VICTORIAN COMMUNITY SECTOR: ENGAGING WITH AND IMPLEMENTING A HUMAN RIGHTS FRAMEWORK

Assessing the impact of and engagement with the Victorian Charter of Human Rights & Responsibilities 2006 (Vic) by community sector organisations.

December 2010 - unpublished
ABOUT VCOSS

The Victorian Council of Social Service (VCOSS) is the peak body of the social and community sector in Victoria. VCOSS works to ensure that all Victorians have access to and a fair share of the community’s resources and services, through advocating for the development of a sustainable, fair and equitable society. VCOSS members reflect a wide diversity, with members ranging from large charities, sub-sector peak organisations, small community services, advocacy groups and individuals involved in social policy debates.

VCOSS is committed to living out the principles of equity and justice, and acknowledges we live in a society where people are interdependent of one another. VCOSS respects the land we live in and recognises the Aboriginal custodians of the country. VCOSS is committed to reconciling all injustices with Aboriginal Australians. The VCOSS vision is one where social well being is a national priority, and:

- ensures everyone has access to and a fair share of the community’s resources and services;
- involves all people as equals, without discrimination; and
- values and encourages people’s participation in decision making about their own lives and their community.

VCOSS has been active in the area of human rights for over ten years, and is committed to promoting the understanding, engagement and protection of human rights in Victoria. Stemming from this commitment is a responsibility to ensure that those Victorians who experience disadvantage and/or who are marginalised are able to both fulfil their human rights and engage in processes and decisions which impact on their lives.

Authorised by:
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A human rights based approach should take into account basic principles such as the indivisibility and universality of human rights; non-discrimination, especially in the case of vulnerable or marginalised groups; participation and empowerment; and accountability.¹
# CONTENTS

TO UPDATE

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>About VCOSS</td>
<td>1</td>
</tr>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Overview</td>
<td>6</td>
</tr>
<tr>
<td>Summary of recommendations</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>The impact of flooding on communities: unique challenges and context</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Relief and recovery</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Psychosocial recovery</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>The need for community development approaches</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Insurance</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Housing and relocation</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Response</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Warnings, public information and communication of risk</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Evacuation</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Impact assessment</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Grants</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Coordination, data management and funding</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Coordination of relief and recovery effort</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Mismatch between scale of incident and responsible agencies</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Funding arrangements</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Data management, efficiency and privacy</td>
<td>Error! Bookmark not defined.</td>
</tr>
<tr>
<td>Learning from emergencies: response and recovery evaluation</td>
<td>Error! Bookmark not defined.</td>
</tr>
</tbody>
</table>
INTRODUCTION

The protection and promotion of human rights is fundamental to achieving a democratic society. They encompass all dimensions of life - social, economic, cultural and political, and apply to all people irrespective of age, gender, ethnicity, culture or other attribute.

The Victorian Charter of Human Rights and Responsibilities 2006

In 2006, the Victorian Parliament passed the Victorian Charter of Human Rights and Responsibilities (the Charter) to protect these fundamental rights and freedoms. The Charter includes many rights contained in international human rights treaties ratified by Australia, and requires government and public authorities to observe human rights when making laws and providing services.

VCOSS and human rights

VCOSS has incorporated a human rights framework explicitly into its policy and advocacy work since 2001. In doing so, VCOSS has sought to link domestic policy and advocacy discussions to the various international human rights conventions. VCOSS engages in a range of human rights projects and participates in a number of external human rights working groups, advisory committees and informal meetings, providing a community sector perspective to government, statutory bodies, legal and academic groups.

VCOSS has been actively involved in the development and implementation of the Charter. This has involved conducting consultations around its introduction, advocacy, training and education of community sector workers and advocates, education and publications, including a preliminary audit and needs analysis of human rights education and training needs for community sector organisations, Audit and Needs Analysis: Human Rights Education and Training Report, and a report focussing on the ways in which community sector organisations are using the Charter in policy and practice – Using the Charter in Policy and Practice. This was a seminal report that provided an overview and case studies examining how community sector organisations had implemented these changes. The report is available on the VCOSS website: www.vcoss.org.au.

VCOSS also published a special, dedicated human rights edition of its [then] social policy journal, Just Policy, in 2007 to contribute to the debate around using human rights frameworks for social policy development and implementation.

In 2009, VCOSS was funded by the Department of Justice for a twelve month Human Rights project aimed at engaging community sector organisations with human rights, particularly in terms of how a human rights framework is relevant to their every day work. There were two key parts to the project:

1. Four human rights forums; and
The four forums focused on supporting practice change and moving towards a human rights-based framework being applied in policy and practice in community sector organisations in light of the introduction of the Victorian Charter of Human Rights and Responsibilities 2006. The forums focused on four key areas:

- Self Determination and Human Rights
- Mental Health and Human Rights
- Children’s Rights in Victoria
- Homelessness and Human Rights.

Further details regarding the background and purpose of this survey report is provided below.

**Purpose of Report**

This report is a follow up report to the seminal 2008 VCOSS report, *Using the Charter in Policy and Practice*, which examined the changes that had been made by community sector organisations to incorporate the Charter and human rights more broadly into organisational policies, procedures or service delivery.

The intention of this Report is to document and evaluate further changes made by community sector organisations since 2008 to implement a human rights framework in policy, service delivery and organisational culture more broadly, and the extent to which this has been achieved.

There are two main aspects of this report:

1. Determine and document the extent to which community sector organisations have assessed whether their policies and practices were Charter compliant and whether they supported human rights more broadly, and to what level they had implemented changes where identified as necessary; and

2. Collate case studies outlining the way in which organisations had implemented changes in order to share further practical suggestions and inspiration to other organisations.
A survey for community sector organisations was developed and circulated to peak and sub-sector peak community bodies through the VCOSS Peaks and Statewide Networks Forum and community sector organisations throughout Victoria. It was also distributed with the agenda at each of the four forums. A copy of the survey is attached at Appendix A.

The survey comprised twelve questions relating to:

- Participants’ level of knowledge of the Charter, individually and within the organisation;
- The level of implementation of the Charter in organisational policy and practice;
- Any barriers to implementing the Charter;
- Whether participants had training on the Charter; and
- Whether participants felt training had been sufficient, and if not, what training would assist them to better understand and incorporate the Charter?

The survey also requested case studies which illustrated how a human rights framework had been applied in organisations, and also sought any general feedback regarding challenges and/or barriers to implementing the Charter.

All respondents were asked if they were willing to be identified and were given the option to remain anonymous.

A total of 75 surveys were completed both online and also submitted to VCOSS after being distributed at the four human rights forums.

An analysis of the surveys was completed to identify common themes and levels of engagement with the Victorian Charter of Human Rights and Responsibilities Act 2006.

A key limitation of this report is the relatively low level of response by Aboriginal community controlled organisations (ACCOs). At the Self-determination forum, many participants commented that they either were not aware of the Charter or had a very limited level of understanding of the Charter and its implications for their organisation and community. This most likely reflects the low level of targeted engagement of ACCOs around the Charter.
FINDINGS AND ANALYSIS

The findings from the survey report have been collated into seven key themes:

1. Level of awareness of the Charter in the community sector
2. Perceived effectiveness of the Charter in promoting and protecting rights
3. The extend to which the Charter has affected the work of organisations - changes to organisational policies, procedures and services
4. The Charter and human rights education and training
5. Challenges and barriers to implementation
6. Enforcement and effect of Charter rights
7. Conflicting interests and rights

Level of awareness of the Charter in the community sector

There was a general awareness of the Charter by organisations.

Twenty percent of respondents stated that 'all' staff at their organisation are aware of the existence of the Charter, while thirty three percent of respondents stated that 'Most' staff in their organisations are aware of the Charter.

Of the 60 respondents who answered the question, 23 percent indicated that only 'some' staff members are aware, and only eight percent responded 'not many' are aware.

A limitation of this report is the low level of responses by Aboriginal Community Controlled Organisations (ACCOs). At the self determination forum, many participants commented that they either were not aware of the Charter or had a limited level of understanding for the Charter and its implications for their organisations and community. This most likely reflects the low level of targeted engagement of ACCOs (by the Victorian Government and other bodies) around the Charter.

Perceived effectiveness of the Charter in promoting and protecting rights

A significant proportion of respondents indicated that they felt unsure of the effectiveness of the Charter in protecting human rights in Victoria. Only 7 per cent of respondents answered that they believed the Charter to be 'Effective' in protecting human rights in Victoria, and 28 percent believed the Charter to be “Reasonably Effective’.

15 per cent of respondents believed that the Charter is ‘Minimally effective’.

These responses indicate that there is a lack of knowledge of the functions of the Charter and the way in which it operates in the Parliamentary, legislative and judicial context in Victoria. However, written responses highlighted some positive examples and case studies illustrating the way in which the Charter has changed policy and practice within community organisations.

(The Charter) is providing a lens for our approach to our service.
(The Charter) has been a very effective advocacy tool for our advocacy staff in protecting our clients’ rights.

We attempt to promote practices that embrace and promote the principles underpinning the Charter.

There is a clear sense that although community sector organisations do not view the Charter as having enacted broader ‘social’ change in Victoria, it has enabled a human rights culture and framework to be implemented on a smaller scale in many community sector organisations.

The extent to which the Charter has affected the work of organisations – changes to organisational policies, procedures and services

A significant proportion of respondents advised that the Charter had affected the work of their organisation. Almost one third reported that it had not affected their work at all, while just over a quarter were uncertain.

Written responses to questions about organisational change indicated that many community sector organisations had already begun to adopt a rights oriented approach to their service delivery and advocacy prior to the enactment of the Charter.

[The organisation]...had already adjusted their services with regard to including the Charter in their support to clients to ensure that decision making, organisational processes and outcomes are compatible with human rights.

In many situations the Charter had further encouraged many of these organisations to implement and strengthen a human rights based approach across all policy and practice areas. The Charter had also emphasised the importance, legitimacy and improved outcomes which are achieved by adopting a human rights framework.

Over one third of organisations (58 percent) indicted that they had made or were planning to make changes to organisational policies and procedures in light of the Charter, with a similar number (35 percent) being uncertain as to whether any change had occurred or was being planned.

The main changes are a stronger focus on equity and removing discrimination in policy and service delivery...our Cultural Action Plan refers to the Charter as do some policies.

(The Charter) is referenced at the commencement of our new policies and procedures....it provides a legislative framework for some of our principles like dignity and respect.

The development and implementation of the Victorian Charter has lead (the organisation) to articulate the language of rights in [their] Strategic Plan”... “[The organisation] intends the Strategic Plan to be binding on all of the organisation’s employed staff and committees and to form the basis of all (its) work in policy and advocacy...
Community sector organisations that had not adopted a rights based approach in their work prior to the enactment of the Charter reported that it provided an impetus for change to policy and practice. Case studies illustrating changes made by community sector organisations to organisational policy, practice and service delivery are outlined in Section 5: part C of this Report.

While 38 per cent of respondents indicated that their organisations had made, or were planning to make changes to organisational policies and procedures, 35 per cent were unsure whether this had occurred.

In relation to changes to services offered by organisations, the same pattern was seen. Although 36 per cent of respondents indicated their organisations had made changes, 37 per cent indicated they were unsure whether this had occurred.

A lack of knowledge surrounding the implementation of the Charter may be attributed to the many organisations had been unable to incorporate the Charter into their work due to limited resourcing and/or a lack of training. Accordingly, a perceived lack of need for organisational change or compliance resulting from a lack of access to training or limited funding may have caused some organisations (27.1% of those who answered this question) to indicate that they had not, and are not planning to make, any changes to services as a result of the Charter.

Charter and human rights education and training

A majority of respondents – 55 per cent – reported that they had completed training offered by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). Twenty per cent attended training run by the Department of Human Services and VCOSS, 15 per cent had attended Department of Justice training, and ten per cent had attended training run by the Human Rights Law Resource Centre. Other training sources included:

- Respondent organisation conducting its own training;
- Training provided by the Tenants Union of Victoria; and
- External facilitator.

It is clear that respondents generally believed that more training is required to improve the level of knowledge of Charter rights and responsibilities in their organisations. A clear majority of CSOs – at almost 60 percent believed that staff at their organisations required more training, with only 12 per cent believing that more training was not necessary for their organisation. Just over 30 per cent were unsure about the level of training required.

Many respondents gave multiple answers to the question regarding what level of further training they required. The most common areas identified as in need of more training were:

- Basic Introduction to the Charter; and
- Implementing the Charter in Policy and Practice.
Accordingly, ongoing access to and participation in a range of human rights training, from a ‘basic introduction’ to more advanced implementation strategies, is required to improve the level of implementation of the Charter by community sector organisations.

Challenges and barriers to Implementation

Many organisations reported that although they are implementing Charter rights and responsibilities in policy and practice, achieving cultural change to imbed a human rights focus in practice may take some time. One respondent organisation observed that:

‘Change of culture is always difficult. Moving from service/welfare model to empower is not an easy shift...’

However, many organisations have also embraced the opportunity to initiate cultural change, and forum participants often reported feeling ‘inspired’ to make change:

‘[The Charter] is providing a lens for our approach to our service.’

‘Public authority’ status

Similarly to the findings of the VCOSS Using the Charter in Policy and Practice Report in 2008, written responses to this question identified the ambiguity of the definition of ‘public authority’, and its policy and legal implications, as a primary area of concern for community sector organisations. The ambiguous nature of the definition of public authority was also noted as a ‘flaw’ by respondents in the Law Institute’s 2010 Charter survey.

Given there has been no indication that the definition or meaning of ‘public authority’ will be further clarified or amended by Parliament, the broad nature of the term requires ongoing interpretation. Therefore, ongoing resources and training to assist organisations to assess their ‘public authority’ status is needed.

An increase in the number of cases in which the Charter has been invoked and ‘public authority’ status has been interpreted by the Victorian Civil and Administrative Tribunal (VCAT) and in the courts will also provide more ‘precedents’ and a benchmark to assist organisations to assess their obligations.

Enforcement and effect of Charter rights

Some respondents commented that given Charter rights do not represent an independent cause of action and no ‘remedies’ are available, many perceive the Charter to be of little use in their advocacy.

Many respondents indicated disappointment by the lack of enforcement of Charter rights and responsibilities, and the perceived lack of effect of ‘Statements of Incompatibility’ that are issued by Parliament when assessing new Bills for human rights compatibility. These perceptions create negative community perceptions of a lack of legitimacy and transparency around Charter processes. One organisation noted that:

‘There must be greater emphasis on ensuring that legislation is truly mindful of the Charter and increased participation from the Scrutiny of Acts and Regulations Committee (SARC) and the Supreme Court as to how a piece of legislation holds up.’
However, as more cases which demonstrate situations in which the Charter has is invoked to achieve positive outcomes arise, both at VCAT and in the courts, and with ongoing community education and training, this perception is likely to change.

Community forums focussing on human rights, such as the four community sector forums conducted by VCOSS this year, also give community sector organisations an opportunity to share knowledge and case studies about how the Charter can be applied in practice, and how it can support better outcomes for the people accessing their organisations’ services.

Conflicting interests and rights
Some respondents, particularly those in the housing and child protection sectors, reported conflict arising from protecting the competing interests of opposing parties.

‘The major difficulty is to ensure that when upholding the rights of the client...that we are not trampling all over the rights of other individuals, their families or the community as a whole.’

‘As a peak body...we’ve had to respond to the limitations the Charter has introduced on our members’ ability to carry out their contractual arrangements with government.’

‘Another challenge is to balance opposing interests (for example, of client groups).’

(The organisation had) ‘difficulty in arranging pro bono training as law firms were reluctant to assist due to conflict in assisting others with obligations’.

In many situations, conflicts such as these will be inevitable given the nature of work undertaken by these organisations. For example, balancing the rights and needs of all parties in child protection or family law situations, or assessing the needs of those with a mental illness.

However, it is hoped that by applying a general human rights based approach when assessing the needs of all clients will result in more positive outcomes for all parties.

Views of community sector organisations in relation to the review of the Charter in 2011

Community sector organisations often experience first-hand the effects of disadvantage and inequality on many of Victoria’s most vulnerable people. Accordingly, the upcoming review of the Charter in 2011 is a significant opportunity for community sector organisations to contribute their views about the operation of the Charter.

The summary below captures comments made by respondents in the survey, as well as participants in each of the four human rights forums conducted between May and November 2010.
The inclusion of the right to self determination for Aboriginal Victorians

The inclusion of the right to self determination in the Charter is of fundamental importance to address the severe and disproportionate inequalities and disadvantage experienced by Aboriginal people.

The right to self determination is founded in international law and its inclusion in the Charter would fulfil Australia’s obligations under such treaties as the United Nations Declaration on the Rights of Indigenous Peoples, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

The recent United Nations Report, State of the World’s Indigenous Peoples, stated that:

‘Human rights and fundamental freedoms can only exist truly and fully when self-determination also exists. Such is the fundamental importance of self-determination as a human rights and a prerequisite for the enjoyment of all the other rights and freedoms’.

Aboriginal Victorians’ aspirations regarding the right to self determination are also outlined in the Forum Report, Aboriginal and Torres Strait Islander Peoples- Participants not Recipients: Self Determination and Human Rights Forum – available on the VCOSS website: www.vcoss.org.au.

The inclusion of economic, social and cultural rights

The inclusion of economic, social and cultural rights in the Charter is a vital step to ensure the rights of all Victorians are upheld in line with Australia’s obligations under the ICESCR. Economic, social and cultural rights underlie some of the most basic rights of life: the right to adequate housing, health care, education and many other dimensions of life. Victorians experiencing disadvantage and inequality are often unable to exercise even the most basic rights. Accordingly, these rights must be articulated in the Charter to provide a framework to address poverty and disadvantage in Victoria.

Inclusive community consultation in the review process

It is fundamental that community sector organisations are given the opportunity to contribute to and be a part of an inclusive, consultative review process.

In particular, Aboriginal community controlled organisations and participants at the Aboriginal Rights forum were concerned about the need for adequate and inclusive consultation with the Victorian Aboriginal community during the review process ensure their views and perspectives are represented. Many commented that they felt left out of the consultation process regarding the introduction of the Charter.

Ongoing funding and resources for human rights education and training

As outlined above, many community sector organisations indicated that they require further training in order to fully and effectively implement the Charter in organisational policy and practice. Furthermore, general training and public education which promotes a ‘human rights culture’ and awareness will allow a broader acceptance of and understanding of Charter rights and responsibilities.

Given many organisations indicated that a lack of resources prevented them from undertaking training or engaging with a rights-based framework, ongoing funding for
education and training is vital to assist individuals and organisations to implement the Charter in policy and practice. The areas in need of training span from basic introductory sessions to more advanced implementation of the Charter and topics such as assessing organisations’ status as ‘public authority’.

The continuation and expansion of pro bono/free training, currently available in both central metropolitan areas and extended to rural and regional centres, is vital. Additionally, providing ongoing funding to peak and sub-peak community sector bodies to ‘tailor’ the content of training to the different needs of specific policy areas and organisations may deliver more effective and practical assistance for organisations.
IMPLEMENTATION OF CHARTER AND RIGHTS BASED FRAMEWORK IN COMMUNITY SECTOR ORGANISATIONS IN VICTORIA

In assessing the level of engagement of community sector organisations with a human rights framework for this report, given many had made changes in 2006-2008 to incorporate a human rights approach into their organisational policy or contributed materials to *Using the Charter in Policy and Practice*, these case studies will not be reproduced in this report.

The level of understanding and engagement with both the Charter and a broader human rights framework continues to be variable across community sector organisations. It is clear that a significant proportion of community sector organisations in Victoria are continuing to incorporate the Charter and a human rights framework more broadly into their organisational policies and procedures. As such, many organisations are increasingly viewing their work through a human rights ‘lens’.

Further work is required to both support community sector organisations’ engagement with the Charter and to imbed a human rights framework within community sector organisations.

CASE STUDIES

The following section provides case studies which demonstrate the way in which community sector organisations – and two examples from the Department of Human Services – are implementing changes in their policies and practices to either make them Charter compliant or to incorporate a human rights framework. The case studies span the areas of:

- Change to organisational practice and procedures;
- Committees, work units and working groups; and
- Advocacy and service delivery.

Change to organisational practice and procedures

The following case studies illustrate changes made by a range of community sector organisations.

Some organisations indicated that given the nature of their work, for example in advocacy, a human rights approach to service delivery was applied in their everyday work irrespective of Charter obligations. In this sense, the Charter further supported and strengthened the importance of adopting a rights based framework in organisational policy and practice.
Some organisations highlighted that a human rights focus has strengthened existing and broader sources of advocacy such as community development and a corollary commitment to youth leadership in design and delivery of services, for example.\(^5\)

Berry Street – ‘Getting it Right’ Pilot Project & development of The Charter for Children in Out of Home Care (Richmond, Alexander – name other sites)

Getting it Right
‘Getting It Right’ is a collaborative project between Berry Street, the Victorian Aboriginal Childcare Agency (VACCA), the CREATE Foundation, the Centre for Excellence in Child and Family Welfare, the Office of the Child Safety Commissioner and the Department of Human Services.\(^6\) The project is the outcome work by the above organisations and the ‘Including Children in Decision Making Reference Group’ convened by the Department of Human Services.

Note: As at 2 December 2010, the project is still under development and the resources are draft pilot only.

The Charter for Children in Out of Home Care
The project has developed resources for children, young people, agencies and Child Protection workers which aim to bring the Charter for Children in Out of Home Care to life; embedding rights in everything we do when we are caring for vulnerable children and young people.

The Charter for Children in Out of Home Care applies only to Victorian children in Out of Home Care, but other states have developed similar documents. Unlike the Victorian Charter of Human rights and Responsibilities, the Out Of Home Care version is not a legally binding Charter. In some states agencies publicly ‘sign up’ to their Charter as an indication of their commitment to upholding the rights of children in their care. This is not the case in Victoria.

The launch of the Charter for Children in Out of Home Care in 2007 heralded a collective recognition that the rights of children and young people living in the care of the state and contracted community service organisations needed to be specifically articulated and understood, given their unique and complex circumstances”.\(^7\)

Please see Appendix B for a copy of the Charter for Children in Out of Home Care.

Background to project
The Charter for Children in Out of Home Care is not a legally binding framework or a compulsory set of rules, but it does represent principles of best practice. More importantly, it represents the voices of young people in Out of Home Care, who were integral to its development.

The Charter for Children in Out of Home Care development was also informed by international declarations and conventions, which were only adopted by the United Nations in the course of the last century. Unfortunately we don’t need to look very far back in the history of care and protection systems in Australia to know that ‘human rights’ are still a relatively young concept.

With this in mind, ‘Getting It Right’ is about making sure we have the resources and tools we need to understand, promote and actively respect the rights of the children and young people in our care. Agency resources have been developed in consultation with Out of
Home Care providers and direct service staff. These tools recognise that many people are already doing great work - they are intended to support that great work, as well as inspire more.\(^8\)

The project has three levels:

1. **Governance and policy level:** the issues and needs of an agency at a governance and policy level are examined. This pack is aimed at CEOs, Boards, Executive Teams and policy-makers. It should be used as a guide and is intended to provide ideas and information on how agencies can work with their Board and Executive Team to embed the Charter for Children in Out of Home Care in practice through governance and policy development, should they choose to actively do so.

   Please see Appendix C for a copy of this resource.

2. **Practice level - Out of Home Care providers and direct service staff:** These resources (including activities, information, tools and resources) have been developed in consultation with Out of Home Care providers and direct service staff. They recognise that many people are doing great work already, and are intended to support that great work, as well as inspire more.

   Like the Charter, the use of the tools is not compulsory. The intention is to offer guidance and support to staff, carers, Child Protection workers and agencies wanting to engage the children and young people in their care with the Charter and their rights. The resources are no substitute, nor are they an instruction manual, for the development of a grounded, nurturing care environment. Respect for and understanding of the rights of the children and young people we care for should be one part of the complex network of tools, relationships and principles behind their care experiences.

   Please see Appendix D for a copy of this resource.

3. **Information and resources for Children and Young People:** CREATE has developed resources to be distributed to all children and young people in Out of Home Care. They offer the basic resources for all entry-to-care packs for children and young people coming into the system.

   Please see Appendix E for a copy of this resource.

**Community Connections (Warrnambool and region) - ‘Consumer Rights and Responsibilities’ Brochure**

In addition to the development of the ‘Centre for Human Rights & Social Justice’, Community Connections created a ‘Consumer Rights and Responsibilities’ brochure which models client rights on the Charter and universal principles of human rights in the context of services for children, family and the community.

Inner South Community Health Service – Client Rights and Responsibilities (St Kilda, name other sites)

Inner South Community Health Service (IHCHS) has incorporated Charter principles into its client rights and responsibilities brochure and service delivery policies. Prior to the implementation of the Charter, IHCHS advised that it already applied a human rights approach and framework, however further refined and incorporated Charter principles into its Client Rights and Responsibilities brochure and service delivery policies. However, at this stage, it has no way of tracking the impact of these changes.

Crisis Help Network Website: supported by www.homeless.org.au – Referencing the Universal Declaration on Human Rights

Crisis Help Network is a project of Ian Archibald, separate from, but supported and hosted by www.homeless.org.au.

The Crisis Help Network is the response to an individual trying to access current and reliable information that would help with such issues as accommodation, food, and agencies relevant to his needs, and other problems he found while homeless in a system where information is either out of date, hard to find or was not considered relevant to him. Crisis Help Network is an up-to-date and regularly up-dated web site dedicated to providing information about organizations able to help people in crisis. It is compiled and maintained by people who are or have been in crisis, and whose experiences are invaluable to the worth of this resource.

The web directory addresses several issues surrounding the lack of continuity and access to up-to-date information available to individuals who are homeless, in crisis or at risk. Currently, information on services in the market place is fragmented or obscured to individuals who are not confident in navigating the internet. This web directory seeks to address these issues by offering information in a user-friendly cohesive platform. The website quotes the Universal Declaration of Human Rights on the front page of its website in relation to social, economic and cultural rights, thereby incorporating human rights into its public and community profile:

> Everyone has the right to a standard of living adequate for the health and well-being of themselves and their family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control.

Universal Declaration of Human Rights

Department of Health website – the development of healthcare rights and human rights section of website.

The following is a statement extracted from the Victorian Department of Health website:

> The Australian and Victorian governments are committed to several international human rights agreements that recognise everyone’s right to the highest possible standard of physical and mental health. They recognise your right to health care and to other services essential to health, including safe water, housing and health-related education.⁹
In Victoria, publicly-funded healthcare services must legally comply with the Victorian Charter of Human Rights and Responsibilities Act 2006, which protects a range of human rights, a number of which are relevant to people seeking or receiving health care. The Victorian Charter underlies the Australian Charter of Healthcare Rights in Victoria.

Department of Human Services - Consumer Charter.

The DHS has developed a Consumer Charter for users of funded housing and homelessness services and require agencies to ensure that consumers are provided with a copy of this upon intake. This Consumer Charter complies with those rights contained in the Victorian Charter of Human Rights and Responsibilities.

Tony Keenan, Chief Executive Officer of Hanover Welfare Services highlighted that the “DHS could further strengthen this measure through requiring compliance with the consumer charter, including distribution of the consumer charter to clients at intake, as part of the FASA. Additionally the provision of training on how to ensure organisations are compliant with the consumer charter could also help achieve the aim of human right compliance by public authorities”.

Committees, work units and working groups

Inner South Community Health Service – Human Rights Action Group

Since the implementation of the Charter, the Inner South Community Health Service (ISCHS) has developed a ‘Human Rights Action Group’. The Human Rights Action Group is a small group of local young people who have been working together over the past 2 years looking at ways to address Human Rights issues among young people and the community. The group has decided to focus on the issues of Domestic Violence as a significant Human Rights issue effecting young people and their relationships.

The group holds regular meetings to develop education sessions for young people around the issues of domestic violence, gender and healthy relationships which they will now be delivering high schools and alternative learning programs. The young people lead these sessions themselves and are eager to practice their presentation on an audience before heading into their first sessions at Elwood Secondary College. They have also organised forums to educate the community about their work and activities, and a Facebook page to engage more broadly with the community.

Facebook page at: http://www.facebook.com/group.php?gid=92477727384

Community Connections (Warrnambool and region) – ‘Centre for Human Rights & Social Justice’

The recently established Centre for Human Rights & Social Justice provides services to individuals and communities that protect and enhance their rights under the Victorian Charter. It is the first project of its kind in South West Victoria. It provides access to advocacy services such as legal, financial and housing assistance and advice, as well as access to all other services at CCV as needed. It also provides general information about the Charter and its operation.

The Centre also has a policy and reform section, which can record, monitor and if appropriate, act upon issues of concern to the local community associated with human rights and social justice. This may include assisting groups with a submission to a government
body or enquiry, hosting public meetings, or information sessions about a relevant community project.

The Centre’s website provides links to relevant human rights bodies and complaints mechanisms, a direct ‘Frequently Asked Questions’ link to the VEOHRC as well as a link to a PDF version of the Charter.

Case studies illustrating the implementation of a human rights framework in advocacy and service delivery

Women’s Health Goulburn North East- A case study highlighting a challenge to the right of freedom of movement

An emerging issue for women is the restriction that Courts may place on their location of residence when there are issues of the father’s access to children after separation. This can cause women in rural areas great disadvantage because of lower employment prospects and access for their older children to tertiary education. Our organisation has heard from one woman that she is restricted from moving more than 30km from her current small town. Another could not move 110 km away despite having organised a new job there and agreeing to drive her children to her ex-partner for his access visits. Both men were violent towards their partners. These women have told us they feel trapped in poverty in small, isolated towns that hold traumatic memories and no future prospects regarding housing or employment.

Yet the Charter states that:

“People who are in Victoria lawfully have the right to enter and leave the State, to move around freely within it and to freely choose where they live”.

Both women in this case study are denied this human right by the judicial system but have no recourse. The Victorian Charter states that there is no right to legal action because of breaches of the Charter, and that its focus is to get things ‘right at a planning and policy stage, rather than awarding compensation’. At the Federal level too, a High Court ruling in December 2009 upheld a woman’s appeal against a Federal Magistrate’s Court decision to disallow her from moving from Mt. Isa to Sydney with her daughter.11 Yet this precedence is of no value to these two women who do not have the financial resources to take this issue back to Court, nor access to Legal Aid.

Women’s Health Goulburn North East- A case study highlighting a positive result in violence against women

A report published by Women’s Health Goulburn North East in 2008, ‘Raped by a Partner: A research report’ took the position that partner rape is an abuse of women’s fundamental human rights.12 It states:

By silencing women through undermining their experience or disbelieving them, or by regarding the institution of marriage as more worthy of our respect than an individual’s human rights, we conspire with the men who rape their partners.13

Under the heading, ‘Protection from torture and cruel, inhuman or degrading treatment’, the Charter states that:
A person must not be tortured, treated or punished in a cruel, inhuman or degrading way, or subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent.

The research involved interviews with 21 women and 23 health, community and legal workers and was launched publically in June 2008. A front page article in the Border Mail on 2 April 2010 explicitly linked the Raped by a Partner research and launch with a woman’s decision to charge her ex-husband with rape. He was found guilty by the Wodonga County court and imprisoned, sending a powerful message about women’s human right to be free from cruel, inhuman or degrading treatment:

No-one has the right to be abusive. Especially in a marriage [...] I want to see other women come and stand up for what is right.” Mrs Holmes said attending a partner rape seminar last year and support from her domestic violence case worker had been instrumental in her decision to go public.
REFERENCES


5 S. Hackney, via email, Way Out, Victoria.


7 L Oliver, p.3.

8 L Oliver, p.4.


11 At http://australiandivorce.blogspot.com/2010/03/high-court-why-mt-isa-case-had-been.html


13 ibid, p.52.


15 ibid