

# Rights under the Charter

**Section 8:** The right to recognition and equality before the law

**Section 9:** The right to life

**Section 10:** The right to protection from torture and cruel, inhuman or degrading treatment

**Section 11:** The right to freedom from forced work

**Section 12:** The right to freedom of movement

**Section 13:** The right to privacy and reputation

**Section 14:** The right to freedom of thought, conscience, religion and belief

**Section 15:** The right to freedom of expression

**Section 16:** The right to peaceful assembly and freedom of association

**Section 17:** The right to protection of families and children

**Section 18:** The right to take part in public life

**Section 19:** Cultural rights, including Aboriginal cultural rights

**Section 20:** Property rights

**Section 21:** The right to liberty and security of person

**Section 22:** The right to humane treatment when deprived of liberty

**Section 23:** Rights of children in the criminal process

**Section 24:** The right to a fair hearing

**Section 25:** Rights in criminal proceedings

**Section 26:** The right to not be tried or punished more than once

**Section 27:** The right to protection from retrospective criminal laws



For more information, please visit  
[humanrights.vic.gov.au](https://humanrights.vic.gov.au)

 **Victorian Equal Opportunity  
& Human Rights Commission**

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## Quick guide to the Charter

Helping you apply Victoria's Charter  
of Human Rights and Responsibilities

# How to apply the Charter to your work

The *Charter of Human Rights and Responsibilities Act 2006* requires all public authorities in Victoria to act compatibly with human rights and give proper consideration to human rights before making a decision. To carry out these responsibilities, public authorities should:

## Step 1 / Identify relevant rights

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Check the list on the back of this guide to see what rights are relevant to your situation.

## Step 2 / Consider whether rights are being limited by your action or inaction

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Will your decision limit or interfere with the relevant rights you've identified?

**NO** – If rights are not being limited, you are acting compatibly with human rights.

**YES** – If human rights are being limited, you should move to step 3.

## Step 3 / To lawfully limit a right you must:

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### Be authorised

What law or regulation allows you to limit a person's rights? If you can't identify a law or regulation then you may not be able to limit rights.

### Be justified and proportionate

Determine whether your limitation of a person's rights is justified and proportionate in the circumstances, taking into account all relevant factors, including:

- **the nature of the right/s:** What does the human right/s protect? What are the values that underpin the right?
- **the importance of the purpose for the limitation:** What is your purpose for limiting a human right? What are you trying to achieve by your action or inaction?
- **the nature and extent of the limitation:** How are you limiting a human right? What are the consequences for the person whose right/s you are limiting?
- **is there a relationship between the limitation and your purpose?** Is your action or inaction tailored to achieve your purpose? Is it proportionate? If so, you may be lawfully limiting a human right. If not, you may be breaching the Charter.
- **Are there less restrictive means reasonably available to achieve your purpose?** Is there another way to achieve your purpose that won't limit a person's human rights as much? If so, you should take the less restrictive option.