

# UPHOLDING HUMAN RIGHTS CLOSE TO HOME



Victorian Equal Opportunity  
& Human Rights Commission



# OUR VISION & MISSION

**Our vision** is for a fair, safe and inclusive Victoria where every person is respected and treated with dignity.

**Our mission** is to engage and influence law and policy makers, institutions, communities and individuals to protect and promote human rights in Victoria.



# OUR GOALS

To achieve our vision, we believe these long term goals need to be achieved.

## 01

**Law & Policy:** Human rights become central to the development and enactment of Victorian law and policy.

## 02

**Individuals and Communities:** People in Victoria value and stand up for human rights.

## 03

**Institutions:** Government, organisations, businesses, service providers, and the media champion human rights and develop, adopt and drive leading practice.

More than 50 years ago human rights champion Eleanor Roosevelt stated that human rights begin in small places, close to home, in the world of the individual person - our neighbourhoods, schools, universities, factories, farms, workplaces. These are the places where every person seeks equal justice, equal opportunity, equal dignity without discrimination.

“Unless these rights have meaning here, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

Eleanor Roosevelt

# WHY HUMAN RIGHTS MATTER

As human beings we have the right to dignity and equality before the law and protection from discrimination. We have the right to privacy, to freely access information, discuss ideas and practice our beliefs; to be tried fairly and treated with humanity if ever detained; and to participate in the formation of our government.

Our rights, and the responsibilities they invoke, protect what is essential in our day to day lives, what is 'close to home'. They are particularly significant to people whose social or economic background, living circumstances, age, gender, disability, race or other personal attribute make them more at risk of unfair treatment, abuse or neglect. When the rights of certain people are denied over time, they are pushed to the edge of society, entrenching disadvantage and unequal access to opportunity.

The idea of human rights speaks to the heart of what it is to be a fair, safe and inclusive community. But they are made real and given consequences through our laws, policies and structures. They are especially important in times of global uncertainty and unrest, where we are challenged by rising wealth disparity, a deepening distrust in political systems, significant displacements of people and fear-driven prejudice. It is at these times, when rights are more easily eroded that we need a robust framework that acts as a check on the overreach of power.

More than ever we are aware of the impacts of discrimination and inequality. We know that a community that embraces gender equality is a community where women are less likely to experience violence. We see many workplaces beginning to genuinely value the importance of diversity of background, perspective and capability in their organisations.

There is, finally, a growing understanding of the unique place and contribution of Australia's First Peoples and how Aboriginal and Torres Strait Islander people should be formally recognised.

And yet, every day at the Commission we hear stories of exclusion and harm from people right across our community. For more than 40 years we have told these stories in an effort to raise awareness of how the law, policies and attitudes can alienate and dismiss. We have resolved thousands of individual disputes, shaped law and policy, advocated for change to systems and structures and worked closely with a range of partners in the pursuit of a fairer society.

**Our Commission has special functions to promote equality and human rights for all Victorians. Our work is independent. It involves understanding and addressing the root causes of inequality and holding decision makers to account when human rights breaches occur.**

Over the next five years we will continue to do this. We will do it in a way that engages more people across the state and encourages people to discuss, value and stand up for human rights.

We will ensure that we have the strongest possible evidence base to lead change where it is needed and increase the impact and value of our work. We will advocate for systems and laws that are developed around principles of fairness and equity. We will go to the places that are often obscured from public view - places of detention - and ensure that within these environments people are treated humanely and with dignity.



## OUR ROLE & FUNCTIONS

**The Commission is an independent statutory body with responsibilities under Victoria's key human rights laws: the Equal Opportunity Act, the Racial and Religious Tolerance Act and the Charter of Human Rights and Responsibilities.**

**Our role is to protect and promote human rights in Victoria. We do this through a range of functions under our laws.**

### Resolve Complaints

We resolve complaints of discrimination, sexual harassment and racial and religious vilification by providing a free and confidential dispute resolution service.

### Research

We undertake research to understand and find solutions to systemic causes of discrimination and human rights breaches.

### Educate

We provide information to help people understand and assert their rights. We conduct reviews of programs and practices to help organisations comply with their equal opportunity and human rights obligations. We provide an education and consultancy service to government, business and the community to drive leading practice in equality, diversity and human rights, including a collaborative approach to developing equal opportunity action plans.

### Advocate

We raise awareness across all parts of the community about the importance of equality and human rights, encouraging meaningful debate, leading public discussion and challenging discriminatory views and behaviours.

### Monitor

We monitor the operation of the Charter of Human Rights and Responsibilities and track Victoria's progress in protecting fundamental rights.

### Enforce

We intervene in court proceedings to bring an expert independent perspective to cases raising equal opportunity and human rights issues. We conduct investigations to identify and eliminate systemic discrimination.



# OUR PRINCIPLES

The Commission has four principles to guide how we will exercise our functions and deliver on our priorities over the next five years.

## 01

### Make human rights real

We will prioritise storytelling as a vehicle for helping Victorians to understand the importance of human rights to their work and lives. We will enhance our digital presence to ensure our information is accessible and well targeted through all parts of Victoria.

## 02

### Lead with evidence

Our work will be informed by a rigorous evidence base drawing on our own and others' research. We will prioritise reflective practice and improve our capability to monitor and evaluate our impact.

## 03

### Create enduring change

We will focus on work that leads to transformative change. In doing this, we will develop and maintain strategic and influential relationships and partnerships across government, the community and business.

## 04

### Be the best we can be

We will develop and maintain a high performing team that thinks critically and carefully about all of its work. We will lead by example by nurturing a diverse and respectful workplace. We will invest in our organisation and staff to build capability, be creative and ensure strong governance and operations.



## ➤ STRATEGIC PRIORITIES

Much of our role requires us to be a responsive and dynamic organisation. We need to be equipped to deal quickly and fairly with individual complaints, provide expert advice in judicial proceedings and respond to relevant policy issues. We also have a role in setting the agenda.

Over the next five years we will focus on four strategic priorities which will drive our vision for a fair, safe and inclusive Victoria. We set these priorities based on how we can best contribute to the change we want to see, taking into account our mandate, expertise and the current needs in the community.

### 01

Embedding a human rights culture



### 02

Improving workplace equality



### 03

Protecting human rights in closed environments



### 04

Reducing racism

# EMBEDDING A HUMAN RIGHTS CULTURE

➤ **Culture is made up of the beliefs and values of an organisation, sector or community. It informs how individuals relate to one another and to the broader community.**

Victoria's Charter of Human Rights and Responsibilities provides public authorities with a framework for considering human rights when making decisions, planning, delivering services and interacting with the community. Embedding a human rights culture across government and the broader community through increased knowledge and skills will lead to fairer decisions and outcomes for all Victorians.

The Charter also recognises the distinct rights of Aboriginal and Torres Strait Islander people to enjoy their identity and culture, including to maintain their language, kinship ties and their distinctive spiritual, material and economic relationship with the land, waters and other resources. Protecting cultural rights encourages meaningful and respectful relationships between public authorities and the Aboriginal community and also advances self-determination.

We will provide education, training, resources and practical guidance to build a human rights culture in organisations. This includes education for senior levels of leadership in the Victorian public sector.

We will also provide education and resources to increase understanding about Aboriginal cultural rights with key organisations who must consider these rights in their everyday work.

## WHAT WE WILL DO

During this strategic period we will:

- partner with public authorities to embed a culture of human rights across the public sector focusing on educational initiatives, building human rights competency and creating sustainable resources and communities of practice
- work with key stakeholders and public authorities to embed an understanding of Aboriginal cultural rights in policy and practice
- provide a review of the state of equality and human rights in Victoria in order to map our progress in protecting fundamental rights and inform policy, decision making and public debate.

## WHAT CHANGE DO WE WANT TO SEE

The five year outcomes we seek are:

- increased knowledge and appreciation of the Victorian Charter of Human Rights and Responsibilities across the Victorian public sector
- increased reliance on human rights in the corporate plans and strategic objectives of public authorities
- increased awareness and use of cultural rights by Aboriginal people and respect for cultural rights by public authorities.

# IMPROVING WORKPLACE EQUALITY

## Work is fundamental to our identity, financial security and our sense of contribution.

Significant social and structural barriers to inclusion and equality in the workplace remain in both the public and private sectors. This is particularly true for women and people with a disability, LGBTI people, Aboriginal people and people from a culturally or linguistically diverse background. Increasingly, older people are also experiencing discrimination in the employment market.

The Commission's laws provide a strong framework for the protection of equality, safety and inclusion for women and other groups who continue to experience discrimination and harm in employment and workplaces.

## WHAT WE WILL DO

### During this strategic period we will:

- contribute to Victorian government initiatives designed to prevent and respond to gender inequality through our membership on strategic panels such as the Ministerial Taskforce on the Prevention of Family Violence and other forms of Violence Against Women, the Ministerial Council on Women's Equality and the Equal Workplaces Advisory Council
- partner with employers through our education and consultancy service to identify the drivers for workplace inequality and implement structural and cultural changes to increase equality and diversity
- continue our landmark independent review work into the nature, prevalence and impact of discrimination and sexual harassment in key sectors, such as fire services and policing.

## WHAT CHANGE DO WE WANT TO SEE

### The five year outcomes we seek are:

- key workplaces and sectors understand how their specific structures and systems can exclude and harm and commit to the implementation of equality and diversity measures
- a measurable increase in equality and diversity in key sectors that the Commission has worked with
- a reduction in the gender pay gap.

# PROTECTING HUMAN RIGHTS IN CLOSED ENVIRONMENTS

➤ **We all have a right to be protected when in care or detention and to be free from cruel, inhuman and degrading treatment.**

People living in detention, or residential or care settings where their liberty is restricted, have limited control over their lives and choices and are more vulnerable to having their human rights abused or denied through poor treatment or neglect. Issues faced by people in closed environments include a lack of access to news and connection with the community, separation from family, a denial of cultural rights, use of excessive force, inappropriate use of restraint, and disrespect for privacy and dignity in daily activities.

The treatment of people in closed environments is cause for concern, as shown by our research into the experiences of people with disabilities reporting crime and our work to prevent the detention of young people in a maximum security prison.

People in closed environments may often be unaware of their rights, by reason of the nature of the setting, their age, disability or background, or lack the support needed to assert them.

In certain closed environments, we see systemic inequality in the overrepresentation of certain groups, for example the significant overrepresentation of Aboriginal children and young people in out-of-home-care and youth custody.



## WHAT WE WILL DO

**We will:**

- raise awareness of the importance of human rights in closed environments and how individuals can assert their rights
- identify and address the systems, structures and practices that result in unfair treatment, abuse or neglect in particular closed environments
- assist in the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its standards for monitoring places of detention.

## WHAT CHANGE DO WE WANT TO SEE

**The five year outcomes we seek are:**

- law and policy that regulates closed environments is better informed by human rights principles
- vulnerable individuals have greater awareness of rights in closed environments and are better able to take action
- institutions understand the benefits of human rights and are more committed to ensuring that the rights of people in their care are protected.







# REDUCING RACISM

**Significant levels of racism and discrimination are currently directed towards people based on their race and ethnic, cultural or religious background.**

We know that many Aboriginal Victorians experience ongoing race discrimination in a number of areas of public life, including in access to accommodation, employment and services, and confront systemic barriers to the enjoyment of human rights without discrimination. We also continue to hear about the racism and discrimination experienced by people from migrant, refugee and culturally and linguistically diverse backgrounds.

The mental and physical health impacts of racism on people from minority communities are well documented. It can leave people feeling isolated and vulnerable and has a silencing effect on individuals and communities, having an impact on participation in all areas of public life. Racism also has a negative impact on productivity and community cohesion in society more broadly.



## WHAT WE WILL DO

**Over the next five years we will:**

- engage with people from multicultural and multi-faith backgrounds to build a greater awareness of rights
- work with the public, private and community sectors on specific interventions aimed at reducing racism in our community
- co-design digital strategies with particular communities to encourage increased reporting of racism
- partner with stakeholders to promote positive representations of Aboriginal culture and cultural rights.

## WHAT CHANGE DO WE WANT TO SEE

**The five year outcomes we seek are:**

- a greater understanding within our community of the impact and harm caused by racism
- people experiencing racism are better able to assert their rights
- communities and key institutions adopting strategies to stand up to racism.



# OUR VALUES

In everything we do, we embrace creativity, accountability, rigour and empathy. These values describe the way we act with our colleagues, our partners and the people and communities that we work with.

## Creativity

We know that to solve difficult problems, we need to have the courage to imagine original and creative solutions. We do this through learning from others, seeking inspiration and trying new approaches.

## Accountability

We work responsibly to achieve our objectives in an impartial and transparent way. We seek to achieve the best use of our resources and to continually improve. We accept responsibility for our actions and hold ourselves and others to account.

## Rigour

We apply critical thinking and thorough analysis to our work, ensuring it is considered, accurate and well-reasoned.

## Empathy

We understand that people experience the world in different ways and have different stories to tell. Listening intently and respectfully allows us to question our own assumptions about what is fair and see problems from different perspectives.





## Contact us

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