

## What is the Charter of Human Rights and Responsibilities?

The Victorian Charter of Human Rights and Responsibilities is a law that protects the human rights of all people in Victoria.

The Charter is also a statement about the values and principles of the Victorian community and follows extensive public consultation, which showed that the overwhelming majority of Victorians wanted greater legal protection of human rights.

## Why do we need a Charter?

Although some human rights were protected in various other laws, some basic and important rights had no clear legal protection. These include freedom of expression; freedom from forced work and freedom from cruel, inhuman and degrading treatment.

The Charter introduces standards to ensure that human rights are a priority for the government when making laws and decisions and when providing services.

It also provides a framework to assist public authorities to strike a balance between protecting the rights of Victorians and other competing public interests.

## Who does the Charter protect?

The Charter recognises the rights of people only - not corporations or other entities.

It provides equal protection to all people in Victoria. This includes you, your family, your friends and neighbours. It also includes your work colleagues, service users, clients and members of the public.

## Who is responsible for protecting rights?

The Charter requires all public authorities to act compatibly with human rights and to consider human rights when making decisions.

Public authorities include public servants, Victoria Police, local councils, Ministers, statutory authorities that perform a public function, as well as organisations that are not part of government, but which perform functions of a public nature on behalf of government (these may be non-government or private sector organisations).

## What are your new responsibilities?

Your basic new responsibility is to act compatibly with the Charter and give proper consideration to human rights when making decisions. This responsibility is set out in the Charter and the *Public Administration Act 2004*.

## When do your responsibilities under the Charter commence?

1 January 2007	1 January 2008	October 2011
The Charter commenced – new legislation is vetted for consistency with human rights. Human rights is a public sector value.	Public authorities must now act compatibly with human rights and consider human rights when making a decision.	Review of the Charter after four years of operation. (Another review is due after eight years.)

## What are the rights protected in the Charter?

The Charter contains 20 rights that reflect four basic principles.

Remember  
**FRED**

**Freedom  
 Respect  
 Equality  
 Dignity**

<b>Freedom</b> <ul style="list-style-type: none"> <li>Freedom from forced work</li> <li>Freedom of movement</li> <li>Freedom of thought, conscience, religion and belief</li> <li>Freedom of expression</li> <li>Right to peaceful assembly and freedom of association</li> <li>Property rights</li> <li>Right to liberty and security of person</li> <li>Fair hearing</li> <li>Rights in criminal proceedings</li> <li>Right not to be tried and punished more than once</li> <li>Protection from retrospective criminal laws</li> </ul>	<b>Respect</b> <ul style="list-style-type: none"> <li>Right to life</li> <li>Protection of families and children</li> <li>Cultural rights, including recognition that human rights have a special importance for the Aboriginal people of Victoria</li> </ul>
	<b>Equality</b> <ul style="list-style-type: none"> <li>Recognition and equality before the law</li> <li>Entitlement to participate in public life (including voting)</li> </ul>
	<b>Dignity</b> <ul style="list-style-type: none"> <li>Protection from torture and cruel, inhuman or degrading treatment</li> <li>Protection of privacy and reputation</li> <li>Humane treatment when deprived of liberty</li> <li>Appropriate treatment of children in the criminal process</li> </ul>

## How far do rights go?

The Charter allows rights to be limited. Just because a decision or action impacts on a human right does not mean that the decision or action is incompatible with the Charter.

The rights in the Charter may be subject to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

Reasonable limitation involves balancing the rights of the individual with the need for government departments and other public authorities to protect the broader public interest, such as public safety, health and order.

## Where do I get help?

Victorian Department of Justice: [www.justice.vic.gov.au/humanrights](http://www.justice.vic.gov.au/humanrights)

Victorian Equal Opportunity and Human Rights Commission: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)