

## **Appendix 6 – Summary of Commission workshops for children and young people**

1. In February 2009, the Australian Human Rights Commission (the Commission) was funded by the Foundation for Young Australians (FYA) to undertake a project to support the participation of children and young people in the National Human Rights Consultation. The core element of this project was the conduct of workshops designed to encourage the participation of children and young people. This Appendix describes these workshops and summarises the key issues raised in the workshops.

### **1 Description of workshops**

#### **1.1 *How many workshops were conducted?***

2. In total, the Commission conducted 26 workshops with children, young people and youth advocates across Australia. The Commission visited and conducted workshops in each state and territory in the following towns and regions:
  - Queensland – Brisbane, Deception Bay and Toowoomba
  - Tasmania – Hobart and Devonport
  - South Australia – Adelaide
  - Victoria – Melbourne, Koondrook and Knox City
  - Australian Capital Territory – Canberra
  - New South Wales – Sydney and Bathurst
  - Western Australia – Perth, Halls Creek and Kununurra
  - Northern Territory – Yirrkala, Yuendumu, Alice Springs and Darwin.
3. In addition, the Commission made presentations on human rights and the National Human Rights Consultation (the Consultation) at events organised for, or about, children and young people. For example, the Commission made seven presentations at the NSW Parliament's school leadership forum in Sydney, with approximately 100 secondary school students from across NSW attending each event.

#### **1.2 *Who participated in the workshops?***

4. Between March and May 2009, Commission staff met with over 400 children and young people at the workshops across all states and territories in Australia, and approximately 700 young people through the NSW Parliament's school leadership forum (mentioned above). Commission staff also met with over 100 advocates from children's and young people's organisations across Australia.

5. Most of the children and young people who attended the workshops were between 13 and 20 years of age. However, two workshops were held specifically for primary school children.
6. The children and young people came from a variety of backgrounds including:
  - Indigenous (including seven specific workshops in the NT and WA)
  - gay, lesbian, bisexual, transgender or intersex (GLBTI) (including two specific workshops)
  - rural (including 13 workshops in regional or remote locations)
  - homeless (including one workshop held at a drop-in centre for homeless youth)
  - young single mothers
  - culturally and linguistically diverse (including one specific workshop for young CALD people and their advocates).
7. Children and young people's advocates included representatives from a variety of organisations such as youth workers, teachers, youth affairs councils and children's rights organisations.

### **1.3 What were the key aims of the workshops?**

8. The key aims of the workshops were to:
  - educate children and young people about human rights issues in Australia
  - encourage broad participation by children and young people in the Consultation.
9. In the Commission's view, it was important to encourage participation by children and young people in the Consultation because they will inherit the human rights protection framework which may result from the Consultation.
10. Children and young people often do not have a voice in government consultations, especially those on issues of law and politics. Furthermore, recent human rights issues are of particular interest to children and young people, including issues such as children in detention, homelessness, Indigenous children and the Northern Territory intervention, bullying and discrimination issues, and environmental issues.
11. By supporting participation in the Consultation, the Commission was also promoting one of the guiding principles of the United Nations *Convention on the Rights of the Child* (CRC) to which Australia is a party. Article 12 of the Convention on the Rights of the Child states that children have the right to express their views freely in all matters that affect them, and these views are to be given due weight.



#### **1.4 How were the workshops conducted?**

12. Most of the workshops were conducted in a similar format. They were structured to be as interactive as possible, while providing an overview of human rights generally and an overview of the Consultation. Discussions were facilitated around the three consultation questions:
  - Which human rights (and responsibilities) should be protected and promoted?
  - Are these human rights sufficiently protected and promoted in Australia?
  - How could Australia better protect and promote human rights?
13. In discussing these three questions, young people were encouraged to share their stories and their views.
14. The conduct of the workshops was also tailored to the particular needs of the participants. For example, some were more informal than others due to the nature of the group. All participants were asked for their consent for the Commission to take notes and summarise their views in de-identified form.
15. The workshops concluded with suggestions on how young people could participate in the Consultation. Commission materials including a Consultation toolkit designed for children and young people and a submission form were distributed to participants at most workshops.

#### **1.5 Materials to support the participation of children and young people in the Consultation**

16. In addition to conducting workshops, the Commission developed *Let's Talk About Rights – a guide to help young people have their say about human rights in Australia*. The guide explains the purpose of the Consultation, and how children and young people could make a submission about the human rights issues about which they feel most strongly. The Commission printed 5000 copies of the guide, which were distributed through workshops and youth networks. The guide is also available at [www.humanrights.gov.au/letstalkaboutrights/youth.html](http://www.humanrights.gov.au/letstalkaboutrights/youth.html) and in printed form.
17. The Commission also developed and printed submission forms for young people, to make it easier for them to answer the three main questions asked by the Consultation Committee. The submission form is available at <http://humanrights.gov.au/letstalkaboutrights/youth.html> and in printed form.
18. The Commission's materials were highlighted through online activities designed to engage children and young people in the Consultation. This included a Commission presence on Facebook and MySpace, and the facilitation of online discussion and information relevant to the Consultation on youth portals such as Heywire (<http://blogs.abc.net.au/heywire>) and JustAct ([www.justact.org.au/action-35-realise-human-rights](http://www.justact.org.au/action-35-realise-human-rights)). Commission staff also participated in discussions about human rights in the *e-festival of ideas*, which is an online youth conference run by Vibewire.



## 2 Summary of workshop discussions

### 2.1 *What were the main human rights issues raised by participants in the workshops?*

19. Workshops with children and young people and youth advocates provided an opportunity to discuss which human rights are important to young people, and why. The discussion in this part of the workshop corresponded to the first two questions posed by the National Human Rights Consultation.
20. Given the variety of backgrounds of workshop participants, it is not surprising that a wide range of human rights issues were discussed. However, some issues were raised a number of times, as follows:
  - (a) *Equality and freedom from discrimination*
21. Participants thought that it was important for all people to be treated equally and to not be discriminated against because of their race, religion, ethnicity, culture, sex or any other factor. Some participants gave examples of when they thought their treatment before the law had been unequal because they were young. For example, it was felt that magistrates might give more weight to the opinion of an older person over a younger person.
22. One or two participants felt that some minority groups should not be given 'special treatment'. Another participant suggested that measures such as the Northern Territory Intervention should not be applied to certain groups based on their race; rather, if the government felt that measures should be taken in response to a particular problem, those measures should be applied to all people on an equal basis.
23. GBLTI participants were concerned that people who are transgender and sex diverse are not covered by the law. One or two participants raised the difficulties faced by transgender people seeking recognition of their identity on official documents. They thought that this represented a breach of the right to be treated equally before the law. Some participants thought that everyone should be entitled to marry whomever they want to regardless of their sexual preference.
24. Some Indigenous participants told of being treated differently because of their Aboriginal background.
25. One young Sudanese participant said they had experienced conflicts between their culture and Australian culture, which impacted upon their right to a fair trial and to equality before the law. For example, they were assumed to be guilty or lying because they do not make direct eye contact in their culture.
26. Several participants raised examples of racial vilification, particularly towards members of the African community. This included letter drops of race-hate material and the placement of race-hate literature in the children's section of the library.



(b) *The right to education*

27. Participants across Australia identified various aspects of the right to education as very important to them.
28. *Availability* – Participants from workshops in remote areas of Australia expressed concerns that children and young people in remote areas do not enjoy their right to education on an equal basis with young people in urban areas. Likewise, these young people felt that the range of subjects offered is more limited than in urban schools and that teachers were often young, inexperienced and transient.
29. Indigenous participants thought that they should be able to go to a school that is not too far from their home. They said that moving young people away from their homes and their families makes them homesick. Boarding schools do not suit everyone, so schools should be available in local areas. Where students live in very remote communities they should have boarding schools that are not so far away so that students can go home on weekends.
30. *Accessibility* – Many participants noted the interconnectedness between the right to education and many other rights. Young people identified several barriers to accessing and remaining in education, such as:
  - lack of stable housing
  - limited support for young women who are pregnant or parenting
  - lack of access to affordable childcare
  - lack of access to an adequate standard of living and not being able to afford a school uniform (for example, one young person told her story of being expelled on the last day of school for not wearing the correct uniform)
  - inaccessible services for young people with disability
  - the difficulties for some young people to obtain parental consent at school when they have run away from home or their parents are absent.
31. Young people also identified a cascading effect when basic education is not accessible. That is, if a young person is unable to access education, they might be unable to access work, which leads to no money for housing, food and other things needed to fully enjoy their human rights.
32. *Adaptability* – Participants from culturally and linguistically diverse communities thought that education about different cultures should be included in schools. Young people thought that more language officers or teachers should be ‘in touch’ with students of different cultural backgrounds.
33. Other young people from refugee and migrant backgrounds expressed a need for teachers’ aides in the classroom similar to teachers’ aides provided for young people with disabilities in schools. They reported that children from refugee and migrant backgrounds cannot always understand what is going on in the classroom. This can lead to bad behaviours, which can lead to expulsion or



suspension from school. Participants felt that the cause of this frustration – an inability to fully understand Australian English – should be addressed.

34. The Commission heard a number of stories of school yard discrimination and bullying on the grounds of sexual orientation, race and for failing to conform to stereotypes. Bullying was often mentioned by participants as a problem within schools. One participant described an occasion where bullying within school had led to suicide. Many young people thought that more should be done to prevent bullying in schools. Some participants raised the issue of discrimination in schools against young GLBTI people. This was especially of concern for those who were transgender. Participants gave examples of having to use communal showers and toilets being deliberately locked so that they could not change discretely.
35. Bullying and racial discrimination also extended to university students. Participants who were international students gave examples of physical and verbal abuse both on and off the university campus.
36. Many participants thought it was important that human rights education be included in the curriculum. This is discussed in further detail below.
37. *Acceptability* – Indigenous participants and participants from refugee and migrant backgrounds discussed the importance of education which is culturally appropriate and non-discriminatory. In particular, young people in Indigenous-specific workshops valued the right to speak and learn their own language and culture in school. In particular, they thought that the four hours of mandatory English in Northern Territory schools discriminated against Indigenous students affected by this policy. Indigenous young people thought it was unfair to impose English as mandatory on people for whom this is neither the first language nor the language that transmits the culture. No school policy or other policy should stop people from speaking in their mother tongue.
38. Young people from refugee and migrant backgrounds and their advocates emphasised the importance of recognition of prior learning, and also of ensuring culturally sensitive and inclusive teaching practices.

(c) *The right to be safe and free from violence*

39. Many young workshop participants thought that their right, and the right of others, to be safe from violence was important. Young Indigenous people felt that there needed to be more police presence in smaller remote communities to ensure that communities feel safe.
40. Homeless participants described the high levels of violence faced by some young people who are homeless.
41. Domestic violence was an issue of concern amongst many participants, having experienced it themselves in an abusive relationship or having witnessed it between their parents. Some participants had experienced serious and ongoing domestic violence within their families. For example, one 13-year-old participant had grown up in a violent household and had left his family home as a result.



Another 20-year-old participant was living in a refuge after growing up in a house with domestic violence. At one workshop, a high proportion of the young women who attended the workshop had experienced domestic violence and had fled abusive relationships. Several participants raised the issue of child abuse and the need for children to be cared for in appropriate alternative settings if they are subjected to abuse in the family home.

42. GLBTI participants raised concerns about violence, especially in relation to homophobic violence, and emotional violence and abuse. Transgender participants mentioned the importance of being protected from institutionalised violence, such as being put into gender appropriate cells in prison.
43. Young people from refugee and migrant backgrounds also expressed concerns about being subjected to both physical and verbal violence. In particular, international students expressed fear about walking around at night.

(d) *The right to not be separated from your family*

44. Young Indigenous people felt that where parents are unable or incapable of looking after their children, the government has a role to intervene and children should be placed with the right family members. In cases of child abuse or neglect the child should not be further punished by being moved far away from family and country.
45. Some participants described having negative experiences with the child protection system. One participant believed that she had been discriminated against and stereotyped as a bad parent because she had been a foster child herself. Her children had been removed, including one within 24 hours of birth. She felt that she had not been given the chance to prove herself as a mother, had not been given counselling, and her right to participate in decision-making had been breached.

(e) *The right to work and fair working conditions*

46. Many participants expressed the desire to work but had difficulties accessing jobs. One young participant could not get a job or a place to sleep. She had a history of violence and a criminal record. She had been on the streets since she was 12, and felt that she had not been given a 'fair go'.
47. Others also discussed difficulties in getting a job. One participant expressed concern that if you turn up late to an interview, you are not given a second chance. Some participants found it difficult to work when they were homeless and found it difficult to negotiate getting to work or to an interview. Some participants mentioned discrimination experienced by young people from refugee and migrant backgrounds in looking for work and from job network services. They also felt that it was important that employment was appropriate and fell within the young person's skill set.
48. Some participants expressed a view that young people were being exploited in the workplace and in traineeships – being treated as 'cheap labour' and not being paid the same rates as adults when they were doing the same, if not



more, work. They felt that this was not fair and that if they were doing the same amount of work, they should not be discriminated against in terms of pay. Some participants had also experienced that when they turned 21, they were 'too expensive' to be employed.

49. International university students gave examples of being unfairly taken advantage of in the workplace and being paid less, just so that they can get a job. They also thought that the restrictions placed on student visas should be more lenient. One participant gave the example of an international student who was placed in an immigration detention centre for a week over Christmas because, on one occasion, he worked an extra two hours to cover for a work colleague, and in doing so breached his student visa conditions.

(f) *Police harassment*

50. Police harassment was identified by participants across Australia as a major issue. Several participants felt that police 'pick on' young people 'for fun' and that there was nothing that young people could do:

My brother was just walking down the street with his friends ... the police officer said to him 'I've been doing this for so long, I know how to pick youse'. And, like, just because of the way they were walking and the way they were dressed. He had a backpack on. The police pulled over and said 'what's in your backpack, let me look in your backpack'.

51. Young Indigenous people felt that they were discriminated against or 'hounded' by police. They also felt that they should not be questioned by police unless they have an elder or a parent with them, and they should be informed of their rights before being questioned.
52. Participants from African communities raised issues of police harassment and racial discrimination. Some mentioned the use of 'move on' powers by police. It was felt that this was used against young people who are homeless, young African people and young people generally because of their age. As one homeless participant stated:

This is where we live so how can we not be in the streets here?

(g) *Access to services*

53. Many participants identified difficulties in accessing various services.
54. Economic, social and cultural rights were often raised as being the most important rights for young people. There was a strong awareness that these rights were interconnected and that there are flow-on effects if one right is violated.

The security of having a job ... to pay for your house, to pay for food, to pay for your health care, to have you finish off your education ... there's so many intertwined things.