

Event: Australian Intercultural Society Luncheon Lecture
Host: Australian Intercultural Society
Start time: 12:30pm
Date: Thursday 18 October, 2018
Location: 441 St Kilda Rd, Melbourne
Title: *Child rights and family life*



Introduction

Good afternoon.

I would like to begin by acknowledging the traditional owners of the land on which we are meeting today, the Wurundjeri people of the Kulin nation. I acknowledge and respect their continuing culture and the contribution they make, and I pay my respects to elders past, present and future.

Thank you Rachel for the introduction, and to the Australian Intercultural Society for inviting me to give this lecture. I am delighted to be here today and to take part in this discussion about the importance of honouring children's rights and how families can support Children to claim their rights.



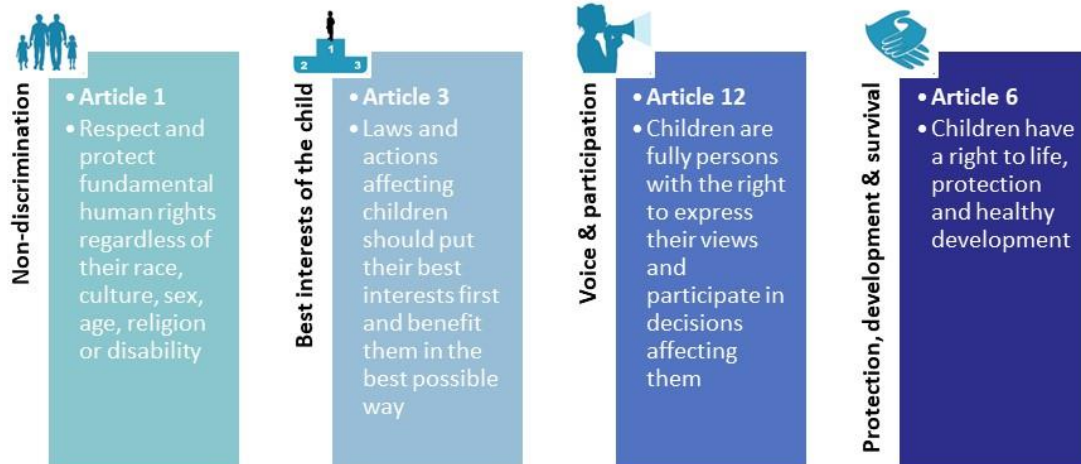
Role of the National Children's Commissioner

- Promoting children's participation in decisions that concern them;
- Ensuring that laws, policies and programs uphold the rights of children;
- Fostering an appreciation of children's rights in children and adults;
- Submitting reports to parliament

Voices of children and young people

As National Children's Commissioner, my role is to promote and advocate for the rights of children and young people. It's not a role I can do on my own and, fortunately, I don't have to do it on my own. There are many advocates across the country doing great work to protect and promote children's rights. Despite this, children's rights are not well understood within the general community, and many children do not realise that they do indeed have rights, just like adults. This is where we can all play a much greater role - by learning about and promoting children's rights, within families, communities and workplaces.

Guiding principles of the Convention on the Rights of the Child



Children's rights are set out in the United Nations *Convention on the Rights of the Child*, which was ratified by Australia in 1990.

The four guiding principles of the *Convention* are

1. The right to non-discrimination,
2. The primary consideration of the child's best interests,
3. The right to be heard and
4. The right to life, survival and development.

The *Convention IS* – the most ratified international treaty – IT makes it clear that children have the same human rights as adults, but that they are entitled to additional, special protections because of their unique vulnerabilities and attributes as children and young people.

Since coming into this role I have prepared five statutory reports to federal a parliament. Each has included the findings of a major investigation on substantive human rights issue for children and contained a number of recommendations to improve outcomes for children. This has included self harm and suicide among children and young people, children's exposure to family and domestic violence, the treatment of children in youth detention, and the experiences and needs of teen parents and their children. In each of these areas vulnerable groups of children and young people, including those from culturally diverse backgrounds, are over represented and have particular needs which need to be unpacked and responded to in distinct ways. And one of the key ways to respond to these vulnerable groups of children is to ensure they have ways to speak up and seek help.



Article 12: The right to be heard

“Article 12 is connected to all other articles of the Convention, which cannot be fully implemented if the child is not respected as a subject with her or his own views.”

- UN Committee on the Rights of the Child

The right to be heard is laid out in Article 12 of the Convention. This requires that children and young people have a voice, are given the opportunity to participate in decisions that affect them, and that the views of children are taken into account.¹

This right is a gateway to all other rights. When realised, this right both empowers and safeguards children.

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At long last, for the first time in 26 years, I had a feeling of empowerment by telling my story to the Commissioner, who allowed me to have a voice

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The Royal Commission into Institutional Responses to Child Sexual Abuse, which concluded last year, has served to shine a spotlight on our failings as a nation, not only to protect children from harm, but also our failure to facilitate their voices or listen to them when they spoke up.² The accounts were not just historical - many cases of abuse have occurred in recent years, in a range of institutions, such as: out of home care, health services, schools, religious institutions, the performing arts, sporting clubs, and youth groups.³ What emerged too was that even when a child had the courage to disclose their abuse to their families they were frequently not believed or their families were reluctant to challenge the authority of the institutions or figure heads responsible. In. Particular this related to Fatih based institutions who failed in their duty of care to children.

After having the opportunity to provide an account of their abuse to the Royal Commission, one survivor said:

At long last, for the first time in 26 years, I had a feeling of empowerment by telling my story to the Commissioner, who allowed me to have a voice.

There is still clearly much work ahead to ensure and sustain the safety of all of our children.

In taking this agenda forward, however, we need to resist the urge to see children as passive victims in need of our protection. Instead, we need to work alongside children on this journey and ensure that their voices are elevated in the process. Children are never too young to start learning about their rights and to know that their voice is important.



Child Safe Organisations

In my role I have major role in ensuring the lasting legacy of the Royal Commission, by leading the development of the *National Principles for Child Safe Organisations*.

Supported by the Commonwealth Department of Social Services, and in consultation with many child serving sectors, I have led the development of the National Principles, and we are also building a suite of tools and resources to assist organisations, communities and families in implementing the Principles.

Article 19 of the Convention also requires that we keep children safe from violence and harm. In this way the principles give life to this obligation by ensuring children are safe from all forms of physical, sexual and emotional harm and neglect.

Embedding child safe cultures in an organisation and within a community requires vision leadership and active promotion of the rights of children. Families, communities and organisations alike need to focus on the seemingly small, but important things – such as their daily interactions with children. The types of questions that they need to be asking are:

- Do they know what rights a child has? Does a child know their rights?
- Can the child have routine opportunities to have their voice heard?

A key aspect of the National Principles is ensuring that organisations of all kinds respect and honor families, and are culturally inclusive and culturally safe. To do this, organisations need to ask themselves:

- How welcomed and included do children and families from diverse backgrounds feel?
- What steps is the organisation taking to support parents and carers to feel comfortable and informed about asking questions about child safety and wellbeing?
- Similarly, are parents and carers aware of the complaints processes in the organisation?
- And does the organisation seek their feedback and ensure that there are opportunities for the participation of children and families in the organisation's direction or activities?

“ I think that organisations should respect everyone and everyone should be treated equally ”

Some of the other things children have said organisations should do and promise them include:

- treat everyone equally and fairly
- help with hopes and dreams
- make places happy and comfortable
- be good at what they do
- provide access to technology and care when needed
- understand needs of individual children

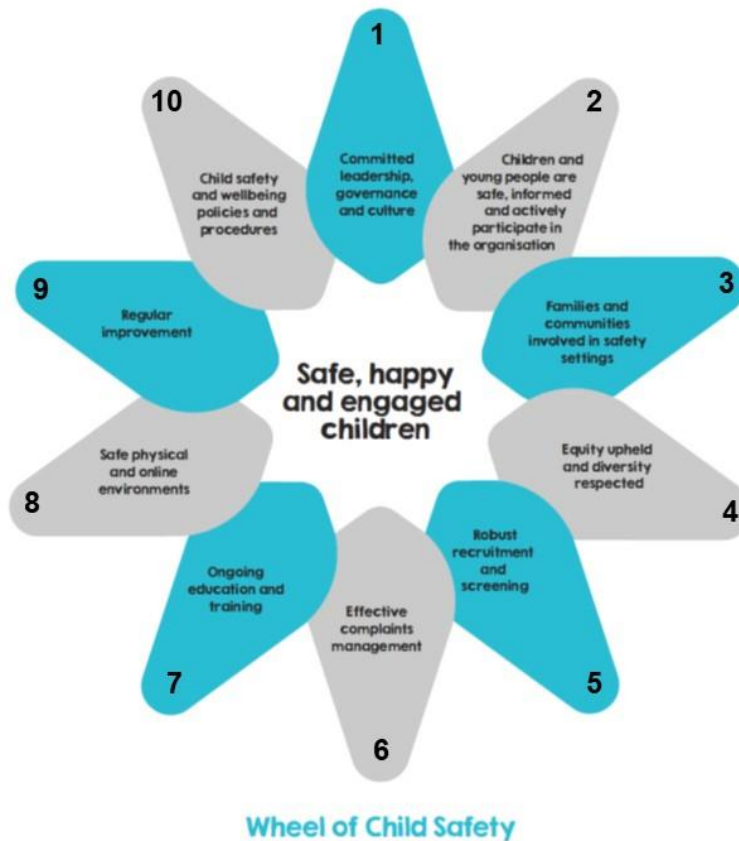
As part of this project, we consulted with children and young people about what they think needs to occur for them to be safe and genuinely included in the organisations they are part of. They were vocal about the promises and commitments that they think organisations should keep and how organisations can be safe, inclusive and respectful. They spoke broadly of the respect and dignity young people should be treated with, how organisations should be genuine and responsible, how injustice and unfairness should be addressed, and how important it was for them to be heard.

Some of the other things that children said that organisations should do and promise include:

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- help with hopes and dreams
- make places happy and comfortable

- be good at what they do
- provide access to technology and care when needed
- understand the needs of individual children

The Royal Commission noted the importance of promoting the participation and empowerment of children and young people in organisations and how this is a protective factor that contributes to safety and wellbeing. This should also apply within family life. Parents and families should encourage and empower children to participate and exercise their full suite of rights, including their right to be heard.



Wheel of child safety

As you can see from the wheel of child safety, starting from the top and moving right, the first four principles emphasise getting the organisational culture right, including a respect for equity and diversity as well as children learning about and enacting their rights, and involving families and communities.

Principles 5, 6 and 7 are about the processes for recruiting, training and supporting staff and dealing with concerns, complaints and incidents.

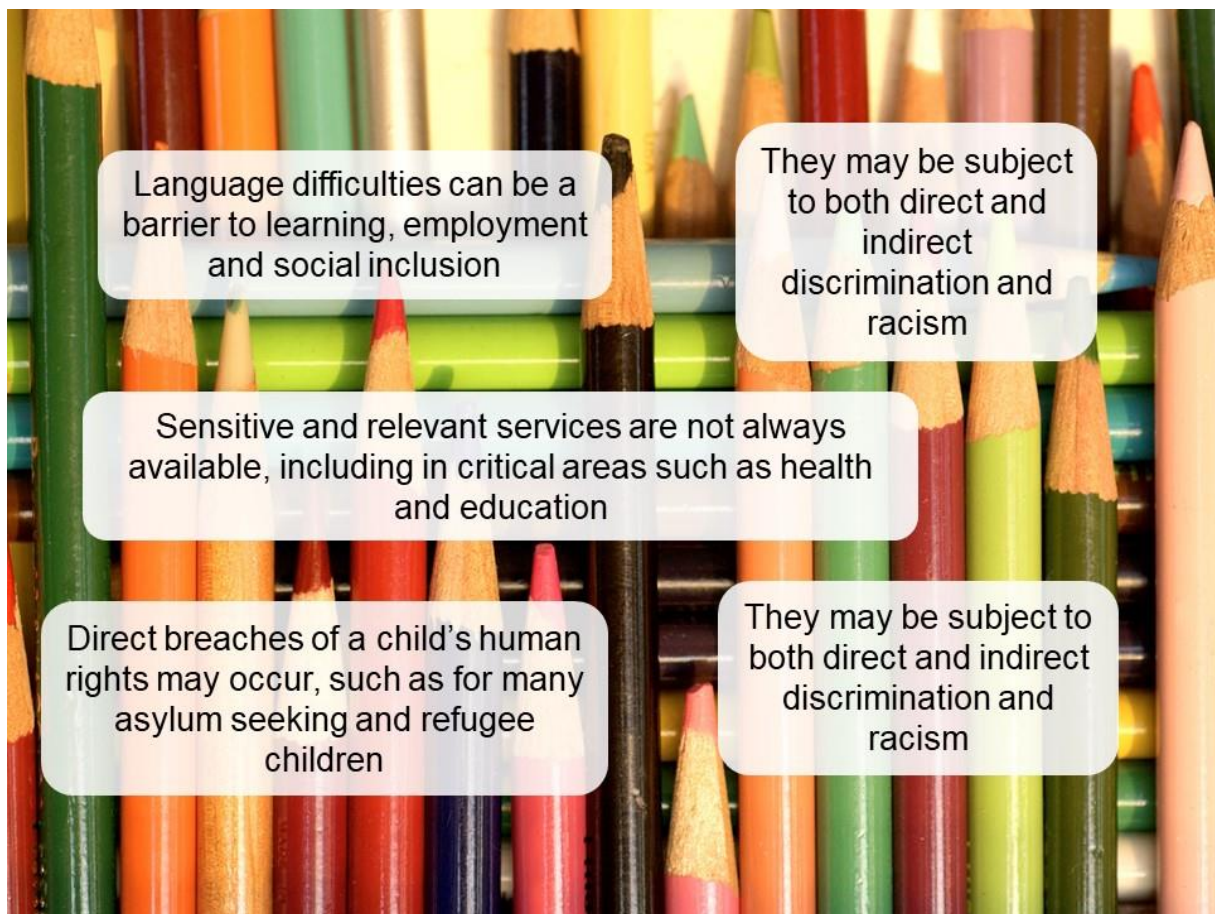
The final three principles are about the environment in which the organisation operates, including the online environment.

The significant role of the family in ensuring the safety of children and young people is both recognized and embedded within these principles. Families

can perform a major role in holding organisations to account. This goes from everything from an early childhood setting, to religious services, holiday camps, sporting clubs and schools. What do you know about the values, attitudes and skills of the organisations your children attend? Are you familiar with their policies in relation to child safety and wellbeing? Have staff and volunteers been appropriately screened to work with children? Do you regularly check in with children about how they feel in these spaces and places?



Families have the primary responsibility for the upbringing of their children, and are aware of their children's primary protective networks. There is wide variety in the structure of families, the role different family members may play in a child's life, their backgrounds and also their cultures. Families and carers are best-placed to advise about their own children's needs and capabilities, and can play a significant role in informing organisations about the practices and environments that are safe for their children. In a safe environment, children, family and community members feel that their cultures and identities are respected.



Australia is a diverse multicultural society. And proudly so. Individuals and families have settled here from all over the world. 28 % of us were born overseas, including 10% of children and young people.

This diversity is now widely recognised, as delivering many social, cultural and economic benefits to the Australian community.

But this also means that many who settle here come with different cultural values and face significant challenges. Many experience discrimination, racism and communication issues. Some struggle to understand and adjust to new cultural norms, such as in relation to parenting styles and the expectations of children.

Children too can have problems fitting into their new lives as members of the Australian community and to realise their basic rights and can face a number of issues that make them vulnerable and place them at risk. For example:

- Language difficulties can be a barrier to learning, employment and social inclusion.

- They may be subject to both direct and indirect discrimination and racism. For example, Australian Studies have found that 80% of students from non-Anglo backgrounds report experiencing racial discrimination.
- Sensitive and accessible services are not always available, including in critical areas such as health and education.
- Direct breaches of a child's human rights may occur, such as for many asylum seeking and refugee children.



Culture and the importance of leadership:

The messages that people of authority, including parents and other family members, send about and to young people, signals to them how we value them.

The attention that the Royal Commission has brought to the issue of child safety means that many organisations which work with children are likely to be already on their way to making a start and talking about child safety and wellbeing.

Implementation of the National Principles will be pivotal to ensuring all types of organisations, both large and small, right across Australia, better respect children's rights and provide a caring, respectful and safe environment for every child and young person who comes through their doors. And when a child understands their human rights are respected, they in turn respect the rights of others.

Over time the challenge will be to embed these values into families and communities, so that anywhere a child goes, in public or in private, they know they can be safe and treated well. This is especially important as we know that most abuse occurs within the family setting, resulting in a staggering 49315 substantiated reports of child abuse in the last financial year.

Conclusion

When I began in the role as national Children's Commissioner, I conducted a national listening tour talking to children and their advocates about what was important to them and what my priorities should be. The themes that emerged from that tour have guided my program of work ever since.

They are:

- The right to be heard;
- Freedom from violence, abuse and neglect;
- The opportunity for all children to thrive;
- Engaged citizenship; and
- Action and accountability.

I am currently preparing a report to the *Committee on the Rights of the Child* about Australia's implementation of the CRC and how well we are meeting our obligations to children. This will be the first time that a report will have been submitted by a Children's commissioner from Australia, and I ensure that this report covers those critical themes.

Children form values, mindsets, capabilities and acquire knowledge from birth – in this journey they are profoundly shaped by those around them, by family, friends, teachers and others. In understanding this how we act and support our children needs to be at the centre of our thinking.

Importantly, we always need to remember that they are the ultimate experts in their own lives, and the go to source for information about how things will or won't work for them.

Every child and young person has a unique voice, things to say, terrific insights, ideas and suggestions. They are also full of hope and aspirations to do well, no matter what their background, and to contribute to their communities.

It is up to each of us to make sure that we take the time and make the space to empower children and young people to have a say on things that impact on them and for us to adjust our own thinking and behaviour as a result.

Each of you here is in a unique and important position to champion the rights of children and young people. I encourage you to think of new ways in which you can elevate the voices of children and young people within your families, in your communities and workplaces, and as a network committed to fostering social harmony through dialogue, and to ensuring that children and young people are critical actors in that ongoing dialogue.

Thank you



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THANK YOU.

¹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), Article 12.

² Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Hearing (Day 271)*, 14 December 2017, p 27905.

³ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Hearing (Day 271)*, 14 December 2017, p 27906.