter of Human Rights and Responsibilities

Human rights are the fundamental freedoms we all expect and deserve. In Victoria, the Charter of Human Rights and Responsibilities is the law that protects our human rights – it's about promoting everyone's human rights, and the obligations of government, policy-makers and law-makers.



Who does the Charter apply to?



The Charter is about the relationship between government and the people it serves – it protects the fundamental rights of all Victorians and requires Victoria's public authorities, parliament, and courts and tribunals to respect human rights.

- **Public authorities**, including local government and Victoria Police, must properly consider and act compatibly with human rights in their decisions and operations.
- The **Parliament of Victoria** must explain whether new laws are compatible with human rights.
- **Courts and tribunals** must make sure they consider human rights when they interpret and apply all Victorian laws.

Can my rights in the Charter be limited?

In certain circumstances – for example, in an emergency or disaster, or when rights come into conflict – it may be necessary to limit human rights, but any such limitation must be:

- reasonable
- necessary
- justifiable
- proportionate
- time-bound.

If the government is limiting human rights, it must seek the least restrictive option possible.

Did you know Victoria is one of only three states and territories with a dedicated human rights law?

The Australian Capital Territory and Queensland also have human rights laws, but Australia does not have a federal human rights law.

Find out more at
www.humanrights.vic.gov.au

What rights does the Charter protect?

Right to recognition and equality before the law (section 8)

Right to life (section 9)

Right to protection from torture and cruel, inhuman or degrading treatment (section 10)

Right to freedom from forced work (section 11)

Right to freedom of movement (section 12)

Right to privacy and reputation (section 13)

Right to freedom of thought, conscience, religion and belief (section 14)

Right to freedom of expression (section 15)

Right to peaceful assembly and freedom of association (section 16)

Right to protection of families and children (section 17)

Right to take part in public life (section 18)

Cultural rights (section 19)

Property rights (section 20)

Right to liberty and security of person (section 21)

Right to humane treatment when deprived of liberty (section 22)



Rights of children in the criminal process (section 23)

Right to a fair hearing (section 24)

Rights in criminal proceedings (section 25)

Right not to be tried or punished more than once (section 26)

Retrospective criminal laws (section 27)

Strengthening the Charter

While the Charter plays a critical role in protecting Victorians' human rights, there are opportunities to improve the law and better align it with human rights developments in other parts of Australia and internationally. These include:

- expanding the scope of the Charter to include economic and social rights such as the rights to health, housing and education and the right to self-determination for Aboriginal Victorians
- enabling Victorians to resolve human rights complaints through alternative dispute resolution, rather than having to go through a court process
- providing compensation if a court or tribunal determines that someone's human rights have been breached.



How can I find out more about the Charter or make a complaint?

For more information about your rights under the Charter

Contact the Victorian Equal Opportunity and Human Rights Commission
1300 292 153
www.humanrights.vic.gov.au/get-help

To make a complaint about a breach of your human rights

Contact the Victorian Ombudsman
(03) 9613 6222
www.ombudsman.vic.gov.au/complaints/

To make a complaint about misconduct by Victoria Police

Contact the Independent Broad-based Anti-corruption Commission (IBAC)
1300 735 135
www.ibac.vic.gov.au

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Find out more at
www.humanrights.vic.gov.au

 **Victorian Equal Opportunity
& Human Rights Commission**