



Victorian Equal Opportunity
& Human Rights Commission

Victoria's Charter of Human Rights and Responsibilities

> Easy English brochure



For more information about the Charter, contact the Victorian Equal Opportunity and Human Rights Commission. Look at page 15 for contact details.

The Charter



The Charter is a law in Victoria

The government must follow the Charter.

Organisations who give public services to the community must also follow the Charter.

This includes groups like the police, local councils and public schools and hospitals.



What the law means to you

The Charter is not just about lawyers and courts.

It means that groups like the police and your local council must give everyone their rights.

They must look at what they do and the way they act and make sure they are fair for everyone.

If you use their services you can say if you think they are not giving you your rights.

Everyone's rights are equal. You should not be treated unfairly because of things like race, religion, age or disability.



The Charter says you have rights

Everyone has rights and everyone's rights are equal.

It does not matter if you are young or old, a woman or a man, black or white.

The law says we all have the same rights.

Sometimes, an order from the court can change these rights, but only after you have had your say in court and only if the decision is fair.

The Law

There are 20 rights in the Charter. They are called sections.

These are the rights that the law says everyone should have.

They are your rights.



We all have equal rights.

Everyone's rights are the same.

You **cannot** treat someone unfairly or differently because of:

- their colour, culture or race, family background or the country they come from
- their religion, religious belief or activity
- their disability, disease or injury, including injury from work
- whether the person is a parent or carer. For example, they care for children or family members
- their age
- their sex. For example, whether they are a man or a woman



- being pregnant or breastfeeding
- sexual activity that is OK by the law. For example, it is not OK to treat someone unfairly because of who the person has sex with
- their sexual orientation or gender identity. For example, gay, lesbian, bisexual, transsexual, transgender, queer or heterosexual



- whether a person is married or not. For example, married, divorced, unmarried or living together
- their physical features. For example, height, weight, size, hair or birthmarks
- their actions about rights at work. For example, because a person asks questions or talks about problems with their rights at work



- their union activity. For example, because a person is a member of a trade union or not, going on strike or not
- their politics, political beliefs or activities or because a person does not take part in political activities

Also, you cannot treat a person unfairly because that person knows someone who has features on this list.

The right to life

Section 9

You have the right to feel safe.

Your life should be protected by the state.

The government or police cannot kill people.

They are only allowed to take someone's life if that person is about to seriously hurt someone else and cannot be stopped any other way.

If someone dies in prison there must be an inquiry to find out why and what went wrong.

No torture or degrading treatment

Section 10

You have the right not to be tortured and not to be treated in a way that is cruel or degrading.

The government or groups in charge cannot torture you. That means they cannot badly damage your mind or body.

If you are able to, you can choose to have medicine or therapy or be in a science experiment. The government or groups in charge cannot force you to do these things.

No forced labour or slavery

Section 11

The government or groups in charge cannot treat you as a slave or make you work without pay.

Only an order from a court can force people to work. For example, if they have broken the law part of their punishment might be to do some work to help the community.

Freedom of movement

Section 12



You can stay in or leave Victoria when you want to, unless you have broken the law and a court says you are not allowed to stay or leave.

The right to privacy

Section 13



You can keep your life private.

Your family life, your home, the things that belong to you or information about you – these are all private.

You can choose who you share them with.
It is your decision.

The right to think or believe what you like

Section 14



You can choose what you believe.

The government or groups in charge cannot tell you what you should think.

The right to freedom of expression

Section 15



You are free to say what you think and want, for example, talking, writing or with art.

You have the right to say or read what you want, even if other people don't like it.

But you must respect other people and the things that belong to them.

Other people have the right to say things you don't like, but they must respect you too.

The right to peaceful assembly

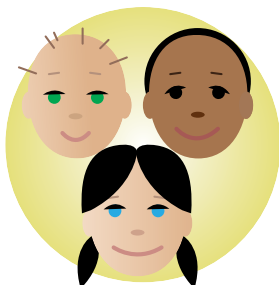
Section 16



You have the right to join in with groups or unions and meet peacefully.

The right to protection of families and children

Section 17

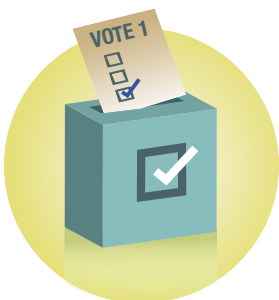


Your family life is private.

Children also have rights and the Charter has special protections to make sure they are looked after.

The right to take part in public life

Section 18



You have the right to take part in public life. For example, you can speak at local council meetings.

The law says when you can vote in elections. The government cannot stop you from voting if the law says you can.

Cultural rights

Section 19



This means you can have different family, religious or language backgrounds. You can enjoy culture. You can talk about your religion and use your language.



Aboriginal culture has special protection. This includes the language, people, land and materials.

Property rights

Section 20



You can keep things that belong to you.

The government or groups in charge cannot take your money or your things away from you, unless the law says they can, for example, if you have broken the law.

The right to freedom and security

Section 21



Everyone has the right to be free and safe.

The police cannot arrest you or lock you up unless they have good reason to think you have broken the law.

The government or groups in charge cannot keep you locked up unless the law says they can.

There must be a good reason, like keeping you or other people safe.

The right to humane treatment when deprived of liberty

Section 22

If you are accused of breaking the law and are locked up, you must still be treated with respect and not hurt.

The rights of children in the criminal process

Section 23

If a child is accused of breaking the law they must not be locked up with adults.

They must be able to have a fair trial as quickly as possible.

If they are locked up they must still be allowed to have an education.

The right to a fair hearing

Section 24



You have the right to be treated fairly if you are accused of breaking the law.

If someone says you have broken the law you have the right to a proper trial.

The trial must be in a public court so people can watch to make sure everything is fair.

You have the right to tell your side of the story.

You have the right to get help to do this.

A lawyer or someone who has had proper training can help you.

They will tell your side of the story in court.

Rights in criminal proceedings

Section 25



A person in the criminal system is accused of doing a crime. The criminal system includes the police, law courts and prison.

You have the right to know why the police arrested you about a crime. You must get information in a way you can understand, for example, in your own language.



If you have to go to court and cannot speak or understand English someone, like an interpreter, must help you understand.

Sometimes, a lawyer from Victoria Legal Aid will be able to help you.

A person is innocent until they are proven to be guilty.

You must get fair treatment and punishment should be fair for the crime.

Right not to be tried or punished more than once

Section 26

You will only go to court and be punished once for a crime, unless the law says otherwise.

Retrospective criminal laws

Section 27

You can only be found guilty of a crime if it was against the law when you did it.

Limits on rights

The rights under the Charter have limits.

All rights have responsibilities. This includes the responsibility to respect other people's rights.

Sometimes rights have to be balanced. For example, when you getting your rights mean someone else is not getting theirs.

Other people have the same rights as you and everyone's rights are important.

Sometimes if you choose to do something you may have to give up some of your rights to do it.

If you fly on a plane, you may have to give up some of your right to privacy so your bag can be searched.

You have the right to say what you want, but saying something really bad about someone else, which means they might get hurt, is not allowed.

No-one can say, 'we should kill all those people because we don't like them'.

Everyone has the right to feel safe.



What you can do if you think your rights are being ignored

You can use the Charter of Human Rights and Responsibilities to stop public organisations like your local council, the police or the government from ignoring your rights.

If you are not happy with the way you are being treated by these groups you can complain.

This might be because you are not happy with a service you are getting, or you are not getting a service you think you should get.

This might be things like:

- not being treated as an equal
- not getting to make your own choices about your life
- not being allowed to choose things like where you live or how you spend your money

You can use the complaints policy of the organisation you want to complain about. You can ask them how to do this and they should tell you.

Or you can make a complaint to the Victorian Ombudsman.

Victorian Ombudsman

Level 9, North Tower, 459 Collins Street
Melbourne Victoria 3000

Telephone: (03) 9613 6222

Email: ombudvic@ombudsman.vic.gov.au

Website: www.ombudsman.vic.gov.au

Regional callers (free call): 1800 806 314

Interpreters: 131 450

TTY (teletypewriter): Call 133 677 then
(03) 9613 6222



If you need legal help

You can contact Victoria Legal Aid for free legal advice.

Victoria Legal Aid

350 Queen Street
Melbourne Victoria 3000

Telephone: (03) 9269 0120

Website: www.legalaid.vic.gov.au

Regional callers (free call): 1800 677 402

TTY (teletypewriter): Call 133 677 then
(03) 9269 0120



Victorian Equal Opportunity
& Human Rights Commission

What will the Victorian Equal Opportunity and Human Rights Commission do?

Make sure people in Victoria understand the Charter.

Check that governments in Victoria follow the Charter.

Contact details



Enquiry Line: 1300 292 153 or (03) 9032 3406



Interpreters: 1300 152 494



Email: enquiries@veohrc.vic.gov.au



Website: www.humanrightscommission.vic.gov.au



Address: Level 3, 204 Lygon Street, Carlton VIC 3053



Fax: 1300 891 858



Hearing impaired (TTY): 1300 289 621



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Please note: This information is only a guide. You might want to talk to a lawyer for more information.

Your privacy: The Victorian Equal Opportunity and Human Rights Commission Victoria keeps your information private. You can also look at the website, **www.humanrightscommission.vic.gov.au**.

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www.scopevic.org.au.

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