



2011 Child Rights NGO Report Australia

Equality and Non-Discrimination

*I have experienced being judged because I am
Aboriginal - 17 YEAR OLD GIRL, BUNDJALUNG
COUNTRY, NSW*

Some groups of Australian children are suffering from direct, indirect or systematic discrimination and are unable to enjoy their full rights under the Convention on the Rights of the Child (CRC) as their peers.

Recommendation: Australia should establish an independent National Children's Commissioner.

DISCRIMINATION ON THE BASIS OF SEXUALITY AND GENDER IDENTITY

There is a lack of federal legislative protection against discrimination on the basis of sexual orientation or gender identity. More than one in three same-sex attracted young people report experiencing unfair treatment on the basis of their sexual orientation. Higher levels of abuse, self-harm and suicidal ideation amongst these young people are reported.

Recommendation: Australia should legislate at the federal level to provide protection against discrimination based on sexuality and gender identity.

DISCRIMINATION AGAINST ABORIGINAL CHILDREN¹

Aboriginal children experience disproportionately high levels of disadvantage particularly in relation to:

- health and wellbeing;
- education and employment outcomes and;
- interaction with the child protection and criminal justice systems.

They are exposed to persistent, systemic and structural discrimination in Australia. Multiple disadvantages including limited access to services, experiences of racism and intergenerational trauma. Compared to their non-Aboriginal counterparts, Aboriginal children are:

¹ Throughout the NGO Report, Aboriginal and Torres Strait Islander children are referred to as 'Aboriginal children.' The authors acknowledge the diversity in culture, language, kinship structures and ways of life within Aboriginal and Torres Strait Islander, and recognise that Aboriginal peoples and Torres Strait Islander peoples retain their distinct culture, irrespective of whether they live in urban, rural, regional or remote areas of the country.

- 24 times more likely to be in juvenile detention;
- placed in out-of-home care 10 times more frequently; and
- Three times more likely to die as an infant.

The Australian government has failed to consistently use appropriate and effective models of engagement and service delivery when working with Aboriginal children and families. The *Northern Territory Emergency Response* is an example of policy which has had directly detrimental effects on the rights of children.

DISCRIMINATION IN MIGRANT AND ETHNIC COMMUNITIES

For newly arrived, refugee or migrant children discrimination is an ever-present reality. Over 70 per cent of non-Anglo Australian young people report being subject to some form of racism, targeting, racist bullying and exclusion at school, employment, in their interaction with police, or in accessing services such as housing.

Recommendation: Australia should increase funding and availability of school and community education programs developed in consultation with children and young people, which combat racism and discrimination.

PUBLIC SPACE AND POLICE POWERS

Many young children from both migrant and Aboriginal backgrounds reported that they feel targeted by the police because of their cultural backgrounds.

Public order offences have a particular effect on Aboriginal children, in the way that they may be selectively enforced, and the way that Aboriginals use public space differently from non-Aboriginal Australians.

Recommendation: Australia should implement national standards for juvenile justice that are included in police powers, training and accountability measures, as recommended by law reform & human rights commissions.

INTERNATIONAL STUDENTS

The welfare of international students studying in Australia has been affected by a rise in racially motivated acts of violence. Australian governments have failed to acknowledge the racial basis for these attacks and have not implemented recommendations by the United Nations Committee on the Elimination of Racial Discrimination (CERD) to improve data collection on reported hate crimes and victim profiles.

Recommendation: Australia should support the welfare of international students by implementing data collection recommendations by CERD.

For more information see the full *Listen to Children* Report at www.childrights.org.au