
The Sex Party - Victorian Branch
The Sex Party is a registered political party in Victoria. We are primarily concerned with the protection of individuals' civil liberties and freedoms. In this context, we make the following submission in support of the current Victorian Charter of Human Rights ('the Charter'), with a view to amendments to strengthen and broaden the focus of the Charter.

From a civil liberties perspective, the Charter offers a chance to ensure that there are adequate checks and balances on Legislative and Executive powers, without compromising the sovereignty of Parliament.

Support for other submissions
In the interests of brevity and to avoid duplication, the Sex Party would like to express support for the submissions of Liberty Victoria¹, the Victorian Equal Opportunity and Human Rights Commission (VEOHR)², the Fitzroy Legal Service³, the Law Institute of Victoria⁴ and the Public Interest Law Clearing House⁵. Additionally, we would add the following details to the concepts discussed by those submissions.

Additional rights to be protected
Recommendation 1
Broadly, the Charter should enshrine all fundamental civil, political, economic and cultural rights, as Australia is already a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
Recommendation 2
The Sex Party makes particular reference to the recent resolution passed by the United Nations Human Rights Council on 21 June 2011, and recommends that the Charter be amended to include specific protections for the right of people to live free from rights violations on the basis of sexuality or gender identity.

Recommendation 3
Referring specifically to s14 of the Charter, we submit that s14 be amended to include the right to have freedom from religion or belief. Currently, this may be an implied right, however we recommend that this amendment should occur in order to remove ambiguity and create an express statement of this right.

Recommendation 4
In accordance with Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women, the Charter should include guarantees of reproductive freedoms for women, including family planning.

Additional Remedies and Access to Justice
Recommendation 5
The Sex Party would like to specifically emphasise its endorsement for the VEOHRC recommendation that complaints under the charter should be able to be brought before and conciliated by the VEOHRC in a similar way to the current practice for Discrimination complaints under the Equal Opportunity Act 2010 (Vic)

Options for further reform and improvement
Currently, the Charter expressly exempts prison administration and custodial officers from the ‘Public Authority’ category.

Recommendation 6
The Sex Party specifically endorses the Fitzroy Legal Service recommendation that this exemption be removed. We add that prison administration and custodial officers are very clearly performing an Executive function, and should therefore be included within the scope of the Charter’s operation. Further, it is imperative that prisoners’ rights be protected as they are an already marginalised and excluded group who are vulnerable to further serious human rights abuses.

The Sex Party – http://www.sexparty.org.au
http://libertyvictoria.org/sites/default/files/Liberty%20Victoria%20Charter%20review%20submission.30.06.11.pdf


