

ECCV Submission to the Review of Victoria's Charter of Human Rights June 2015

The Ethnic Communities' Council of Victoria (ECCV) is the voice of Multicultural Victoria. It is a member driven organization with a statewide leadership role in lobbying all levels of government on behalf of multicultural communities in areas such as employment, education, health, disability, child protection, human rights, justice and culture.

ECCV recognises the critical role that Victoria's Charter of Human Rights plays in instilling and promoting a culture of human rights across government in Victoria. As the voice of Victoria's multicultural communities, especially humanitarian migrants whose circumstances make them vulnerable, ECCV appreciates the opportunity to comment on the review of the Charter and urges that the Charter Review Secretariat takes into consideration the concerns of its stakeholders.

Regular auditing of some public authorities and organisations receiving government funding

ECCV acknowledges the efforts of select government agencies and community organisations in applying human rights-based approaches to policy development and implementation (service delivery). However, ECCV believes there is still a long way to go as putting human rights principles into practice has proved to be challenging for many organisations¹.

While admitting impracticalities and complications that come with the regular auditing of a large number of public authorities and government-funded community services and initiating enforcement options to address non-compliance, ECCV sees benefits in targeted audits of those involved in social services delivery. A requirement for organisations to have audits of this nature would encourage them to implement human rights-based approaches through the integration of human rights tools in the development of their policies and service delivery models. ECCV holds the view that this requirement would prompt organisations to develop and deliver programs and services that are accessible and responsive to the needs and circumstances of culturally diverse communities.

Recommendation 1:

ECCV proposes that targeted audits of some public authorities and communities be conducted. These include those providing a range of social and health services particularly to some of the most disadvantaged people and communities in Victoria.

¹ Victorian Equal Opportunity & Human Rights Commission, *From Principle to Practice: Implementing the Human Rights Based Approach in Community Organisations*, 2008

Balancing national security and human rights

ECCV is aware of the insecurity generated by the rising threat of terrorist activities in Australia and firmly supports the Victorian and Commonwealth Governments in their attempts to apply effective measures to reduce terrorism risks. However, ECCV would like to draw attention to the fact that there is apprehension among its stakeholders about the potential risks of human rights violations when it comes to national security.

ECCV believes that this concern is warranted given that the Charter 'does not apply to Commonwealth agencies operating in Victoria'². ECCV believes that it is important that fundamental human rights should not be trampled and with this in mind seeks clarity on the Section 15 (3) (b), and recommends that the Charter provides circumstances under which 'the right may be subject to lawful restrictions reasonably necessary..' in regard to 'for the protection of national security'.

Recommendation 2:

ECCV recommends that the Charter must be explicit about circumstances that warrant 'lawful restrictions' when it comes to protection of national security.

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² Department of Justice and Deregulation, Victoria, Charter Review: Background brief on the Terms of Reference, 2015