

# Your rights, in your words:

## A guide to the ACT Human Rights Act 2004

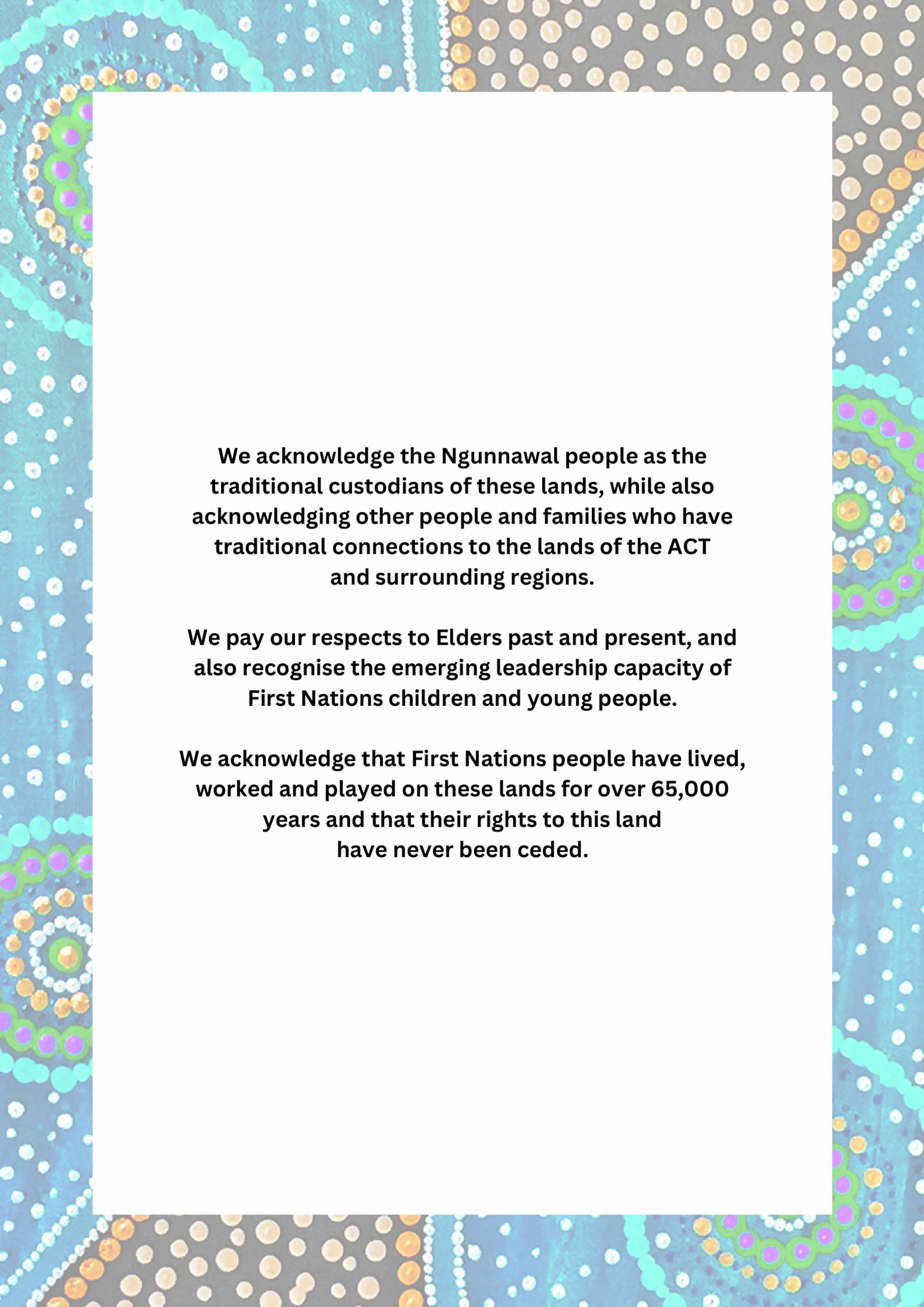


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A guide to the Human Rights Act 2004

ACT Human Rights Commission  
Allara House, 48-56 Allara Street  
Canberra ACT 2001

2024

Main images by Sketch Group



**We acknowledge the Ngunnawal people as the traditional custodians of these lands, while also acknowledging other people and families who have traditional connections to the lands of the ACT and surrounding regions.**

**We pay our respects to Elders past and present, and also recognise the emerging leadership capacity of First Nations children and young people.**

**We acknowledge that First Nations people have lived, worked and played on these lands for over 65,000 years and that their rights to this land have never been ceded.**

# Acknowledgements

This simplified version of the Human Rights ACT 2004 is designed so that, as children and young people, you can get information about your Human Rights, in words you can understand.

To make sure we use words you understand, in 2023 we consulted over 170 students from 8-year-olds to 18-year-olds about the way we should talk about rights.

Thank you to all of the children and young people who helped us through those conversations.

## **Special thanks to:**

Forest Primary School Year 6 students

Lanyon High School Small Group Program

Ainslie Primary School Year 3 students

Tuggeranong College Social and Community Work Students



# A message from Jodie



## **You have the right to information**

As children and young people, you have the right to information that is made just for you, and is presented in ways you understand.

Knowing about your human rights is important because it helps you recognise when something is not right and helps you to know what you can do about it.

## **You have the right to have a say**

It is important that the way we provide information to you is informed by what children and young people, like you, have told us they want. So, in 2023 we spoke to over 170 kids, teens, and young people around Canberra about how to explain your rights in ways that work for you.

## **We listened**

We listened to what words you use when talking about human rights so we can use words that are familiar to you. We also asked how you want information presented. The kids, teens, and young people we spoke to told us you want videos and written information online, books with pictures, and for adults in your life to help explain things.

We have used that advice to create this book and other resources, including a video, that you can find at [actkids.act.gov.au](https://actkids.act.gov.au). We hope you find this book and our other resources useful and interesting.

## **Get in touch**

We always want to hear how we can improve, so feel free to get in touch if you have ideas or need a different kind of resource to help you understand your rights:  
[actkids@act.gov.au](mailto:actkids@act.gov.au)

*Jodie*

Children and Young People Commissioner  
ACT Human Rights Commission

# How to use this book

This book has two parts. The first part explains some legal information and explains how human rights work. The second section is a summary of the human rights that are protected by the [Human Rights Act 2004](#).

We have tried not to use words we think you might not know. When we have used one that might be hard, we have underlined it and explained what it means on the same page, next to this symbol:



Some times we have included information to help explain something better. This is highlighted in a pink box with this symbol:

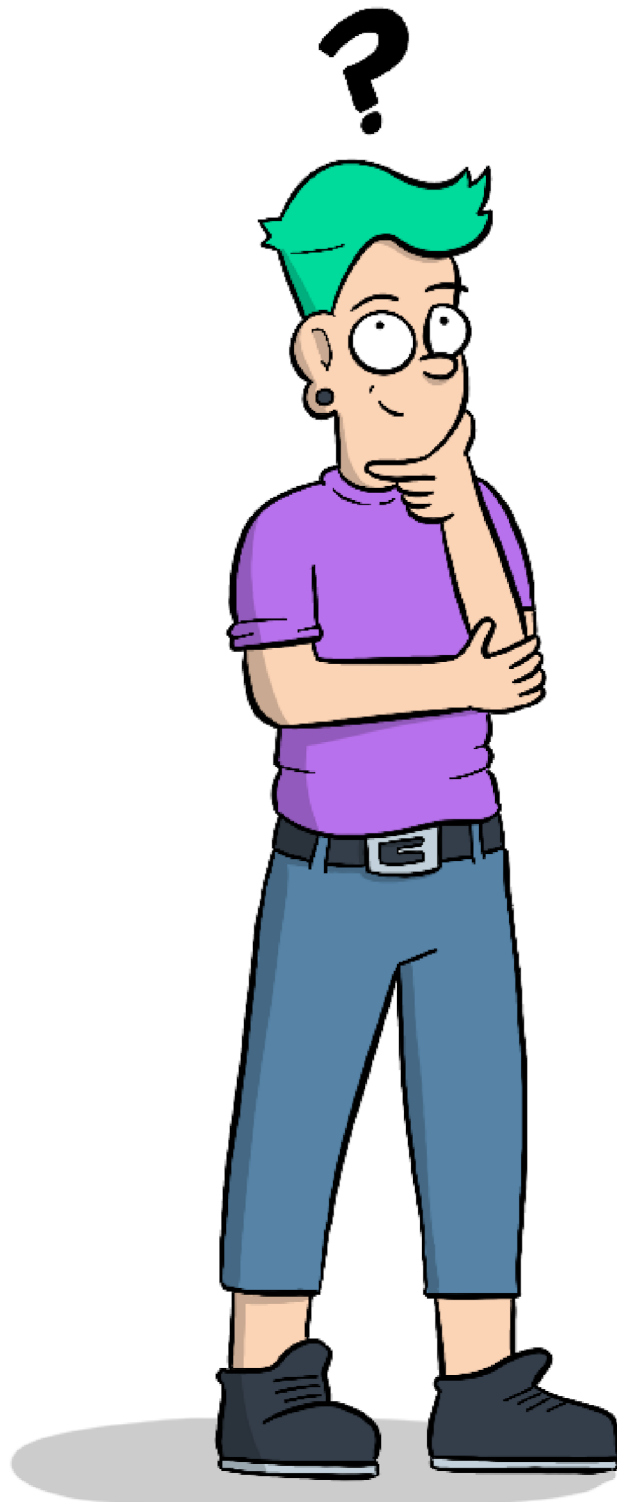


## A note about the legal stuff

This book is designed to tell you about the rights that are protected by ACT's Human Rights Act 2004. To do this in a way that more people will understand, we have summarised the Act and used simple words to explain the rights.

While we have tried very hard to be as accurate as possible, this book should never be used for legal purposes in place of the Human Rights Act 2004 itself.

# What are human rights?



# What are human rights?

Human Rights are things everyone has or are able to do. They recognise your individual **dignity** and value no matter what you look like or believe.

As humans, we are all different in lots of different ways! We have different languages, religions, beliefs, skin colours, cultures, genders and backgrounds...

But we all have human rights!



**Human rights are really important for Aboriginal and Torres Strait Islander peoples because protecting human rights also protects the cultures and connection to the land of Aboriginal and Torres Strait Islander peoples. This is recognised by s27(2) of the ACT Human Rights Act 2004.**

Human Rights are about being treated fairly, treating other people fairly, and being able to make choices about your life.

Only individual people have human rights, not companies or organisations. No one can take your human rights away from you.



## **Dignity**

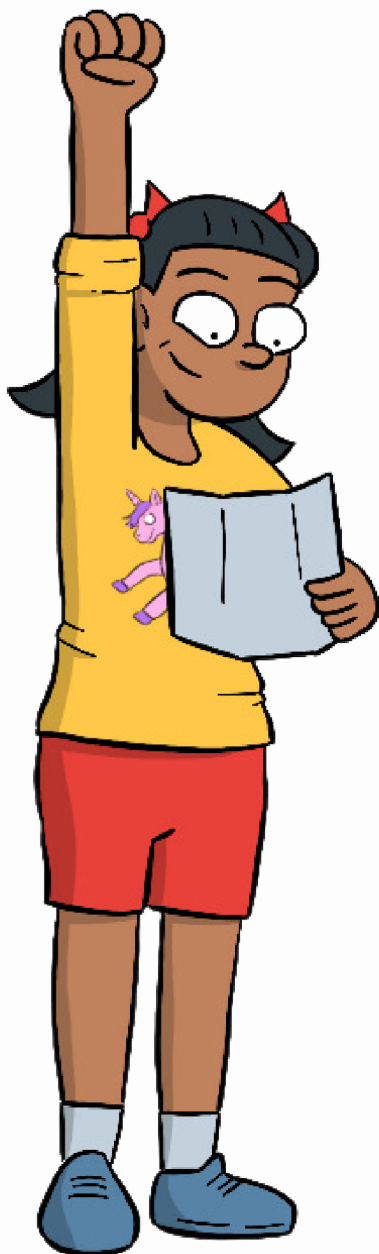
The importance and value a person has that means other people respect you and you respect yourself.

# What is the Human Rights Act 2004?

Human rights laws are a set of rules about what governments must do to protect people's human rights. An Act is a type of law.

The ACT Human Rights Act 2004 sets out which human rights are protected in the ACT. The ACT Government should use these rights to guide their decisions and when making new laws.

Some of your rights are not in this Act but are protected by other laws, like the Discrimination Act 1991 and the Education Act 2004, for example.



# How do these rights apply to children and young people?

As a child or young person, you have all the rights in the Human Rights Act 2004, but you also have the right to more protection because you are a child or young person.

Your need for protection changes as you develop your individual abilities and experience.



## What ages are we talking about?

The international definition of a child is anyone under the age of 18 years old.

In the ACT, the law says that children are aged 0-11 years old, and a young person is anyone between the ages of 12 and 17 years old.

At 18 years old, you are considered an adult.

Human rights law says that, as children and young people:

- You are able to express your views,
- Your ability to decide what is right for you develops as you get older.

This will happen at different times for different children and young people. It is not just about your age, it is about your experiences, abilities, and the specific situation you are making a decision about.





## EXAMPLE

### When the law supports you to make decisions

Here are two examples of how the law can support you, as children and young people, to make decisions for yourself if you are able to.

#### Protection

In 2004, a seven-year-old decided he did not want to go to court and give **evidence**. Even though the court can force you to give evidence, the ACT Court decided not to. They used his right to protection to make that decision.

#### Competence

In the ACT, you can change your name or gender on your birth certificate to better reflect your identity. How you can do this is different depending on your age:

- From the age of 16 years old, you can change your given name or gender yourself.
- Between 12 and 15 years old, you must have parental or guardian consent **or** permission from ACAT (the ACT Civil and Administrative Tribunal, or ACAT, helps to make decisions on a range of situations or disagreements).
- Under 12 years old, you must have parental or guardian consent **and** permission from ACAT.

This recognises that as you grow older you are more able to make decisions independently.



#### Evidence

Information, facts or documents that help decide what the truth is.

#### Competence

The ability to understand or to do something well.



# How do human rights work?

ACT's Human Rights Act 2004 sets out rules about how the ACT Government must use human rights and what you can do if you think your rights are not being protected. There are a lot of very specific rules, and we have summarised some of them here to help you understand how human rights work.

## Can human rights be limited?

Yes. The government can put limits on human rights, but only if there is a good reason. There are laws that say how your human rights can be limited.

A good reason might be because your rights are conflicting with someone else's or because there is an important public reason. For example, your freedom of expression is limited if what you are saying hurts someone else's rights or reputation.

The government has to think about the impact on you of limiting rights and should only do it if there is no better option.

## Does the Human Rights Act 2004 affect other laws?

Human rights should be used to help understand other laws. This means that when judges in court are making decisions based on a law, and something about that law is not clear, they should make the decision that is most in line with human rights.

The ACT Government should (but does not have to) use the Human Rights Act 2004 when making new laws and making changes to laws, so that those laws support your human rights.



### **Reputation**

The opinion that people have of someone or something.

# What happens if the Government does not protect your human rights?

When the ACT Government, or an agency doing government work, like the police, does something that affects you, they must first think about how that action or decision will impact your human rights. This includes something that any person or agency providing **public services** does.



**Public services** are things like education, social housing, public transport, health services or things like electricity and water.

If you think the ACT Government, or a government agency, has not thought about your human rights properly, or if you think they have acted in a way that hurts your human rights, the Human Rights Act 2004 means you can make a complaint.

You can get advice about how to make a complaint:

## HUMAN RIGHTS COMMISSION



[ACTKids@act.gov.au](mailto:ACTKids@act.gov.au)



02 6205 2222



[actkids.act.gov.au](http://actkids.act.gov.au)

## YOUTH LAW CENTRE



[contact@youthlawact.org.au](mailto:contact@youthlawact.org.au)



1300 654 314



[legallaidact.org.au](http://legallaidact.org.au)

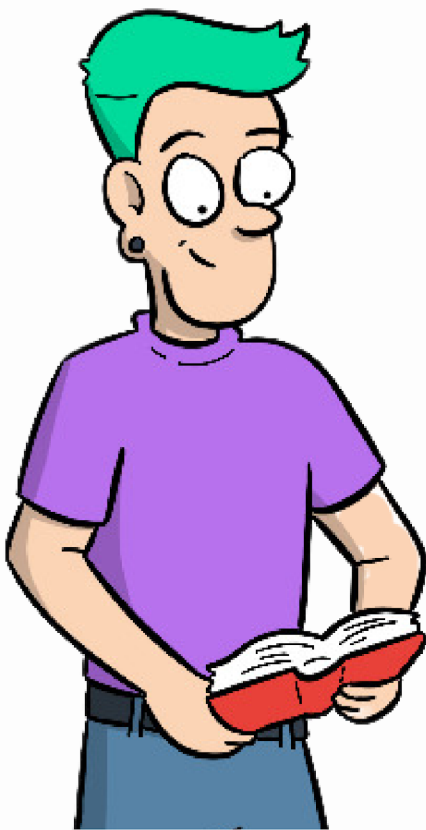


## Is there anyone checking what the Government is doing?

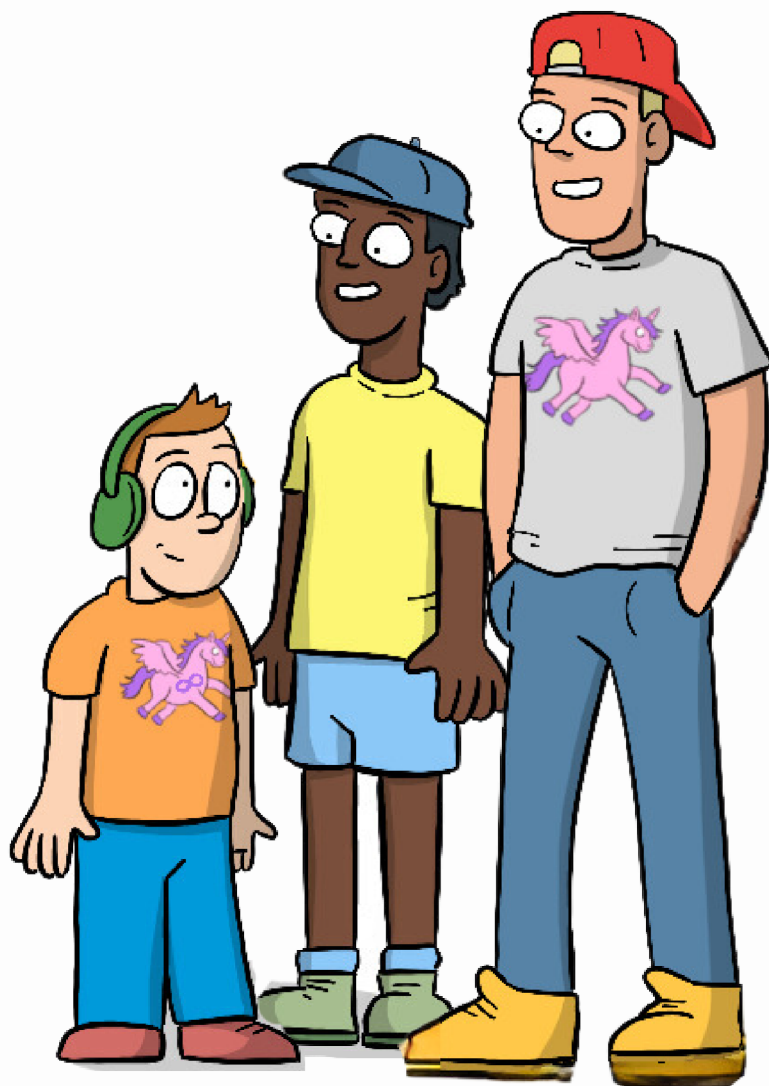
Yes. The ACT Human Rights Commission looks at laws to check what impact they might have on human rights.

This means we read new laws, and changes to existing laws, to make sure the laws are going to protect human rights, not hurt them.

The ACT Human Rights Commission tells the ACT Government whether the laws will protect or hurt human rights. This means the ACT Government will know if a law is going to impact human rights, but it does not mean they have to change anything.



# What human rights are protected in the Human Rights Act?

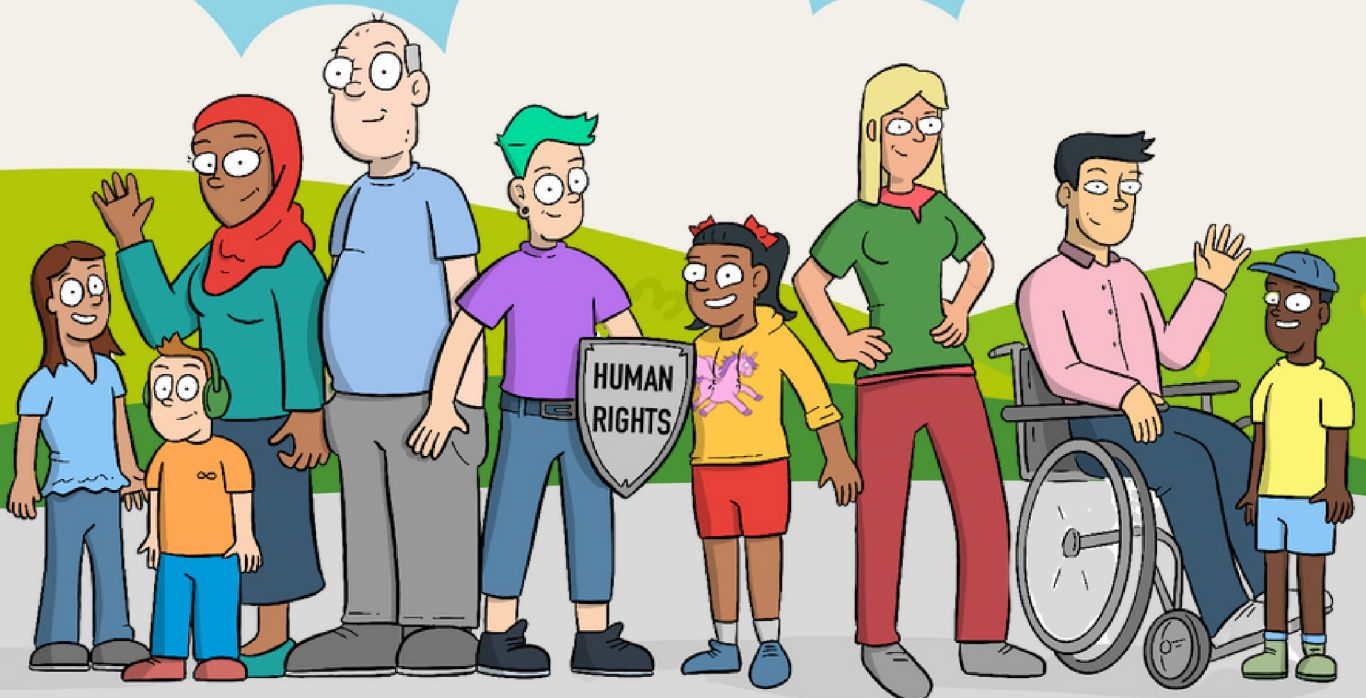


# The ACT Human Rights Act 2004

The Human Rights Act 2004 has 42 different sections. Some of these sections explain each of the rights. Others tell the ACT Government how they should apply the rights or explain what happens if someone thinks a right is not being protected.

In this summary, we have grouped some of those sections together to make it easier to understand.

You have lots of special rights that apply in different parts of your life, like during your education, when you start working, and in your family. These rights are summarised in this book.

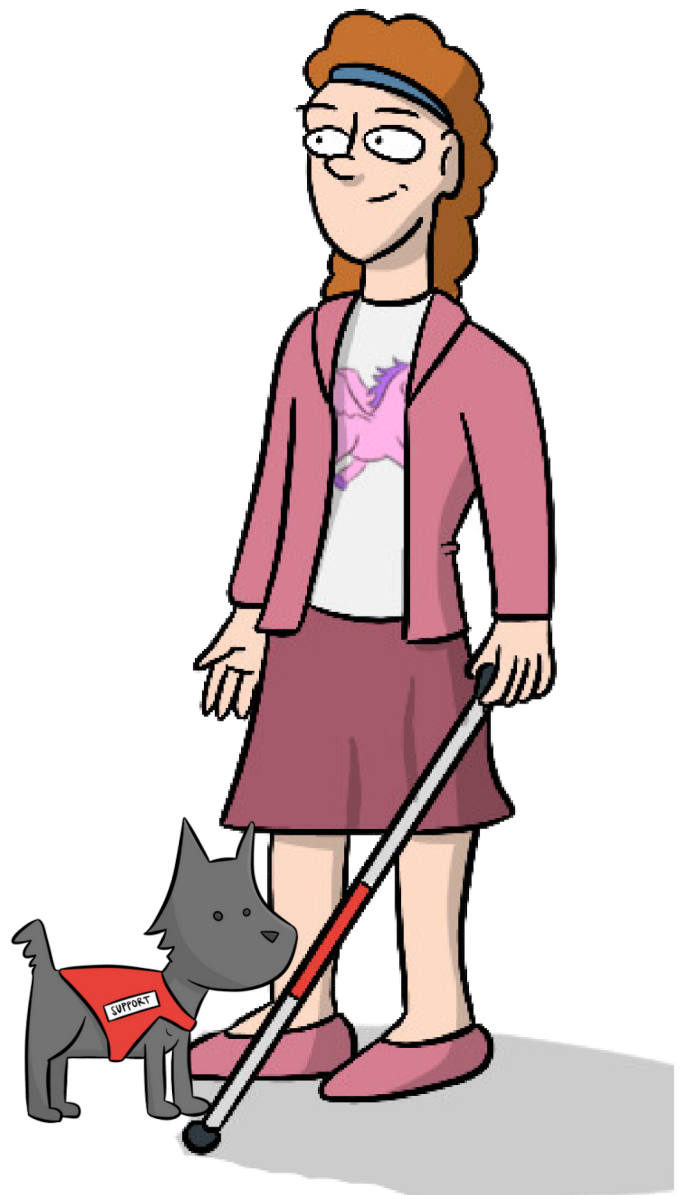




## **You have the right to equality without discrimination.**

You must be able to enjoy your rights and have equal protection, and you cannot be treated differently in a negative way from someone else just because you are different. For example, none of the things in the list below can be used as a reason to treat you negatively:

- race
- colour
- sex
- sexuality orientation
- language
- religion
- political or other opinion
- national or social origin
- property
- age
- birth
- disability.





**You have the right to be alive from the moment you are born.**

The Government must not take your life without reason and must try to protect you when they know about risks to your life or safety.

**You have the right not to be tortured or humiliated or treated in a way that deliberately and severely hurts your body or mind.**

You cannot be forced to have medical treatment or take part in a medical experiment without agreeing to it.



**Tortured**

When a lot of physical or mental pain is used to make you do something or to give information, or to be cruel.

**Humiliated**

When someone has been made to feel ashamed, or lose respect for themselves.

**Severely**

Causing a lot of pain or damage.



**As a child or young person, you have the right to extra protection because of your age.**

All children and young people have these rights, no matter who they are.

**You have the right for your family to be protected.**

All different kinds of families are important and should be protected and treated equally.

**You have the right to move freely around the ACT,** as well as to go in and out of the ACT when you want to, and you can choose to live here.



## You have the right to privacy and reputation

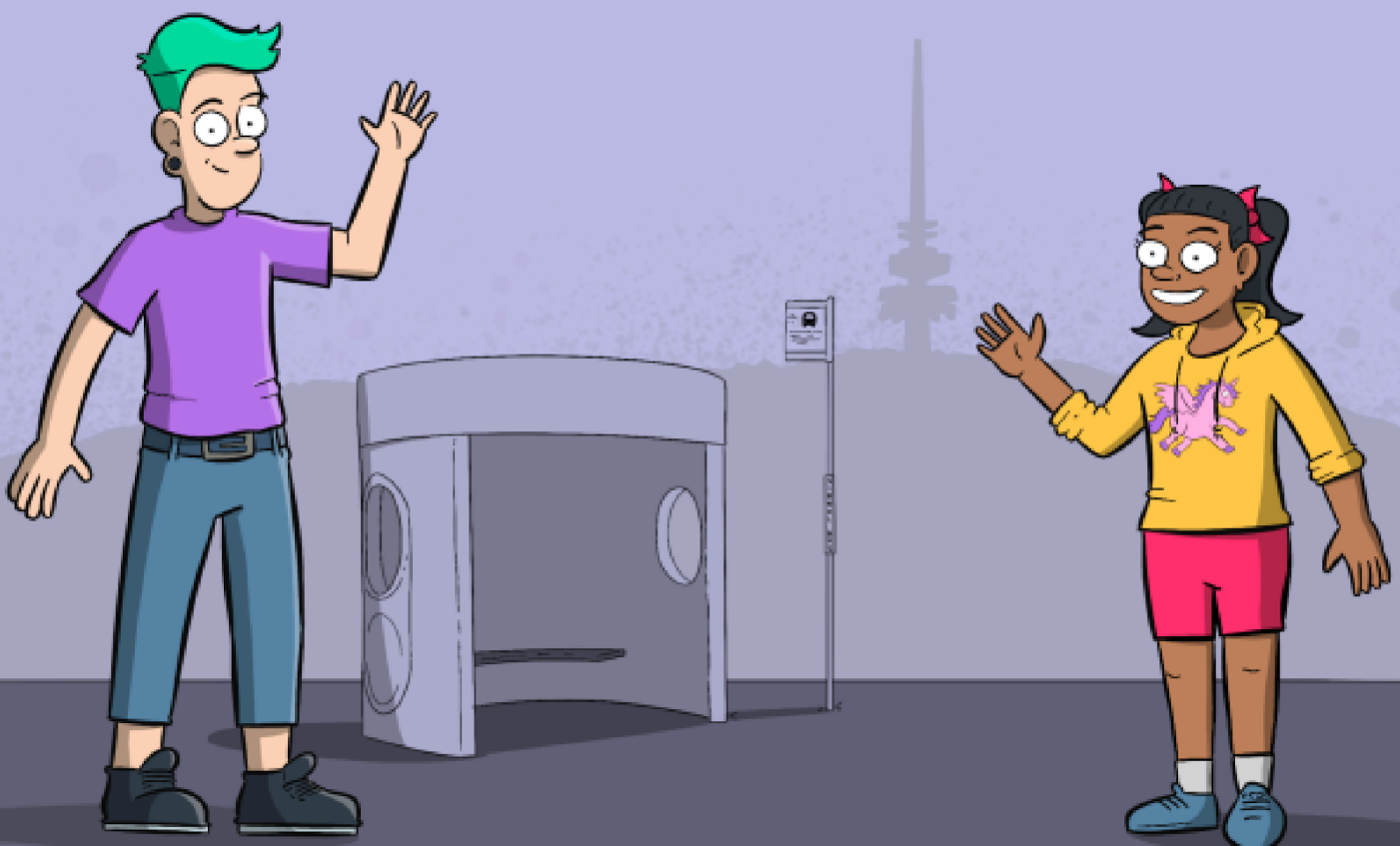
This means you have the right to keep your life, family and home private. The Government cannot:

- Collect or share information about you, unless you agree.
- Interfere with your family life or home, unless the law says they can and it is reasonable to do so – for example, if police have a warrant to search your house, or need to protect you or someone in your family from family violence.
- Say things about you that are not true and that make you look bad.



The right to privacy involves things that are part of being an individual and having the ability to act in a way you choose to. This includes:

- Your identity,
- You and your family being able to have a private life without too much government involvement,
- Your home being protected from illegal searches.

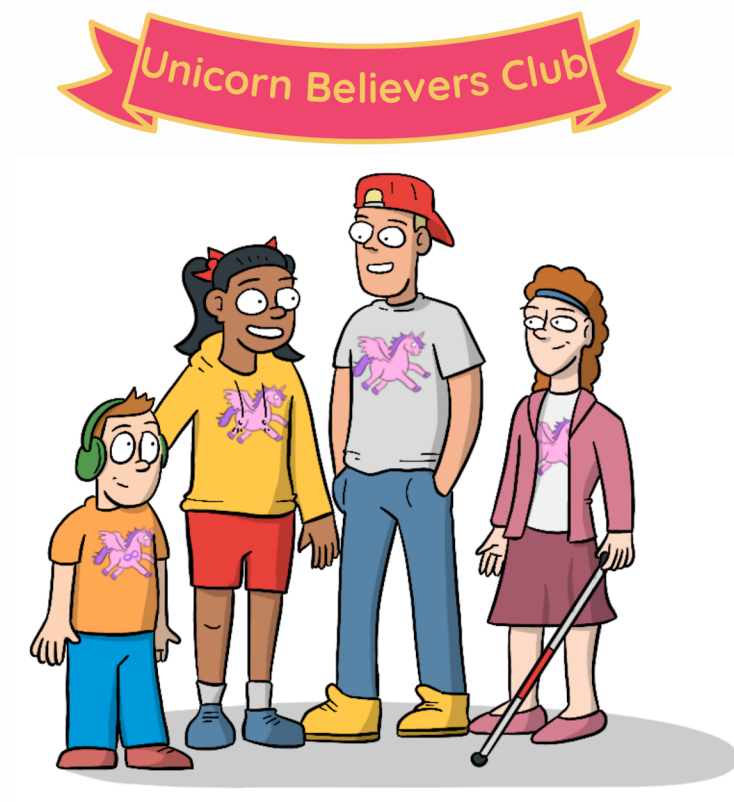


## **You have the right to your own beliefs.**

You can choose your own religion and what you believe in. You can express your beliefs in the ways you choose, including alone or with other people, and including what you wear. A religion or belief cannot be forced on you.

## **You have the right to meet with other people who share your beliefs or interests.**

You can start or join groups and you have the right to join other people for a common purpose, such as a peaceful protest or cultural practice.



## **You have the right to discover and hold an opinion.**

You also have the right to find information and express what you think in the ways you choose. This could be by speaking, writing, through art, or in some other way.

## **You have the right to take part in public life. When you are 18 years or older, you can:**

- Vote in elections,
- Have your say about things that are important to the whole community,
- Be elected into the Government,
- Be considered for a job in the Government equally to other people.



## **You have the right to be free and safe.**

If you are arrested, you must be told the reason for your arrest straight away.

If you are accused of a crime, you must be brought to court as soon as possible about whether you should be in jail while waiting for your **trial**. You have to be given the opportunity to ask for **bail** unless the government shows you are a risk to other people or might run away.

If you are made to stay in another place, like a hospital, you have the right to have a hearing about the reasons you are being made to stay there.



### **Trial**

When people go to court to decide whether someone has committed a crime or not, or to get a legal decision about something.

### **Bail**

Rules that a person who is accused of a crime has to follow so they can go home, instead of jail, until their trial.



## **You have the right to be treated fairly if you are in jail or other types of detention.**

There are rules about how you are treated when you are in jail. The same rules apply when you are forced to stay in other places, like hospitals. You must always be treated with dignity and respect even if you are not free to leave.

If you are accused of a crime, you should not be kept together with people who have already been found guilty.





**If you are a child or young person and are accused of a crime, you should have special treatment because you are a child or young person.**

- You should be treated differently to adults.
- Your treatment should suit your age and help you have a positive future.
- You should not be jailed with adults.
- You should be able to go to court as soon as possible.

**You have the right to a fair trial if you are accused of a crime.**

It is fair to have the charges decided on by people with the right knowledge and skills. Court cases must be public unless it is not in the best interests of a child for the public to know about the case.



**If you are charged with a crime, you are not guilty until you are proved guilty in court.**

- You must be told what you have been charged with – in a language you understand.
- You should have time to prepare your defence with your lawyer or advisor.
- Your case should be heard in court without unfair delays.
- If you cannot afford a lawyer, you have the right to get a legal aid lawyer.
- If you don't speak or understand English well, you have the right to have a free interpreter in court. This includes if you need a sign language interpreter.
- You cannot be forced to say you committed a crime or to confess to being guilty.
- If you are a child or young person, you have the right to a court hearing that takes account of your age and your needs.
- If the judge says you are guilty, you can apply for your case to be reviewed by a higher court.

**If you are punished for a crime, but it is then proven that you did not commit that crime and you were unfairly punished, you have the right to be given something to make up for that.**

**You have the right not to go to court or be punished more than once for the same crime.**

**If a law is changed, you cannot be found guilty of doing something that was not a crime before it changed.**

**You have the right not to be forced to work or be treated like a slave.**



**You have the right to enjoy your own culture, speak your own language, and practice your own religion.**

**If you are an Aboriginal or Torres Strait Islander person, you have special cultural rights.**

You have the right to culture, spiritual beliefs and teachings, language, knowledge, and kinship ties. You also have the right to have your cultural connection with land, waters, and seas valued and protected.

Zdravo!

Namaskar!

Yuma!

Salaam  
Alaikum!





## **You have the right to education.**

- You must be able to go to a free school and have what you need to be able to learn.
- You must have access to further education and training after school if you want to use it.
- You must be able to enjoy these rights without any kind of discrimination.
- Your parents or carers can choose to send you to a school that supports their religious or moral beliefs.



## **You have the right to work.**

You have the right to choose the kind of job you will work in and have fair conditions while working, without discrimination. You also have the right to join or create work-related organisations that protect your work rights, and you cannot be discriminated against for this.



## Do you have something to say about your human rights?

Now that you have learned about your human rights, you might have questions or concerns you would like to share with someone.

You can get in touch with me, your Children and Young People Commissioner, at any time. I will get back to you or ask someone from my team to reply to you.



[ACTKids@act.gov.au](mailto:ACTKids@act.gov.au)



02 6205 2222



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*Get in touch!*





Children & Young  
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