



HUMANIST SOCIETY OF VICTORIA Inc.

(Reg. No. A0020272M)

**Affiliated with the Council of Australian Humanist Societies (CAHS)
and the International Humanist and Ethical Union (IHEU), London, UK**

<http://vic.humanist.org.au>

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Committee Secretary
Senate Legal and Constitutional Committee
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**RE: COMMONWEALTH COMMISSIONER FOR CHILDREN AND
YOUNG PEOPLE BILL 2010**

SUBMISSION FROM THE HUMANIST SOCIETY OF VICTORIA INC. (HSV)

The HSV is a secular organisation whose members foster an ethical, reasoned and responsible approach to life. It supports human rights, democratic processes, and a just and inclusive governance.

It seeks to alleviate suffering, to promote well-being and the circumstances where all individuals can attain their full potential. It engages in educational, counselling and charitable activities.

The views that follow have been formulated at specially convened group discussions to which all HSV members are invited. Further supportive information is obtained from print publications, the Internet, public lectures and from individuals with relevant expertise.

The Convener of the HSV Submissions Subcommittee is authorised to present these views on behalf of the Society.

[HSV CCCYP]

We congratulate the Senate Legal and Constitutional Committee on their commitment to this inquiry. Humanists regard the protection of children and young people as a basic responsibility of all civilised societies and we believe that all human beings have the right to live in safety and dignity, particularly those who may be vulnerable or helpless. We note that the Universal Declaration of Human Rights, to which Australia is a signatory, acknowledges that children are entitled to special care and assistance (Article 25.2).

The Humanist Society of Victoria supports the establishment of a Commonwealth Commissioner for Children and Young People.

1. There is need for greater protection of children and young people in Australia.

- a) A recent UNICEF report indicates that Australia is below average on half of 35 criteria measuring child well-being among OECD nations (Ellie Harvey, *The Age*, 3 December 2010). This includes teen suicide, immunisation and spending on childcare services.
- b) At the time of writing, there are hundreds of asylum seeker children detained in detention centres, half of them unaccompanied minors. (Pamela Curr, ABC News, 23 November 2010).
- c) Earlier this year, the Prime Minister (then Education Minister) reportedly conceded that one-quarter of children are being cyber-bullied and that current responses are inadequate (Rachel Carbonell, ABC News, 9 April 2010).

2. A Commonwealth Commissioner for Children and Young People would uphold our nation's human-rights obligations.

- a) The Universal Declaration of Human Rights and the UN Convention on the Rights of the Child are two international mandates which Australia has adopted and which guarantee the human rights of all children. This includes asylum seeker children or others who might be particularly vulnerable.
- b) It has been reported that there is a need for children's rights to be incorporated into Australian law and for a policy framework to be formulated which provides national protection for children (HRLRC, Fact Sheet 5, 2010). A Children's Commissioner would be empowered to advocate for policy and legislative change.
- c) Norway, England and New Zealand have already established roles of Children's Commissioner or Ombudsman, and these are working successfully to extend human-rights protections for children (AHRC website, point 6(a), 2010). Australia should demonstrate its commitment to this form of world-class human-rights advocacy.

3. A Commonwealth Commissioner for Children and Young People could provide protection for all children in Australia.

- a) The protection of children requires universal and equal coverage across Australia. We concur with the Australian Human Rights Commission in its statement, that "*many of the issues facing Australia's children, such as homelessness, violence and bullying, mental illness and access to justice affect all children across Australia. These are national issues and need to be understood, analysed and responded to from a national perspective.*" (AHRC website, preamble to point 6, 2010.)

We note that such social problems require a consistent, national approach in order to ensure that all children in Australia are protected equally, regardless of state boundaries or local jurisdiction. A Commonwealth Commissioner could oversee the equality of protection and civil rights across State boundaries, and work for changes in local or trans-national situations where laws or responses might be inadequate or inconsistent.

- b) A Children's Commissioner could oversee the formulation of universal guidelines which protect the rights of parents to bring up their children in ways which conform to their beliefs or traditions, while also protecting children against any harm. The welfare and safety of children must remain

paramount, including protection from any physical or mental violence, neglect or maltreatment (see Article 19.1, UN Convention on the Rights of the Child).

- i. We note the social movement away from traditional family discipline which involves physically punishing children, and we suggest a need for a Children's Commissioner to provide consistent family-education material and legislative guidelines in this area (see Article 19.2, UN Convention on the Rights of the Child).
- ii. Another example is the need for the dignity and safety of gay and lesbian teenagers to be respected; while their parents – particularly those from religious traditions – must have access to educational and support networks, should their family situation be beyond their traditional experiences or understanding.
- iii. We recognise the pluralistic nature of our society and uphold the human rights of families from culturally and linguistically diverse traditions. A Children's Commissioner could provide advocacy for these families, with particular attention to the needs of these children and their principal carers.
- c) Cyber-bullying is one issue which cannot be adequately tackled by State legislators because the Internet does not respect local laws or boundaries. Cyber-bullying requires a national response, or perhaps even an international response in negotiation with foreign governments, utilising advocates such as a Commonwealth Commissioner for Children and Young People.

The Commissioner could also be important in formulating national guidelines regarding the implementation of the National Broadband Network in such a way as to minimise opportunities for cyber-bullying.

- d) A Commonwealth Commissioner could oversee the protection and humane treatment of asylum seeker children and others who need an advocate. This would include legislative and policy reform that ensure that Australians uphold their societal tradition of providing “a fair go for the underdog” while also protecting these most vulnerable children.

For all these reasons, a Commonwealth Commissioner for Children and Young People would be helping to create a positive future for our nation. The protection of our young people, and their empowerment and education as compassionate and civic-minded citizens, would help to build a better Australia.

Stephen Stuart

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