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

1. 2020women welcomes the opportunity to provide comments for the Inquiry into the Charter of Human Rights and Responsibilities. 2020women was founded in August 2009 to celebrate the choices and aspirations of Australian women, to improve the role and value of women in Australian society, to foster goodwill and understanding amongst women, irrespective of age, race, colour or religion and to collect and present the views of women on issues affecting them.

2. We do this through practical means that include conducting surveys, giving women the opportunity to voice their opinions. We also play a role in advocacy on issues affecting Australian women and provide comment on the impact of government policies. For example, we have commented or made submissions on:

2.1. The Inquiry into regulation of billboard and outdoor advertising

2.2. The background paper for a new national human rights action plan

2.3. The review of women's health policy for Australia

3. We believe that equality for women is a human rights issue. The key human rights problems identified by women during consultations held by the Australian Human Rights Commission in 2007/2008 included homelessness, violence, equal participation in public life, including in the paid workforce, and pay inequity.

4. Women are more likely than men to experience poverty, abuse and discrimination and are over-represented in Australia among the poor, the disabled, the marginally employed, the sick, the isolated, and those whose responsibilities for caring for others exclude them from community life. There are other issues that are particularly dire for Indigenous women, and better representation and exploration of the human rights of Indigenous Australians is needed.

5. We are pleased to be given the opportunity to provide comments to this Inquiry, and welcome the review of the Victorian Charter of Human Rights, which provides an opportunity to strengthen and enhance the rights already protected under this Charter.

6. The Victorian government provided national leadership when it became the first state government to address the protection of human rights through its Charter, providing evidence of the government’s intention to protect, promote and respect human rights for all Victorians.

7. The legal obligation on the government to respect our human rights must be maintained. This gives Victorians the confidence that the government will take our human rights into account when making decisions.

http://2020women.org
8. Victorians need access to effective legal remedies for violations of human rights. Experience has shown that fears (prior to the introduction of the Charter) of a flood of human rights issues were highly exaggerated, and that the effect on the judicial system has been minimal, with only a small number of legal decisions taking account of the Charter.

9. Therefore an approach that retains the balance and roles of parliament and courts can now be adopted to provide clearer guidance to decision makers on the practical application of the Charter.

10. We also believe that a range of remedies need to be identified for situations where existing mechanisms have failed to protect Victorians against breaches of their human rights. Access to remedies has the added effect of acting as an incentive to ensure that breaches do not occur.

11. While the Charter addresses many civil and political rights, a survey conducted by 2020women in 2010 to identify issues important to women in the last election showed that over 50% of our subscribers identified their rights in health care, housing and education as highly important. We believe a revised Charter should embrace economic, social and cultural rights along with civil and political rights and more clearly protect these rights for all Victorians.

Recommendations

12. As a result of this review, the Victorian Charter of Human Rights should be strengthened and enhanced, not weakened.

13. The revised Charter should include economic, social and cultural rights.

14. The revised Charter should include a free standing right to remedies for infringements of human rights, for example by allowing the Human Rights Commissioner to receive complaints from individuals whose rights are breached.

15. We also encourage the government to develop an action plan to implement specific targets, timelines and responsibilities to ensure that the revised Charter is implemented.

J Colwill
President
10 June, 2011