

Youth Law: Human Rights and Discrimination

This factsheet is designed to help young people learn what to do when your human rights have been violated, or you have been discriminated against. If you are a young person with questions regarding human rights or discrimination, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

The Youth Law Centre (YLC) is Legal Aid ACT's free and dedicated service for young people under the age of 25. It is free and confidential.

Human Rights and Discrimination

Human rights are inherent to all humans, regardless of race, sex, religion or any other personal characteristic. In the ACT we have special law that protects and promotes our human rights. Some examples of human rights are freedom of thought, conscience, religion and belief, freedom of expression, right to have access to free school education. You can find a list of all protected rights through this link: [Rights protected in the ACT - HRC](#) These rights are undeniable, if you believe these rights are being denied to you, you may file a complaint.

Discrimination: In the ACT, it is against the law for someone to discriminate against you because of a characteristic that you have, or that someone thinks you have, in an area of public life such as employment, education, provision of goods and services and accommodation.

There are many different types of discrimination. If someone treats you unfairly due to your race, gender, age, disability, or another personal characteristic, this may be a form of discrimination. A complete list of different types of discrimination is available online at [Discrimination - HRC](#)

Discrimination may be direct or indirect. For example, if someone tells you that you are too young for a job even if you have the relevant skills. This is a form of direct discrimination. If a policy is in place which applies to everybody but is unfair or unreasonable for a certain group without being relevant, this may be indirect discrimination. For example, if a desk job with no relevance to height has a minimum height requirement, this may be indirectly discriminatory to people with a shorter height.

Report the Discrimination

If you have been discriminated against or believe that your human rights have been violated and your issue has not been resolved, you can make a complaint to either the Australian Human Rights Commission or the ACT Human Rights Commission BUT you can only complain to one or the other. It doesn't cost any money to make a complaint and the process is confidential.

There are time limits associated with making a complaint to the Australian Human Rights Commission or the ACT Human Rights Commission. You should complain to the Australian Human Rights Commission, or the ACT Human Rights Commission within 2 years of the discrimination occurring; otherwise, there is a risk that the complaint won't be investigated.

You may feel scared about making a complaint, but it is against the law for someone to treat you unfairly or harm you because you made a complaint against them. If that happens, they can be fined or imprisoned.

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Australian Human Rights Commission

The Australian Human Rights Commission protects and promotes human rights in Australia and Internationally. It is an independent organisation, established by the Federal Parliament and works all throughout Australia. It has many functions, one of which is the investigation and conciliation of discrimination and human rights complaints. In this function, they intend to get both sides of the story and help where appropriate. They are not a court, and a lawyer is not required.

They can provide legal advice on human rights obligations to courts and appear as a 'friend of the court' to provide specialist advice in discrimination cases. They also have significant roles in advocacy, education and research regarding human rights and discrimination.

ACT Human Rights Commission

The ACT Human Rights Commission serves a similar purpose to the Australian Human Rights Commission, but on a territory level. This means its powers and abilities are limited to issues within the Australian Capital Territory.

What Happens in the Process of Making a Complaint?

When you make a complaint, you must ensure you provide as much detail as possible about why this incident may constitute unlawful discrimination. The person/organisation being complained about may be contacted to provide information. This contact may involve revealing some personal information about you and the incident. The President of either Commission may choose to either not investigate

your complaint at the initiation of your claim or stop investigating a complaint throughout the process. In either case, you will receive an explanation.

Your complaint may be resolved by conciliation. This is a process of seeking a resolution, where a third party 'conciliator' helps both parties negotiate an agreement. This conciliator can organise meetings through the phone, in person or in letters if required. They are also able to organise a translator if required.

If a complaint cannot be resolved, the complaint will be terminated. If terminated, you may be able to take your complaint to the Federal Circuit and Family Court of Australia or the Federal Court of Australia.

Useful Contacts

If you think your human rights have been violated, or you have been discriminated please contact us for a free and confidential legal advice.

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

ylc@legalaidact.org.au

Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au

Phone: **1800 55 1800**

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Australian Human Rights Commission

www.hreoc.gov.au

Time limit for making a complaint is 24 hours.

Phone: **1300 656 419**

ACT Human Rights Commission

www.hreoc.gov.au

Time limit for making a complaint is 24 hours.

Phone: **(02) 6205 2222**

Complaints & suggestions: If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

Interpreter: If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.

Enquiries 02 6243 3411
Helpline 1300 654 314 (free)
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GPO Box 512 Canberra 2601

Email legalaid@legalaidACT.org.au
Web www.legalaidACT.org.au
 [@legalaidact](https://www.facebook.com/legalaidact)