15 June 2011

Mr Edward O'Donohue MLC
Chairperson
Scrutiny of Acts and Regulations Committee
Parliament of Victoria
Melbourne Vic 3002
charter.review@parliament.vic.gov.au

Dear Sir,

RE: REVIEW OF THE

*CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (Vic.)*

**SUBMISSION from HUMANIST SOCIETY OF VICTORIA INC. (HSV)**

HSV is a secular organization whose members foster an ethical, reasoned and responsible approach to life. It supports human rights, democratic processes, and a just and inclusive governance.

It seeks to alleviate suffering, to promote well-being and the circumstances where all individuals can attain their full potential. It engages in educational, counseling and charitable activities.

The views that follow have been formulated at specially convened group discussions to which all HSV members are invited. Further supportive information is obtained from print publications, the Internet, public lectures and from individuals with relevant expertise.

The HSV Submissions Committee is authorized to present the following views.

*The Humanist life-stance emphasizes reasoned enquiry and dialogue, individual freedom with responsibility, the need for tolerance and co-operation, and the recognition that we are a dependent part of nature.*
0.1. The Victorian Government is to be congratulated on its commitment to the present review. Humanists regard human rights and responsibilities as foundations of our democratic society, and the meaningful interpretation of human rights is a measure of the degree of civilization attained by the society. The continued effectiveness of the Charter depends upon periodical review.

0.2. We note with approval that the Victorian Charter defines and protects the human rights of all people in Victoria. The principal beneficiaries are the socially disadvantaged. The protective function of the Charter is vital for a cohesive society, especially so, considering the absence of comparable protection at national level.

0.3. We consider that the Charter also has an educative function of changing the social and institutional culture of compromise or disregard for human rights.

We wish to comment on particular terms of reference for this review, as follows.

1. Whether the Charter should include additional human rights:

   a. Humanists observe with approval that the Charter contains principles from the Universal Declaration of Human Rights, which underpins our modern world. It is incumbent upon all member states of the United Nations to support and meet their obligations – at every level of government – as signatories to international human rights conventions and conventions.

   b. Humanists support the principles embodied in the International Covenant on Economic, Social, and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women, and all other internationally accepted agreements that promote human rights. We believe that Victoria must continue to set world-class leadership within the national context by adopting these principles.

   c. We therefore recommend that the Charter include all human rights enshrined in international covenants and conventions.

2. Whether the right to self-determination should be included in the Charter:

   a. Humanists support the human rights of everyone to enjoy free thought, belief, speech, association and lifestyle. These are rights to personal autonomy and include the respect accorded to directives regarding end-of-life decisions.

   b. Associating groups deserve to be recognized, including in particular our First Peoples. Group self-determination should conform to international conventions; it may be curbed by government only after extensive consultation and negotiation with affected communities and if full right of appeal to the courts is retained.

   c. Article 30 of the Universal Declaration of Human Rights states that human rights for some people must not be construed in such a way as to diminish the human rights of others. Thus, the principles of human rights not only guarantee the right to self-determination but also ensure that the right is tempered by responsibilities which enable everyone to live in a free and equitable community.

3. Whether there should be mandatory regular auditing of public authorities to assess compliance with human rights:

   a. We support mandatory annual auditing of public authorities for their human-rights compliance, and the reports should be made public. Our community must have in-built checks and balances to ensure that we are meeting appropriate levels of human rights compliance.

   b. This auditing must be included at legislative and governmental level, in order to lead by example.

4. Whether the Charter should include further provisions with respect to legal proceedings that may be brought or remedies that may be awarded in relation to acts or decisions of public authorities made unlawful by the Charter:

   a. Humanists support the availability of legal and civic remedies as a way to protect and enforce universal human rights. We ask that a series of opportunities be added to develop complaint procedures, restorative practices, education and possible compensation when human rights are violated.

   b. Such remedies must be accessible to all people, regardless of their financial or social status.
7. Options for improvement of the regime:

   a. Humanists consider that a code of conduct of human rights and responsibilities must be binding on government, both State and municipal, and on statutory authorities.

   b. The commitment to public education about human rights has unfortunately not been honoured. This lack should be made good, as it is even more important than dealing with infringements of the Charter.

   c. Where it acts in partnership with the private sector, government should not be able to plead 'commercial, in confidence' so as to hide human-rights abuses occurring in the private sector.

This concludes the submission.

Yours faithfully,

Stephen Stuart, President and member of Submissions Committee