9 June 2011

Mr Edward O’Donohue MLC
Chairperson
Scrutiny of Acts and Regulations Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Mr O’Donohue

Submission to the Inquiry into the Charter of Human Rights and Responsibilities

We refer to the inquiry of the Scrutiny of Acts and Regulations Committee (Committee) into Victoria’s Charter of Human Rights and Responsibilities (Charter).

We are writing to endorse the submission of the PILCH Homeless Persons’ Legal Clinic (HPLC), Charting the Right Course: Submission to the Inquiry into the Charter of Human Rights and Responsibilities.

About Women’s Health In the North

Women’s Health In the North (WHIN) is a health promotion organization in the northern suburbs of Melbourne. We aim to strengthen women’s health and wellbeing, with a strategic focus on preventing violence against women, sexual and reproductive rights, economic participation and, more recently, environmental justice and the impact of climate change on women. We offer a range of programs, training and community services as well as research and advocacy across these four priority areas.

The Charter has particular relevance to women because of their experience of disadvantage. A gender sensitive perspective on health highlights how women’s community and economic participation is often limited when compared to men’s.¹ Women who experience lower economic independence are in turn more likely to have strained relationships with their social networks and supports, and this can put women at a greater risk of experiencing violence. The leading cause of death and disability for women in Victoria aged 15 to 44 is domestic violence.² Violence perpetrated against women is in direct breach of the Charter.³

¹ Australian Bureau of Statistics. Category Number 6302.0 Average Weekly Earnings, Australia 2010.
³ The Victorian Charter of Human Rights and Responsibilities: Civil and political rights explained. Victorian Equal Opportunity & Human Rights Commission. Pg. 6
Women are also frequently absent and/or invisible in 'high-level' decision making and management positions. In Victoria, despite comprising slightly more than half of the state’s population (50.9), women comprise 25% of mayors, and 29.8% of local government Councillors.\(^4\)

**Women’s Health In the North’s use of the Charter**

The Charter has been a highly valuable advocacy tool that WHIN has employed in order to assist in upholding women’s rights. The aspect of the Charter we most frequently refer to is the obligation on public authorities to act compatibly with human rights and to give proper consideration to human rights and decision-making processes.\(^5\) Using the Charter in this way has allowed us to support public authorities in our region to ensure that they are adequately responding to the needs of disadvantaged women – particularly in regards to Protection from torture and cruel, inhuman or degrading treatment or punishment; the Right to liberty and security of person; Protection of families and children; the Right to participate in public life; and Freedom from forced work.

As a result of the advocacy around the Charter we have seen gradual policy and program changes within the public authorities in our region that better respond to women’s needs. For example, our Pridency: Inclusive Sexuality Education project, a program aimed at preventing homophobia and promoting social inclusion in secondary schools, was greatly assisted by the legislative backing of the Charter. Having the Charter provided authority and led to a level of compliance from school principals no previously seen in this area. It greatly increased the reach and impact of the Pridency program across the region, particularly in schools who would not otherwise support sexual diversity.

**Women’s Health In the North’s key points for the Committee**

We endorse the HPLC’s submission that:

- The Charter has brought about gradual but noticeable improvements in the provision of services by public authorities. Many of these improvements have been generated through education and negotiation and better, more transparent decision-making processes;
- The dialogue model is key to the Charter’s effectiveness – the roles of each of Parliament, public authorities and courts and tribunals are essential to the provision of accessible, efficient and fair outcomes for Victorians;
- Non-legislative protections, such as service standards, with no role for courts or tribunals would not be as effective as the Charter at addressing systemic injustice; and
- Assessing the costs and benefits of the Charter requires balancing of direct costs with the wider flow-on benefits generated across the community. We encourage SARIC to consider costs that are avoided as a result of better decision-making processes within service providers.


\(^5\) Charter of Human Rights and Responsibilities Act 2006 (Vic) s 38
In line with the HPLC’s submission, WHIN would also like to see the Charter strengthened and improved to include the:

- Protection of economic and social rights
- Formal monitoring of public authorities’ human rights compliance; and
- Ongoing Charter-based education, training and resources.

In particular, WHIN would like to see that the Charter extends to protect the rights outlined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Incorporating CEDAW into the Charter and hence recognizing that women’s civil and political rights are inherently linked to their economic and social development would mean that the Charter could better address women’s health and economic security, violence against women, and the systemic discrimination women face.

**Conclusion**

WHIN supports the key points and recommendations of the HPLC.

In conclusion, we would like to leave you with the message that the Charter is effectively working to improve the protection of human rights for Victorians. We are seeing the results through our work and we feel confident that further improvements are certain.

Please contact me if you have any queries about this letter or would like more information about our work with the Charter.

Yours sincerely

Helen Riseborough  
Executive Director  
Women’s Health In the North