

# **Human Rights Policy (2016-2026)<sup>1</sup>**

One community, proudly diverse

Human rights are universal, they belong to all people at all times. Human rights reflect the idea that all human beings are born free and equal in dignity and rights. We possess rights regardless of our background, age, gender, sexual orientation, race, religious belief, abilities, class or other status. Article 1, Universal Declaration of Human Rights 1948.

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<sup>1</sup> Revised in 2022

## **1. Acknowledgement of Country and First Peoples**

Council's acknowledgement aims to validate and respect the rightful place of Australia's oldest living culture. Council recognise this is a fundamental first step in developing positive and meaningful relationships with the Indigenous community and redressing history which continues to affect Indigenous families and communities.

The Wurundjeri Woi-wurrung people are the Traditional Owners of these lands and waterways in Merri-bek. Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander peoples are the First People of the lands and waterways and are intrinsic to Australia's national identity.

Merri-bek is home to many Aboriginal and Torres Strait Islander peoples from diverse family and community groups from across Australia, and therefore peoples of many moiety, kinship and language groups.

Living Elders and knowledge holders, as well as their ancestors, are central to the social, emotional and spiritual wellbeing of their communities. They continue to play a pivotal role in sharing, and keeping alive, heritage, history, songs, dances, and languages.

Diversity, inclusive of culturally varied views and opinions within the Aboriginal and Torres Strait Islander family and community groups requires respect and consideration when making decisions related to Merri-bek.

Past government policies and acts were responsible for injustices including forcible removal of Aboriginal and Torres Strait Islander children from their homes, families and traditional lands and the ongoing effects of these injustices continue to this day.

Such injustices while leaving a devastating impact on the traditional life of Aboriginal and Torres Strait Islanders people, have not erased their connection to country, culture or community, their resilience and their strength.

Aboriginal and Torres Strait Islander peoples have never ceded sovereignty of their lands and have continuously cared for their country for over 60,000 years and continue to carry forth the legacy of being the world's oldest living culture.

## **2. Mayors Foreword**

Merri-bek's first Human Rights Policy was adopted in 2016 and in 2022 was updated to reflect the changed social, political, economic, environmental and health context.

Human rights are the bedrock of healthy and resilient communities, where everyone can participate and feel included. Human rights belong to every one of us. They acknowledge the fundamental worth of each person. On an individual level, it is treating others fairly, and everyone being treated fairly.

Merri-bek's first Human Rights Policy sets out Council's obligations under the United Nations Declaration of Human Rights, the Australian Human Rights Framework and Victorian Charter of Human Rights and Responsibilities which sets out the basic rights, freedoms and responsibilities of all Victorians.

Beyond compliance, Merri-bek Council takes a proactive approach to promoting a culture of human rights, valuing diversity and inclusion both internally at Council and in the community. Council acknowledge our role in working towards social justice and in providing conditions for all people to have access to opportunities and control over their own lives.

The Human Rights Policy gives us a common framework to bind and protect us all equally, so that each and every member of our diverse city has the opportunity to participate, contribute and access services.

The policy sets out how Council will work over the next ten years to ensure the human rights of all our residents are upheld. It will provide guidance to Council to undertake targeted projects in response to the needs of groups and individuals who experience disadvantage in our community.

The policy will increase participation by the community in Council decision-making. It will strive to remove the barriers experienced by some groups, and overcome the exclusion and marginalisation experienced by some members of our community. With its broad approach, it will allow Council to work with others to address current and emerging needs for all members of the Merri-bek community, equally and fairly.

I look forward to implementing the next phase of Merri-bek's first *Human Rights Policy*.

Mayor Cr Mark Riley

### 3. Context

Merri-bek's first Human Rights Policy was adopted in 2016 and in 2022 was updated to reflect the changed social, political, economic, environmental and health context.

This policy aligns with Commonwealth, Victorian and Local Government policies and legislation, and aims to achieve consistency in Council's approach to diversity. The policy also conforms to international Human Rights instruments which seek to protect the rights of all people.

The policy applies to all areas of Council to inform the planning, development, implementation and evaluation of all policies, services, programs and infrastructure.

As a public authority, Merri-bek Council has an obligation to ensure that:

- All decisions give proper consideration to human rights and associated legislation;
- All actions, policies and services are compatible with upholding human rights;
- All local laws are interpreted consistent with human rights legislation, including the Gender Equality Act 2021, Local Government Act 2020 and the Privacy and Data Protection Act 2014 (Vic) (PDP Act)
- Council's contractors and volunteers also uphold human rights in any dealings carried out on behalf of Council.

The Charter Act in particular contains twenty rights (see below) that promote and protect the values of freedom, respect, equality and dignity. The Victorian Government, local councils and other public authorities must consider how human rights are protected when creating legislation, implementing policies or delivering services.

The Human Rights Policy aims to address health inequities which result from the unfair and avoidable differences in health outcomes and life expectancy across groups in society, as outlined in our Council Plan. This includes a strong focus on social justice, equity, inclusion and diversity as Council takes a proactive and strengths-based approach to human rights.

"I'm a big fan of the human rights policy as it encapsulates everything from social justice, diversity and inclusion and it is framed as an obligation to the community and something to aspire to as a whole community. It is a really strong statement for Council to make." (Human Rights and Inclusion Advisory Committee Member, 2022)

Table 1: Rights under the Charter

## Rights under the Charter

<b>Section 8:</b> The right to recognition and equality before the law	<b>Section 18:</b> The right to take part in public life
<b>Section 9:</b> The right to life	<b>Section 19:</b> Cultural rights, including Aboriginal cultural rights
<b>Section 10:</b> The right to protection from torture and cruel, inhuman or degrading treatment	<b>Section 20:</b> Property rights
<b>Section 11:</b> The right to freedom from forced work	<b>Section 21:</b> The right to liberty and security of person
<b>Section 12:</b> The right to freedom of movement	<b>Section 22:</b> The right to humane treatment when deprived of liberty
<b>Section 13:</b> The right to privacy and reputation	<b>Section 23:</b> Rights of children in the criminal process
<b>Section 14:</b> The right to freedom of thought, conscience, religion and belief	<b>Section 24:</b> The right to a fair hearing
<b>Section 15:</b> The right to freedom of expression	<b>Section 25:</b> Rights in criminal proceedings
<b>Section 16:</b> The right to peaceful assembly and freedom of association	<b>Section 26:</b> The right to not be tried or punished more than once
<b>Section 17:</b> The right to protection of families and children	<b>Section 27:</b> The right to protection from retrospective criminal laws.

For more information, please visit our website at [humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)



Victorian Equal Opportunity  
& Human Rights Commission

The following developments provide an updated context for the policy from 2022 onwards.

### Climate change and climate justice

Since the development of the policy in 2016, it has become evident that climate change is a dangerous threat to people, plants and animals and there is a need for human rights and social justice to be considered within this context. More extreme heatwaves, flash floods and loss of reliable seasonal rains are just some of the impacts hurting our communities and local environment.

In July 2022, the United Nations General Assembly declared that everyone on the planet has a right to a healthy environment. The General Assembly said that climate change and environmental degradation were some of the most pressing threats to humanity's future. It called on states to step up efforts to ensure their people have access to a "clean, healthy and

sustainable environment." This follows the UN Human Rights Council declaring in April 2022 access to a "clean, healthy and sustainable environment" a human right.

Climate change does not affect everyone equally. People suffering from socioeconomic inequality feel the effects of climate change more than others. Council recognises that climate change is as much a symptom of inequality as it is a force that exacerbates it.

### **Local Government Act 2020**

The Local Government Act 2020 modernises the role of Council to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. The Local Government Act 2020 requires us to focus on community accountability and be guided by the overarching governance principles which include community engagement, strategic planning, financial management, service performance and public transparency.

The Local Government Act 2020 legislates that "services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community" (sec 106 (2) a and b) and provide for Council to "institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered" (sec 60 (2) b).

### **Gender Equality Act 2020**

The Gender Equality Act (GEA) aims to improve workplace gender equality in the Victorian public sector - which includes local Councils. In the same way that Council must consider gender equality when developing policies and programs and delivering services to the public, Council also has an obligation to promote gender equality in the workplace.

The GEA strengthens Council's requirement to provide equitable and inclusive policies/ programs/ services for the community by undertaking an impact assessment on policies, programs and services that have a direct and significant impact on our community.

### **Privacy and Data Protection Act 2014**

As a Victorian public sector organisation, Council has obligations under the Privacy and Data Protection Act 2014 (Vic) (PDP Act), including the Information Privacy Principles (IPPs) to protect the privacy of individuals. This involves the collection, handling, use or disclosure of personal information. Section 13 of the Charter also outlines the 'Right to privacy and reputation – protects the right not to have one's privacy, family, home or correspondence interfered with. It also provides the right to not have ones' reputation unlawfully attacked'.

Council's Information Privacy and Health Records policy demonstrates Council's commitment to maintaining the responsible and transparent handling of personal information and promoting education and awareness of these practices across the broader organisation.

This Policy provides clear guidance to ensure that Council lawfully and appropriately manages the handling of personal information and health records in accordance with the Privacy and Data Protection Act 2014 and the Health Records Act 2011.

## Foregrounding the rights of First Peoples and communities

Recognising Australia's First Peoples and the right to self-determination for Aboriginal and Torres Strait Islander people is the foundation for all Council's human rights and social justice commitments. Council supports a process towards self-determination and local, regional or national Treaty or Treaties that enshrine the rights of Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander Australians. Council also supports the right for Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander people to enjoy their identity and culture, maintain and use their language, maintain their kinship ties and maintain their distinctive spiritual, material and economic relationship with the land and waters as defined in the Victorian Charter of Human Rights and Responsibilities. It is important Council is proactive in getting 'treaty ready', to respond to, and participate with First Peoples communities in truth telling processes and build on the partnerships with Wurundjeri Woi-wurrung and local Aboriginal and Torres Strait Islander people, communities, and organisations to honour the commitments in our Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the Merri-bek.

## COVID-19 and greater inequalities

COVID-19 has exacerbated existing inequalities and will continue to impact on the opportunities, resources, health and human rights of communities around the world, and locally. The pandemic has increased demand for food relief, heightened social isolation and mental health issues, and increased family violence and child abuse. It has also provided challenges for volunteers and volunteering and highlighted the digital divide in the community. COVID-19 has, however, also revealed great resilience across Merri-bek and a strong sense of community.

"We have seen the digital divide due to covid – whether it is rent relief grants or Government power saving bonus - unless you are confident to engage with technology - you miss out on services, particularly for older people. And the cost of devices and internet access is also an issue" (Community Member, 2022).

## 4. Vision

Council recognises that it has an important role in protecting and promoting human rights by ensuring that all people in our community are supported to fully participate in the life of the city and enjoy self-determination in decisions that affect them. All people should have dignified and equitable access to information, goods, services and life opportunities as a result of good governance and democracy.

## 5. Purpose

The Merri-bek Human Rights Policy 2016–2026 provides a framework and objectives for the implementation of Council's human rights obligations. It is aligned with the Victorian Charter of Human Rights and Responsibilities Act 2006.

An implementation plan will support delivery of the policy.

The policy provides Council with an overarching framework for delivering accessible, equitable and inclusive programs, services and decision-making processes. It aims to unite and strengthen Council's existing policies and commitments by adopting an intersectional approach in addressing discrimination, advancing social justice and promoting diversity and inclusion.

The human rights policy will:

- Assist all areas of Council to genuinely meet our human rights obligations
- Recognise the complexity of addressing discrimination for those who experience multiple disadvantages and provide a framework for understanding and action
- Promote the benefits that diversity brings to both Council and community and harness the unique contributions and community strengths across Merri-bek
- Assist in ensuring an integrated whole-of-Council approach to progress equity, inclusion and human rights.

## 6. Our Community<sup>2</sup>

- Merri-bek has 171,357 residents
- 47.7% of residents had both parents born overseas
- 34.5% of people speak a language other than English at home in 2021
- 5.1% of people speak another language, and English not well or not at all
- Religious affiliation: No Religion (40.4%); Catholic (23.4%); Islam (9.8%); Eastern Orthodox (6%)
- 11% experience a mental health condition
- 1,086 residents identify as Indigenous (0.6%)
- 11,067 people (or 6.5% of the population) in Merri-bek reported needing help in their day-to-day lives due to disability.
- 24% identify in the Lesbian Gay Bisexual Transgender, Intersex, Queer and Aromantic/Asexual communities<sup>3</sup>

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<sup>2</sup> Australian Bureau of Statistics (2021) 2021 Moreland, Census All persons QuickStats | Australian Bureau of Statistics (abs.gov.au)

<sup>3</sup> Brown, H. (2022) Proportion of residents who are LGBTIQ+ by municipality (estimate) [Dataset] <http://genderstats.com.au/downloads/prevalence-of-LGBTIQ+-individuals-by-municipality.xlsx>



## 7. Policy details

### 7.1 Policy goals

The policy will promote and protect human rights by aiming for these three goals:



### 7.2 Guiding Principles<sup>4</sup>

The policy is framed across all aspects of Council's role; organisational capability, service provision and civic participation. The following six principles were determined through consultation with stakeholders and guide the way Council work in implementing the policy.

- Human Rights
- Diversity
- Accountability
- Social Justice
- Participation
- Capacity Building

### 7.3 An intersectional approach

Individuals are complex and are shaped by interactions between different personal attributes such as ethnicity, gender, class, sexuality, age, disability, migration status and religion. These interactions occur within a context of connected systems and power structures such as policies, governments, and the media.

An intersectional approach enables us to understand the connections between structures that shape diverse populations. It also enables a more effective and efficient response than a 'one-size fits all' approach for solving social inequities.

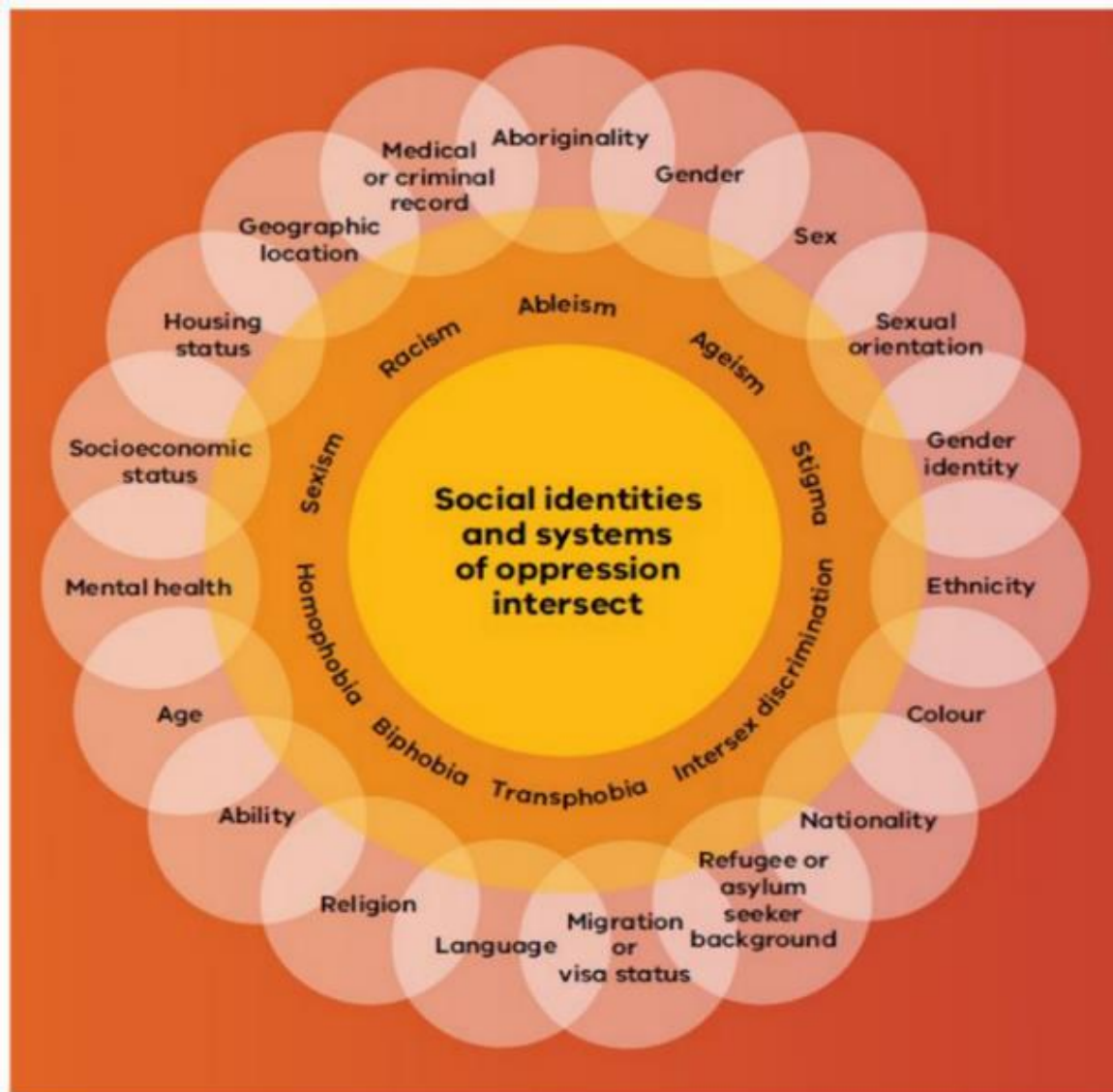
People can experience both privilege and oppression, depending on what specific situation or context they are in. Individuals are also members of different groups at once that often

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<sup>4</sup> See Section 10 for Definitions.

overlap and may face exclusion on the basis of one or more characteristic or identity. By adopting an intersectional approach, we can respond more appropriately to these experiences.

"The intersectional approach suggests that tackling disadvantage in one group may not address discrimination and marginalisation experienced by all other groups equally. Therefore, work to prevent gender-based inequality cannot be completed in isolation from work to address other forms of discrimination." (Commission for Gender Equality in the Public Sector, 2022).



Source: Victorian Government (2021). Everybody Matters: Inclusion and Equity Statement

## **7.4 Statement of commitment to priority groups<sup>5</sup>**

“Attributes associated with priority groups are a core dimension of your identity that generally do not change; the experience you have by virtue of how you identify is fundamental to your experience....and because of this those are protected attributes such as race, sex/gender, etc.”  
(Human Rights and Inclusion Advisory Committee Member)

This policy gives precedence to specific groups which are recognised as being at greatest risk of exclusion from social, economic and political life because of access barriers and discrimination. Statements of commitment to identified priority groups are set out below. These aim to sustain Council’s existing commitments and enable consistent internal and external communication around Council’s ongoing resolve to overcome disadvantage and reduce discrimination for individuals from all ages and life stages across the priority groups.

Important to note is that belonging to a group based on an aspect of one’s identity - even when it places one at risk of discrimination and disadvantage – is often a protective factor fostering resilience and connections and facilitating a sense of community and belonging<sup>6</sup>.

### **Aboriginal and Torres Strait Islander Communities**

Merri-bek City Council's vision for reconciliation is respectful and inclusive recognition of Wurundjeri Woi-wurrung people as the Traditional Owners of the lands and waterways in the area now known as Merri-bek. Council commits to addressing dispossession and dislocation of Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander peoples from their traditional lands by establishing and maintaining into the future, respectful partnerships between Aboriginal and Torres Strait Islander peoples and the broader community.

### **People with Disability**

Council will work to systematically reduce barriers created by attitudes, practices and structures that limit opportunities for people with disability to fully participate in community life. Council will work to ensure a culture within its own organisation that recognises everyone has a responsibility and an important role to play in addressing the discrimination experienced by people with disability.

### **LGBTIQA+ Communities**

Council commits to ensuring that Merri-bek is a safe and welcoming city for Lesbian, Gay, Bisexual-plus, Transgender (and gender diverse), Queer or Questioning, Asexual and Aromantic and Intersex people (LGBTIQA+) and will strive to ensure that its services are

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<sup>5</sup> Council acknowledges that priority groups and communities are highly diverse, and share experiences of resilience, stigma and discrimination and that variations of these descriptions and acronyms may be used and likely to change and evolve over time.

<sup>6</sup>Darebin City Council (2019) Towards Equality: Equity, Inclusion and Human Rights Framework 2019-2029

accessible to and appropriate to the needs of our LGBTIQ+ residents and visitors and staff. We acknowledge that the full diversity of sexes, genders and sexualities goes beyond the LGBTIQ+ acronym and that while some issues may overlap, many will be unique for individual communities.<sup>7</sup>

### **Migrant, Refugee and Faith Communities**

Council is strongly committed to respecting the cultural, religious and linguistic diversity of our municipality and ensuring that the benefits of an inclusive and welcoming society are enjoyed by all. We recognize there are people from many different cultural, religious and linguistic backgrounds in Merri-bek and this multiplicity creates a more resilient and thriving community. Through this policy, Council will progress a whole of organisation approach to designing and implementing strategies which will deepen our commitment to creating places and spaces where everyone can belong, contribute and thrive. This will address unique barriers experienced by these communities, to build unity and social cohesion within our municipality.

### **Women, Girls and Gender Diverse Communities**

Council's Gender Equality Commitment 2019 promotes equitable access for all gender identities and intersections of gender identity in relation to priority areas, such as housing, employment, education, public space, recreation, and sport as well as representation at all levels of decision making. Council is committed to foster community collaboration and leadership across people of all genders to address inequality.

## **7.5 Emerging priority issues and approaches**

Importantly the policy also provides the flexibility for Council to consider future needs of newly emerging priority areas, groups and issues not identified in the original policy. In the 2022 refresh, Council identified the following additional priorities when considering human rights:

### **An age and lifespan lens, with attention to children, young people and older people**

Council acknowledges the specific vulnerabilities associated with ages and stages across the lifespan. It is essential all ages have the rights, supports and access to resources to fully participate in community life and local decisions.

Council commits to enhancing **children and young people's rights**, resourcing and empowering them to have a voice in decision making on key issues that impact them. Council is committed to being a Child-Friendly City and Community where children and young people's rights are upheld, and initiatives and practices support their participation in civic life. Council commits to child safety and implements practices to keep children safe from abuse and harm. These commitments are informed by the UN Convention on the Rights of the Child,

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<sup>7</sup> This definition is based on <https://www.lgbtiqhealth.org.au/>. Council acknowledges that this is highly diverse community, which shares experience of resilience, stigma and discrimination and that variations of this acronym may be used and likely to be used and evolve over time.

Victorian Child Safe Standards, Victorian Child Friendly Cities and Communities Charter and underpinned by the Merri-bek Children, Young People and Families Plan 2021-2025 and Our Promise, Your Future, Victoria's Youth Strategy 2022-2027.

There is a commitment to **older people** and strengthening Merri-bek as an Age-Friendly City where older people are valued, supported to engage and empowered to live well (underpinned by the Merri-bek Living and Ageing Well Framework).

### **Poverty, inequality and socioeconomic status<sup>8</sup>**

A class or socioeconomic status lens, with particular attention to poverty and its impacts, people on low incomes and/or in housing stress and intergenerational disadvantage, are essential when considering human rights.

Council commits to reducing barriers for people in poverty, low-income families, or people experiencing economic hardship, homelessness or intergenerational social-economic disadvantage by addressing poverty and disadvantage (underpinned by Affordable Housing Action Plan, and Health and Wellbeing focus in Council Plan).

In particular, Council is committed to suburbs and places/areas where members of the community experience the most disadvantage. By prioritising resources including infrastructure, services and programs to reduce disadvantage, Council aims to redress historical inequity in community infrastructure investment.

### **Climate change and climate justice**

People within our local community will have different experiences and responses to changes in our environment, our society and our economy. While everyone will be affected by climate change, some populations will be more vulnerable than others. Climate change as a human rights issue is acknowledged in the principles of our Zero Carbon 2040 Framework.

Climate change is one of the greatest threats facing humanity, but we also know it is an opportunity to create a more just and sustainable world.

In Australia, Aboriginal and Torres Strait Islander people are at the forefront of climate change, and as young people, it's our generation with the most at stake. It's our communities on the frontline who need to be at the forefront of change; leading the solutions and building society that is healthier, cleaner, more just and puts people before profits. (Seed, Australia's first Indigenous youth-led climate network ([seedmob.org.au](https://seedmob.org.au)))

### **Issues exacerbated by COVID-19**

COVID-19 has exacerbated existing inequalities and will continue to impact on the opportunities, resources, health and human rights of communities around the world, and locally. Council has heard that in particular, the following issues require attention for

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<sup>8</sup> Adapted from Darebin City Council (2019). Towards Equality: Equity, Inclusion and Human Rights Framework 2019-2029

communities to participate equally and for services, programs and places to be inclusive to people from all backgrounds, ages, stages and life situations:

- Address the digital divide between those who have access and can afford devices and the internet and those who don't and ensure communications do not rely solely on digital channels. In that regard, a rapidly emerging area with potential impact on human rights and fairness is technology, its evolutions, and the digital divide. The Australian Human Rights Commission highlights that unprecedented and rapid technological change has already significantly affected our human rights, with potentially unfair outcomes
- Prioritise community safety, particularly discrimination, racism, family violence and child abuse, all of which have been exacerbated by Covid-19
- As mental health and wellbeing remain an ongoing concern for the community, embed a mental health lens of all Councils policies, plans, services and place initiatives and address social isolation, particularly for older residents and those without the internet.
- Pathways to employment need to be prioritised particularly for groups who face barriers to participation. Access to quality, secure and meaningful employment are essential here.
- Access to healthy, safe, affordable food. Food relief was the most critical need in the Merri-bek community during the first year of the COVID-19 pandemic. Key challenges in food relief included sourcing culturally appropriate food relief and ensuring safe delivery. Ongoing access to safe, affordable, fresh and available food remains a priority within Merri-bek.

#### **Carers, volunteering and civic participation (unpaid caring/contributions)**

Unpaid carers contribute enormously to the community, economy and society. Council is committed to people who are caring for people with disability, for carers of older people and carers of children (parents, foster parents and particularly sole parents).

Council also acknowledges the importance of volunteering, as a way of realising the right to participate in public life, for people to contribute and gain skills and the role volunteerism plays in building resilient and cohesive communities. Volunteering is essential in the provision of not-for-profit services and essential to a civil society.

## **7.6 Themes and outcomes**

Key issues are addressed holistically under four themes which provide direction for shared strategies, to achieve common outcomes for the identified priority groups:

### **1. Empowerment and Participation**

Facilitate civic participation and inclusive engagement of all forms to ensure that people can exercise their rights as equal citizens. Empowerment and participation enables people from within the identified groups to participate meaningfully in shaping their own futures.

## Outcomes

- Priority groups have increased participation in Council decision-making processes;
- Priority groups have increased success when applying for grants and accessing council facilities;
- Priority groups have increased participation in employment and skill development programs in Merri-bek;
- Increased numbers of suppliers from priority groups provide services and products to Merri-bek Council.

## 2. Equitable and Accessible Services

It is a legal obligation of Council to ensure that all citizens be provided with dignified and equitable access to services. This contributes to the wellbeing and prosperity of our community. Some individuals and groups require additional assistance and targeted programs to enjoy full, equitable access to Council services and programs.

## Outcomes

- Increased proportion of Council's communications output and methods are inclusive, accessible and respond to a variety of communication needs;
- Merri-bek's community has better understanding of Council communications;
- Increased proportion of Council services is inclusive, accessible and respond to a variety of diverse needs;
- More people from priority groups access Council's services, programs and events.

## 3. Accessible Places and Spaces

Buildings, public places and open spaces must be accessible to all. Council will maximise the accessibility of all new infrastructure and have a program for progressive improvement to the accessibility of existing Council owned buildings and infrastructure. This is achieved within a framework of inclusive policies, local priorities and financial capacity.

## Outcomes

- Increased use of public places and spaces in Merri-bek by people from priority groups through improved physical accessibility, safety and cultural appropriateness;
- People from priority groups experience less barriers when accessing places and spaces in Merri-bek through improved Council work practices;
- An increased proportion of residents feel welcome and safe in Council owned and managed places and spaces.

## 4. Advocacy and Leadership

In collaboration with people from identified priority groups, Council will advocate to other spheres of government, business, partner organisations and the community to promote human rights and address issues of discrimination and marginalisation at the local, regional, national and international level. Where a policy or law is harmful to the human rights of communities, particularly those in priority groups or where priority issues are impacted, Council have a responsibility to advocate in the best interests of the Merri-bek communities.

### Outcomes

- Increased proportion of Council's workforce demonstrates ability to apply human rights policy principles in their work;
- Increased proportion of Council's workforce reflects the diversity of the community it serves;
- Advocacy and leadership initiatives promote human rights and address discrimination.

## 8. Roles and responsibilities

The Human Rights Policy aligns with the Victorian Equal Opportunity and Human Rights Commission's (VEOHRC) Framework that identifies six key influences for a strong human rights culture: engaged leadership, employees' values and attitudes, transparency and accountability, community engagement and participation, operational capability and systems and processes.

Council's role and the key settings for implementation of the Human Rights Policy include:

- Community engagement in decision making and participation at Council
- Compliance – risk and governance
- Organisational development, culture and Council as 'employer'
- Advocacy and leadership
- Provision of services, infrastructure planning and places
- Procurer of goods and services
- Partnerships with communities, groups and local service providers

Human rights are important – we have a diversity within the team, but do people feel comfortable bringing themselves to work? They should feel safe to bring themselves to work. We need to work with staff to understand what are human rights, and how to create a safe workplace (Council staff member, 2022).

Council have developed a gender equity impact assessment process as a way to operationalise Council's overarching Human Rights Policy. It also incorporates legal requirements under the Gender Equality Act 2020 and Charter of Human Rights and Responsibilities Act 2006.

The GEIA helps us consider the principles of equity, diversity, inclusion and human rights in everything Council do. The GEIA provides staff across the organisation with a process to



embed these principles in the development of Council policies, programs, services, places and spaces.

Of particular relevance are the actions that Council takes to consult and engage with residents who are disadvantaged and/or whom Council traditionally finds hard to reach. In that respect, The Human Rights Policy informs and works closely with the Community Engagement and Public Participation Framework.

## **9. Monitoring, Evaluating and review**

This policy will inform practice across Council for all of our community, with a specific focus on identified priority groups. Council will convene the Human Rights and Inclusion Advisory Committee to provide advice on implementation of the policy, and monitor the bi-annual shared action plans within the Community Development and Social Policy Team.

The resources required to implement this policy will be detailed in the bi-annual action plan. Responsible units across Council will develop and cost actions within their annual planning and budgeting cycle. If additional resourcing is required, it will be sourced through grants, sponsorships, partnerships or a budget bid by the appropriate area of Council.

### **Monitoring, Evaluation and Review**

Council is committed to the ongoing evaluation and review of our whole of organisation approach to human rights and inclusion. Learning through ongoing monitoring will inform future iterations of this policy and will serve to continuously enhance the vital role Council plays in protecting the human rights of all members of Merri-bek's community.

#### **Strategies**

- Convene the Human Rights and Inclusion Advisory Committee, and associated Reference Groups which provides advice to Council to guide the future planning, implementation, monitoring and evaluation of the policy;
- Develop a monitoring and evaluation framework to assess the progress and impact of the policy across Council and the community
- Publicly report on policy progress and impacts of the shared action plans on an annual basis.

## 10. Definitions

### Human Rights<sup>9</sup>

Human rights are universal and affirm the inherent right of all people to be treated with respect, equality and dignity. Human rights are the basic freedoms and protections that people are entitled to simply because they are human beings.

The Universal Declaration of Human Rights (1948) recognises that ‘the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world’. It declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. The Universal Declaration includes civil and political rights, like the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights (including religion), like the right to social security, health and education. Within the local government context, human rights uphold the idea that all people should have equitable access to goods, services and life opportunities as a result of good governance and democracy.

### Inclusion<sup>10</sup>

An inclusive society is based on fundamental values of equity, equality, social justice, human rights and freedom, as well as on the principles of tolerance and embracing diversity. An individual who experiences inclusion has access to resources, opportunities and capabilities to learn, work (including paid, voluntary or family/carer responsibilities), engage and have a voice in decisions that affect them.

### Social Justice

Social justice is about making sure that every member of the community has choices about how they live and the means to make those choices. A socially just Merri-bek is one in which there is:

- a fair distribution of resources
- equal access to services
- equal rights in civil affairs

### Diversity

Diversity refers to the variety of differences between people. Harnessing the potential of our diversity requires acceptance and respect. It is based on an understanding that each individual is unique, and recognition of our individual differences.

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<sup>9</sup> What are human rights?, United Nations Human Rights – Office of the High Commissioner  
<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

<sup>10</sup> UNESCO. Consultations of the Director-General with Member States. Social Inclusion, Social Transformations, Social Innovation: What role for UNESCO in 2014-2021, 23 November 2012.

## Privilege<sup>11</sup>

Privilege is a social or structural advantage or benefit that society gives to some people and not others. Those who benefit from privilege are often blinded to the fact that their privileges may be unearned and unjust

## Participation

Participation is about meaningful engagement with the Merri-bek community to enable people from the identified priority groups to genuinely participate in shaping their own futures. Community participation relies on Council having a good knowledge of people living in the municipality, communicating effectively and responding appropriately to individuals and communities.

## Capacity Building

Capacity building is about Council's contribution in supporting groups and individuals to harness community knowledge and experience, address exclusion and strengthen capacity for active citizenship.

## Accountability

Accountability is about transparent decision-making, open governance and accessible information and communication across all areas of Council's work.

## Accessibility

Accessibility means that Council services, programs and facilities should be made accessible to all people in our diverse community. It also refers specifically to the design of services, products or environments for people with disabilities. Accessibility is strongly related to the concept of Universal Design which is the process of creating products or environments that are usable by people with the widest possible range of abilities, operating in the widest possible range of situations.

## Equality<sup>12</sup>

Equality affirms that all human beings are born free and equal, having the same rights and are entitled to the same level of respect.

## Equity<sup>13</sup>

Equity means that Council services and programs should deliver outcomes for diverse communities on par with those that other members of our community can expect to receive.

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<sup>11</sup> Maxwell, C. & Sonn, C. (2020). The Performative is Political: Using Counter-Storytelling through Theatre to Create Spaces for Implicated Witnessing. *The American Journal of Community Psychology*. Early View. <https://doi/10.1002/ajcp.12493>

<sup>12</sup> Adapted from the Convention on the Elimination of all forms of Discrimination against women, CEDAW 1979

<sup>13</sup> Multicultural Access and Equity Policy Toolkit, Australian Government 2012

## 11. Associated Documents

The Human Rights Policy adopts a whole of Council approach and particularly informs practice across key Council policy, action plan and commitment areas, including:

- *Disability Access and Inclusion Plan 2022-2026*
- *Social Cohesion Plan 2020-2025*
- *Statement of Commitment to Women*
- *LGBTIQA+ activities*
- *Moreland Council Plan 2021-2025*
- *Moreland Information Privacy and Health Records Policy*
- *Moreland Children, Young People and Families Plan 2021-2025*
- *Moreland Open Space Strategy 2012–2022*
- *Moreland's Arts Strategy 2017-2022*
- *Naming Moreland Places Policy 2013–2023*
- *Affordable Housing Strategy 2014–2018*
- *Friends of Aileu Strategy Plan, Action Plan 2015–2020 and Friendship Agreement*
- *Accessible & Inclusive Communications Policy 2021-2024*
- *Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the Merri-bek City Council*

### International context

Australia is signatory to a number of United Nations declarations and treaties relevant to this policy, including seven major human rights instruments. These include:

- *Universal Declaration of Human Rights 1948*
- *International Covenant on Civil and Political Rights 1976*
- *International Covenant on Economic, Social and Cultural Rights 1976*
- *International Convention on the Elimination of all Forms of Racial Discrimination 1969*
- *Convention on the Elimination of All Forms of Discrimination Against Women 1979*
- *Convention on the Rights of Persons with Disabilities 2008*
- *International Convention on the Rights of the Child 1989*
- *United Nations Declaration on the Rights of Indigenous Peoples 2008*
- *United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981*
- *United Nations Sustainable Development Goals (SDGs) - United Nations (2015). Transforming Our World: The 2030 Agenda for Sustainable Development UN Publishing - New York.*

### Commonwealth Legislative Context

A range of Commonwealth legislation protects the rights of people of diverse circumstances or characteristics. These laws seek to deter or redress unfavorable discrimination or vilification around attributes such as gender, age, disability, sexual orientation or identity, race, or ethnic identity. Commonwealth legislation includes:

- *Age Discrimination Act 2004*

- Disability Discrimination Act 1992
- Equal Opportunity for Women in the Workplace Act 1999
- Human Rights Commission Act 1986
- Human Rights (Sexual Conduct) Act 1994
- National Disability Insurance Scheme (NDIS) Act 2013
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Sex Discrimination Act 1984
- Carers Recognition Act 2010
- Workplace Gender Equality Act 2012

### **Victorian Legislative Context**

Victorian legislation which seeks to promote respect for diversity and prevent discrimination based on personal attributes and circumstances includes:

- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Racial and Religious Tolerance Act 2001
- Multicultural Victoria Act 2011
- Disability Act 2006
- Carers Recognition Act 2012
- Local Government Act 1989
- Public Health and Wellbeing Act 2008
- Privacy and Data Protection Act 2014
- Change or Suppression (Conversion) Practices Prohibition Act 2021