

**National Human Rights Consultation
Agency Feedback Form**

How can human rights be used in community services?

CASE STUDY 1

Business vendors in a regional CBD were calling on a local council to introduce a 'move on and stay away' by-law that would apply to those displaying antisocial behaviour. The council rejected the move on human rights grounds, saying that such a law would disproportionately affect already marginalised groups such as homeless people and Indigenous groups and that it would restrict people's right to be in a public place.

Relevant Human Rights: equality before the law; right to privacy; freedom of movement.

CASE STUDY 2

A woman who was the sole carer for her elderly parents (one of whom had recently suffered a stroke and the other had dementia) was issued with a notice from the local council that the accommodation she had arranged for her parents was contrary to planning approvals. The woman's legal representative wrote to the council asking them to consider the right to privacy and family life and the council granted the woman extra time to make alternative arrangements for her parents.

Relevant Human Rights: right to privacy and protection of families.

CASE STUDY 3

A 23 year old Iraqi refugee with a severe intellectual disability and autism was placed in unsuitable supported accommodation. There were no Arabic speaking workers in the accommodation facility and the young man's ability to observe his religion (for example, by eating Halal food) and contact his family were significantly limited. After a visit home, it became apparent that he was frightened of another resident with whom he shared a room and was otherwise lonely, bored and unhappy.

The young man's advocate raised the Charter with the relevant public authority and he was not forcibly returned to the supported accommodation. Instead he was allowed to reside in his family home, where he wished to be.

Relevant Human Rights: Protection of families and children; the right to culture, freedom of religion.

CASE STUDY 4

A rehabilitation centre operating as part of a public hospital was seeking to discharge several young people with acquired brain injuries because their two year contractual period had ended. However, the only alternative care facilities available were aged care facilities, which would not provide the social environment or support services (such as speech therapy) needed for the young people to continue their recovery. A disability advocate raised the Charter with the rehabilitation centre, which agreed not to move the young people until it had considered its obligations under the Charter.

Relevant Human Rights: Equality before the law, protection from torture and cruel, inhuman and degrading treatment and the right to privacy.

Case studies source: Human Rights Law Resource Centre examples of the application of the Victorian Charter of Human Rights

To contribute to ECLC's submission to the National Human Rights Consultation, please consider the following questions:

1. Have you had any success stories at your organisation using human rights to advocate for service users?

2. Can you think of any situations of 'unfair' treatment for service users where better human rights protection might have been useful?

Your name, organisation and contact details (optional):

Contact

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