



# The Charter of Human Rights and Responsibilities

## > Rights protected under the Charter

The *Charter of Human Rights and Responsibilities Act 2006* guarantees some basic human rights for all people in Victoria. While all of us have a role to respect the rights of others, promoting and protecting fundamental human rights is primarily about the relationship between government and the people it serves. The Charter places obligations on all three arms of government: the executive (public authorities, such as state government departments and local councils), the legislature (the Parliament of Victoria) and the judiciary (courts and tribunals). The Charter lets the Victorian community know about which rights the Victorian Government will protect, how it intends to do this, and what the consequences are for failing to do so. It gives public authorities rules and a framework within which to operate, and the community a language and principles with which to engage public authorities.

### **Your right to recognition and equality before the law (section 8)**

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

### **Your right to life (section 9)**

Every person has the right to life and to not have their life taken. The right to life includes a duty on government to take appropriate steps to protect the right to life.

### **Your right to protection from torture and cruel, inhuman or degrading treatment (section 10)**

People must not be tortured. People must also not be treated or punished in a cruel, inhuman or degrading way. This includes protection from treatment that humiliates a person. People must not be subjected to medical treatment or experiments without their full and informed consent.

### **Your right to freedom from forced work (section 11)**

A person must not be forced to work or be made a slave. A person is a slave when someone else has complete control over them.

### **Your right to freedom of movement (section 12)**

People can stay in or leave Victoria whenever they want to as long as they are here lawfully. They can move around freely within Victoria and choose where they live.

### **Your right to privacy and reputation (section 13)**

Everyone has the right to keep their lives private. Your family, home or personal information cannot be interfered with, unless the law allows it.

### **Your right to freedom of thought, conscience, religion and belief (section 14)**

People have the freedom to think and believe what they want, for example, religion. They can do this in public or private, as part of a group or alone.

### **Your right to freedom of expression (section 15)**

People are free to say what they think and want to say. They have the right to find, receive and share information and ideas. In general, this right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order.

### **Your right to peaceful assembly and freedom of association (section 16)**

People have the right to join groups or unions and to meet peacefully.

### **Your right to protection of families and children (section 17)**

Families are entitled to protection. Children have the same rights as adults with added protection according to their best interests.

## **Your right to taking part in public life (section 18)**

Every person has the right to take part in public life, such as the right to vote or run for public office.

## **Cultural rights (section 19)**

People can have different family, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages. Aboriginal persons hold distinct cultural rights.

## **Property rights (section 20)**

People are protected from having their property taken, unless the law says it can be taken.

## **Your right to liberty and security of person (section 21)**

Everyone has the right to freedom and safety. The right to liberty includes the right to not be arrested or detained except in accordance with the law. The right to security means that reasonable steps must be taken to ensure the physical safety of people who are in danger of physical harm.

## **Your right to humane treatment when deprived of liberty (section 22)**

People have the right to be treated with humanity if they are accused of breaking the law and are detained.

## **Rights of children in the criminal process (section 23)**

A child charged with committing a crime or who has been detained without charge must not be held with adults. They must also be brought to trial as quickly as possible and treated in a way that is appropriate for their age. Children are entitled to opportunities for education and rehabilitation in detention.

## **Your right to a fair hearing (section 24)**

A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

## **Rights in criminal proceedings (section 25)**

There are a number of minimum guarantees that you have when you have been charged with a criminal offence. These include the right to be told the charges against you in a language you understand; the right to an interpreter if you need one; the right to have time and the facilities (such as a computer) to prepare your own case or to talk to your lawyer; the right to have your trial heard without too much delay; the right to be told about Legal Aid if you don't already have a lawyer; you are presumed innocent until proven guilty; and you don't have to testify against yourself or confess your guilt unless you choose to do so.

## **Right not to be tried or punished more than once (section 26)**

A person will only go to court and be tried once for a crime. This means if the person is found guilty they will only be punished once. If they are found to be innocent they will not be punished.

## **Retrospective criminal laws (section 27)**

A person has the right not to be prosecuted or punished for things that were not criminal offences at the time they were committed.



**Victorian Equal Opportunity  
& Human Rights Commission**

## **Need more information?**

Contact the Commission:

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## **We welcome your feedback!**

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at [communications@veohrc.vic.gov.au](mailto:communications@veohrc.vic.gov.au).

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