

Introduction to Human Rights



&

**Victorian Charter of Human
Rights**

What are Human Rights?

Human Rights are

‘THE BASIC CLAIMS’

that all people have, which allows them to
enjoy fair safe and comfortable life



What are Human Rights?...

The United Nation's Universal Declaration of Human Rights[1948]

- All human beings are born free and equal in dignity and rights.
- Every one is entitled to rights without discrimination.
- Human Rights cannot be taken away ,traded or disposed of and
- Human Rights are the foundation for freedom, justice, peace, and respect.



International Human Rights Law

There is some international agreement on the 'list' of human rights.

- Universal Declaration of Human Rights[1948].
- International Covenant on Civil and Political Rights [ICCPR]
- International Covenant on Economic ,Social and Cultural Rights .[ICESCR]
- Other international treaties.
- Interpretation by International bodies –i.e. International court of Justice.



Types of Human Rights

First and second generation rights

Civil and Political Rights (First Generation)	Economic, Social and Cultural Rights (Second Generation)
Right to life	Right to health
Right to privacy	Right to food
Freedom from discrimination	Right to adequate shelter
Freedom of expression	Right to work and just conditions of work
Freedom of thought, conscience, and religion	Right to education
Freedom of association and movement	Right to form and join a trade union
Freedom from torture	Right to take part in cultural life.
Freedom from arbitrary detention	Protection of family
Freedom from slavery	Right to have adequate standard of living
Right to fair trial	Right to social security

Types of Human Rights.....

Third Generation Rights

These rights go beyond the mere civil and social rights :

- Group and collective rights
- Right to self-determination
- Right to economic and social development
- Right to a healthy environment
- Right to natural resources
- Right to communicate
- Right to participation in cultural heritage
- Rights to intergenerational equity and sustainability

Types of Human Rights...

- Are Women's Rights Human Rights?



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

The Victorian Charter

- Ordinary Act of Parliament
- Charter reflects UK, NZ and ACT Human Rights instruments
- Encourages a human rights dialogue between Executive, Parliament and the Courts.
- Charter came in to full operation from 1 January 2008

Charter Rights

Recognition and equality before the law	Entitlement to participation in public life [including voting]
Right to life	Cultural rights
Prohibition on cruel, inhuman and degrading treatment	Property Rights
Freedom from forced work	Right to liberty and security of person
Freedom of movement	Humane treatment when depriving liberty
Protection of privacy and reputation	Appropriate treatment of children in the criminal process
Freedom of thought, conscience, religion and belief	Fair hearing
Freedom of expression	Rights in criminal proceedings
Right to peaceful assembly and freedom of association	Right not to be tried and punished more than once
Protection of children and family	Protection from retrospective criminal law

How does the Charter work?

- Government departments and public bodies must observe charter rights when they create laws, set policies and provide services.
- This means:
 - They are required to act in a way that is consistent with the Human Rights protected under the Charter
 - They have to comply with the Charter and take Human Rights into account in their day-to-day operations

Do we have any obligation under the charter ?

- From 1 January 2008 all public bodies, or authorities, must respect and act according to the Rights in the Charter



Who is a public authority?

- Public officials
- Statutory authorities that have function of a public nature
- Victoria Police
- Local Government
- Ministers
- Some other organisations.[....the *entity is publicly funded to perform the function*]

How can we apply the Charter Rights?

- Be proactive
- Think about Human Rights issues for our work place
- Identify priority areas to address