

2015 Review of the Charter of Human Rights

My submission relates particularly to two items in the Terms of Reference. These are:

1 (b) the functions of the Victorian Equal Opportunity and Human Rights Commission under the Charter and the Victorian Ombudsman under the Ombudsman Act 1973, especially with respect to human rights complaints

And

1(d) the development of a human rights culture in Victoria, particularly within the Victorian public sector

In relation to 1 (b) I understand that the Commission runs a free enquiry line and publishes information about human rights. I also understand that the Commission conducts training for public authorities, community organisations and individuals.

What I would like to see in relation to these activities of the Commission is a greater focus on family violence. I work in the family violence field and my reading of the Charter of Human Rights and Responsibilities Act 2006 indicates to me that family violence is a violation of the majority of human rights in the Charter. I am also of the belief that family violence is an issue that a growing number of people are aware of not just as victims or perpetrators, but as community members, public authorities, and community organisations. Perpetrators of this violence, and bystanders, are no longer able to deny knowing that family violence is wrong and against the law. For the purposes of this submission I am using the term 'family violence' but others may use 'domestic violence' to describe the same thing. I feel that a new and largely unexplored opportunity exists to strengthen the state's stance against family violence by couching the issue not just as a legal and moral wrong, but as a breach of human rights. The issue deserves as much weight as possible.

In relation to 1 (d) I feel that the Commission could put a greater focus on family violence as a serious and pervasive breach of human rights that is rife in Victoria. Awareness raising, information sharing, education and enforcement of human rights in relation to family violence would enhance the development of a human rights culture in Victoria and in the public sector. Victorian public sector staff and organisations may not yet immediately think of family violence when discussing gross breaches of human rights, and they may also not be aware of how common and deadly family violence is in Victoria. The statistics currently in use in the family violence sector say that more than one in three Australian women (34%) who have had an intimate partner, have experienced violence from a partner or ex-partner (Mouzos & Makkai, 2004). Also, that more than one woman is killed every week by a partner or ex-partner (AIC, 2007/2008). There will be individuals working in the public sector, as in any other sector, who are victims of family violence and therefore are having their human rights violated. There will also be staff in the public sector, as in any other sector, who are perpetrators of family violence and who are therefore violating the Charter. It is my view that the development of a good a proper human rights culture would be deficient if family violence is not addressed.