**June 2015**

**Review of Victorian Human Rights and Responsibilities Charter**

Disability Advocacy Victoria Inc. (DAV) is the state peak agency for independent disability advocacy in the state of Victoria with membership of fourteen disability advocacy agencies funded through both state and national programs.

These funding streams are independent of disability service delivery, providing independent disability advocacy. This includes individual advocacy, systemic advocacy, self advocacy, legal advocacy and self advocacy.

The Victorian Charter of Human Rights and Responsibilities provides an invaluable tool to disability advocates. With a framework that promotes the understanding of rights, a language for negotiating entitlement as well as setting out some baseline expectations for all Victorians, including people with disabilities. Disability advocates have been using the Charter for a number of years now in their day to day work, usually outside of the courts.

DAV makes the following recommendations:

**1. Free standing course of action under the Charter**

Court action is costly, time consuming and requires other legislation to use the Charter. DAV would welcome an amendment containing a free standing cause of action for breaches of protected human rights under the Charter.

**2. Expanding the Charter to include all Social, Civil and Economic Rights**

The Charter was introduced including a limited set of human rights, taken from the Covenant on Civil and Political Rights. DAV would welcome the expansion of rights to include social and economic rights. Data collected by advocacy agencies show significant numbers of issues fall outside of the charter including: health, housing, education and accessibility.

**3. Monitoring**

The Charter should mandate regular reporting by public authorities on steps they have taken to monitor and evaluate their process for ensuring that their decisions and actions are compatible with human rights. A formal public process to collect data based on the experiences of individuals in the community both on the compliance and non-compliance of the Charter.

**4. Inclusive of other Instruments**

For people with disability there is significant change underway with the full roll out of the National Disability Insurance Scheme however there are concerns that the Charter has no effect on federal government decisions and it is unclear how the Charter will operate under the National Disability Insurance Scheme.