



The Charter of Human Rights and Responsibilities

> The Charter and the Australian human rights framework

The *Charter of Human Rights and Responsibilities Act 2006 (the Charter)* comes from a long tradition of human rights law internationally. At the federal level, the Australian Government has an obligation under international law to respect, protect and fulfil human rights. This means the Government is obliged to take action to ensure people can enjoy their human rights. The Government must also refrain from action that would breach people's human rights. Australia has had these obligations for many decades and has been a party to the International Covenant on Civil and Political Rights, on which the Charter was based, since 1980. Having the Charter in Victoria is a way of making sure government authorities take human rights into account at the state level, too.

Did you know?

People in Australia can make a complaint to a UN Committee if they think their human rights have been violated under one of the following treaties:

- International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- the Convention on the Rights of Persons with Disabilities

They need to try all remedies available to them in their own country first before complaining to the UN. More information is available from the UN Office of the High Commissioner for Human Rights.

International law

Australia has a proud record of adopting and supporting international human rights law. In 1948 the United Nations (UN) adopted the Universal Declaration on Human Rights. Australia played an active role in developing the Universal Declaration and the international human rights treaties that followed.

Australia's obligations under international law are subject to scrutiny. The Australian Government must publicly report to the UN on the steps it has taken to implement each of the treaties. Community organisations may also contribute directly to the UN's consideration of Australia's report to offer their perspectives on how the Australian Government is meeting its obligations. This is often known as a Shadow Report.

Australia-wide

Federally, a range of laws help Australia to implement its human rights obligations. In particular, the *Australian Human Rights Commission Act 1986 (Cth)* restates the obligations Commonwealth authorities have under key human rights instruments.

Under this Act, the Australian Human Rights Commission has a range of powers to look at how the federal government is meeting its human rights obligations. This includes:

- resolving complaints of discrimination or breaches of human rights under federal laws
- holding public inquiries into human rights issues of national importance
- developing human rights education programs and resources for schools, workplaces and the community
- providing independent legal advice to assist courts in cases that involve human rights principles
- providing advice and submissions to parliaments and governments to develop laws, policies and programs,
- undertaking and coordinating research into human rights and discrimination issues.

More recently, the new Australian Human Rights Framework has also introduced:

- a new Parliamentary Joint Committee on Human Rights (Joint Committee) to look at whether federal laws comply with international human rights law – this follows the model in Victoria and the Australian Capital Territory (ACT)
- a requirement that each new Bill introduced into Federal Parliament is accompanied by a Statement of Compatibility with Australia's international human rights obligations

- a requirement to review legislation, policies and practice for compliance with the seven core international human rights treaties to which Australia is party
- human rights education for the federal public service and the community
- the development of a new National Action Plan on Human Rights to outline future action for the promotion and protection of human rights

Victorian state and local government authorities are not required to demonstrate their compliance with international human rights instruments like the ICCPR to the Australian Human Rights Commission, and the federal parliamentary scrutiny committee can't consider the human rights issues raised in Victorian laws. That's why we have the Charter – the Victorian Parliament has made a commitment about human rights to the people it serves and has set up a mechanism so that Victorian public authorities are transparent and accountable in how they take this into account in the work they do.

Other Australian jurisdictions

The Australian Capital Territory also has human rights legislation: the *Human Rights Act 2004* (ACT). The Tasmanian Government is consulting on what a Charter of Human Rights and Responsibilities for Tasmania might contain.

Did you know?

Canada, a federal country like Australia, also has human rights instruments at the national and the state (provincial) level.

Did you know?

You can make a complaint about a federal government body not complying with Australia's international human rights obligations to the Australian Human Rights Commission: humanrights.gov.au



**Victorian Equal Opportunity
& Human Rights Commission**

Need more information?

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
TTY 1300 289 621
Email enquiries@veohrc.vic.gov.au
Website humanrightscommission.vic.gov.au

Accessible formats

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We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at communications@veohrc.vic.gov.au.

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