



Australian
Human Rights
Commission

What does the *Children's Rights Report 2016* say?

NATIONAL CHILDREN'S COMMISSIONER



For Children & young people

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What does the Children's Rights Report 2016 say? Child-friendly version

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Hi!

I'm Megan Mitchell, the National Children's Commissioner.

It's my job to protect the rights of all children and young people in Australia and make sure that adults are helping them to grow up safe, happy and healthy.

Each year I write a report to the Australian Government about things that can be done to make life better for children and young people in Australia.

I'd like to tell you about the main things I said in my report this year.



Everyone has human rights

We have these rights because we are human beings. Our human rights are the things that we all need to have a good life.

Children and young people under 18 years of age have extra rights.

These are called children's rights and are written in the Convention on the Rights of the Child.

Children and young people have these rights because their needs are different from adults and they need more protection.

Here are some of the rights that are written in the Convention on the Rights of the Child...



THE RIGHT TO BE TREATED FAIRLY
NO MATTER WHAT



THE RIGHT TO BE SAFE AND NOT
HARMED BY ANYONE



THE RIGHT TO HAVE A SAY
ABOUT DECISIONS AFFECTING YOU



THE RIGHT TO BE CARED FOR
AND HAVE A HOME



THE RIGHT TO LIVE AND
GROW UP HEALTHY



THE RIGHT TO HAVE A
GOOD EDUCATION

The Australian Government has promised to make sure that all children and young people growing up in Australia have these rights.

As National Children's Commissioner, I give the Australian Government ideas about how to do this.

When I started my job as National Children's Commissioner in 2013, I travelled around Australia asking children and young people about what was important to them and what would make life better for them.

I came up with five main ideas about what was important to children and young people and what would make life better for them. These ideas help me to do my work.



THE RIGHT TO GET INFORMATION
THAT IS IMPORTANT TO YOU

1. The right to be heard

We need to make sure that adults listen to children and young people, take their views seriously and take action.

2. Freedom from violence, abuse and neglect

We need to make sure that all children and young people are safe.

3. The opportunity to thrive

We need to help children and young people who are having a hard time right from the start, instead of waiting until the problems get really bad.

4. Engaged citizenship

We should help children and young people get involved in their schools and communities – to be citizens! They need to know about their rights!

5. Action and accountability

We need to know all about how children and young people are doing in Australia. Then we need to make sure that the Australian Government makes laws and rules which help all children and young people.



THE RIGHT TO PRIVACY

Here are some of the things I did this year...

I looked into children and young people who miss out on getting **passports** and **birth certificates**. These are important documents that help children and young people know who they are and where they come from. These documents are often needed to enrol in school, see a doctor, get a driver's license and travel overseas. I am working to make sure all children and young people have these documents.

Under the Convention on the Rights of the Child, children and young people have a **right to information**. These days, a lot of information is on the internet!

Sometimes children and young people can see images and information online that upsets them or can harm them, especially when these images are about sex.



I think children and young people should have a say about how they can be safe when they use the internet and social media and get good advice about relationships.

This year, Australia's **only national newspaper for children and young people**, *Crinkling News* was created. I was there for the very first issue! Children and young people can publish stories, reviews, opinion pieces and photographs in *Crinkling News*.

Why don't you send something of yours to *Crinkling News*? You can check it out here www.crinklingnews.com.au



In 2016 I paid special attention to the rights of children and young people who are locked up in youth justice centres.

In Australia, there are laws that tell us how we should and should not behave. These laws are meant to protect us and keep us safe.

If someone breaks these laws, they have committed a crime. A court decides what will happen to them.

Because children and young people are still growing and learning, the courts try very hard not to lock them up.

But if they have committed a very serious crime, like hurting someone badly or stealing something, children and young people may have to spend time in a youth justice centre.

When this happens, children and young people lose one of their most important rights – the right to freedom.

This is the **only right** that they lose. They still have **all** their other rights.

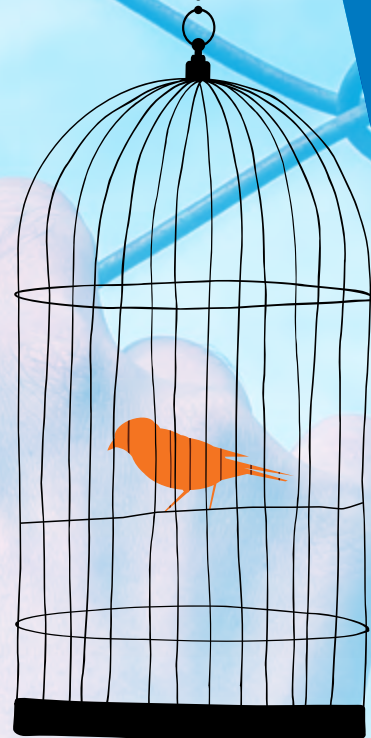


Children and young people in youth justice centres still have the right to healthcare, good education, to have a say, to be treated fairly, to be safe, and all the other rights in the Convention on the Rights of the Child.

The Convention on the Rights of the Child also has rules for governments about how children who break the law should be treated.

- ④ They should not be punished in a cruel or harmful way.
- ④ They should not be sentenced to death or life in prison.
- ④ They should not be put in prison with adults.
- ④ They should be able to keep in contact with their families.
- ④ And they should have access to legal help and any other help they need.

The Australian Government has agreed to the Convention on the Rights of the Child. It is the job of the state and territory governments in Australia to make sure that children and young people in detention are being looked after properly.



I went around Australia trying to find out how well governments are looking after children and young people when they are locked up.

I travelled all around Australia. I spoke with adults who look after children and young people in youth justice centres.

I also talked to 96 children and young people about their rights and ways to make sure their rights were met while they were locked up.

I asked the children and young people about what was important to them and what would make life better for them. I also wanted to hear from them about any problems they had.

Here are some of the things they told me would make things better for young people...



To be fed,
clean clothes
and place to
sleep

To be
treated
fairly

I want to
go home

Can't be
locked in
room all the
time

Based on what children and young people told me, these are the things that I learnt...

Children and young people who are locked up want to have access to the basic things they need to be healthy and happy.

They don't always know that they have a right to expect these things while they are locked up.

Sometimes children and young people don't feel safe when they are locked up.

Although some of the children and young people I spoke with knew how to make a complaint if something was wrong, many of them didn't or didn't want to.

Sometimes this was because they thought nothing would happen or they were afraid that people would treat them badly for speaking up.

Talking to children and young people in youth justice centres showed me that more needs to be done to make sure they are safe and that their rights and needs are being met.



Time out
of your
room

School at my
own pace

Respect -
Because we aren't
all bad people just
cos we are locked
up, so if they show
respect we will

Family, to be
able to talk to
family, have
them visit

What will I do now?

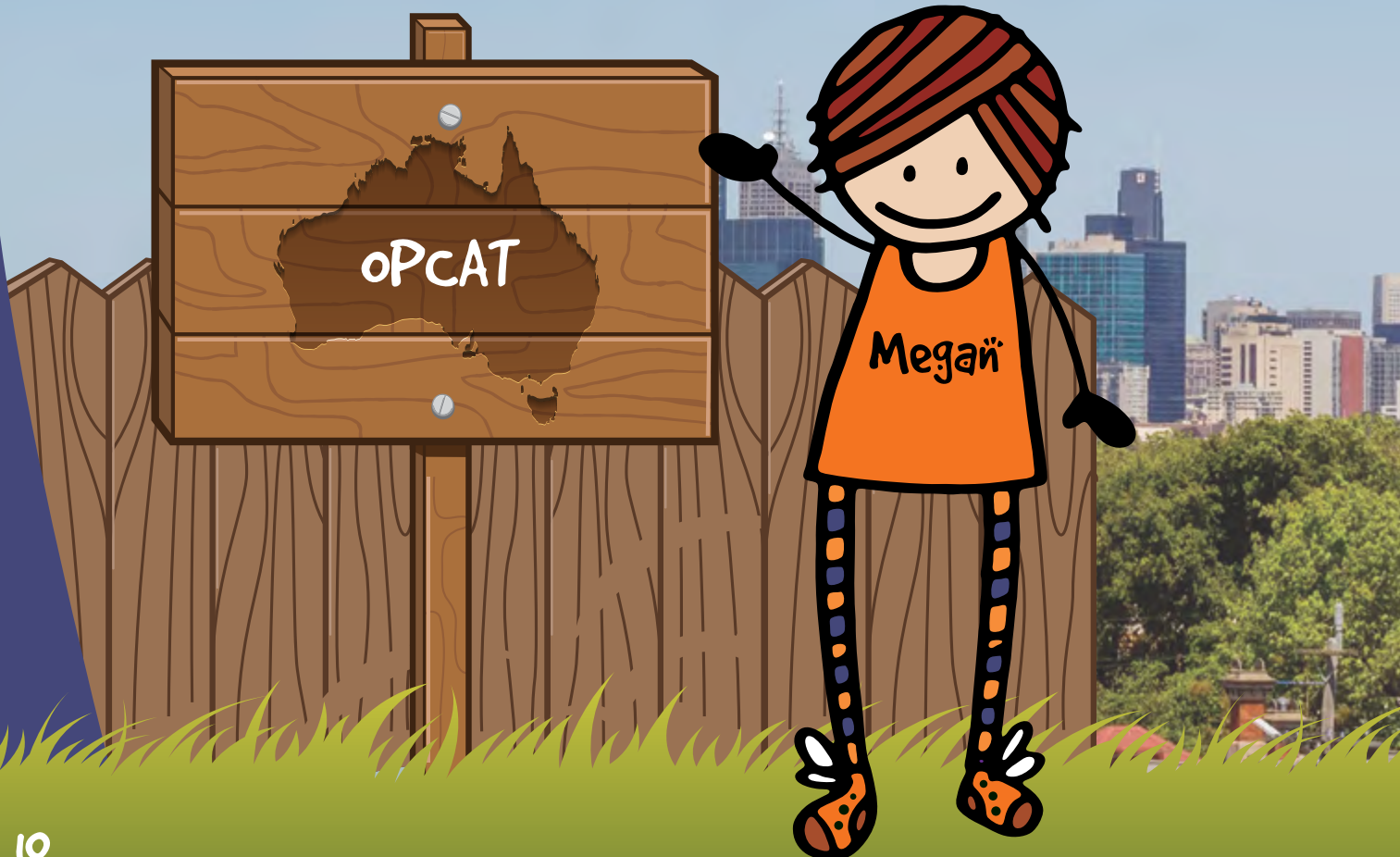
I have sent my report to the Australian Government telling them what they should do to make life better for children and young people in youth justice centres.

In my report I talk about how Australia can make sure all places where children and young people are locked up are safe and good for kids.

There is an international agreement (called OPCAT) that says that in every country there should be a group of people who check on the places where people are locked up. I want Australia to become part of this agreement.

It is the job of this group to make sure that anyone who is locked up is being looked after properly and their rights are respected.

This includes checking that the people who work in youth justice centres are treating children and young people fairly.



The group will also make sure that children and young people know how to complain if they are unhappy about how they are being treated, and that if anything bad happens to them it is reported.

I have asked the Australian Government do this as soon as possible.

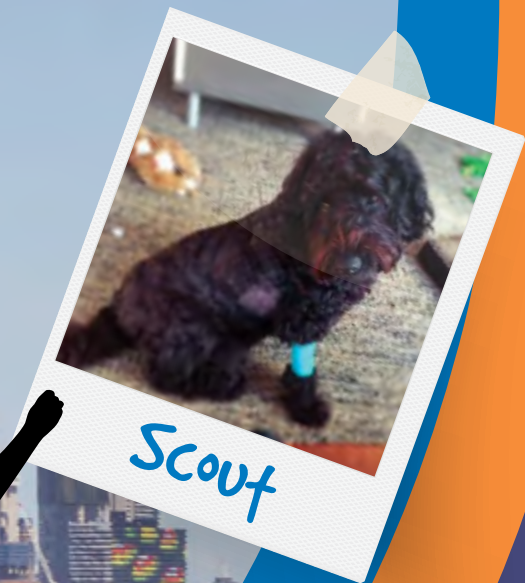
I will keep checking to see how they are going with this and I will let you know what is being done to protect the rights of children and young people in Australia.

What can you do now?

You can have your say about your rights, anytime!

If you want to talk to me about something, you can email me on kids@humanrights.gov.au, or find me on **Facebook – MeganM4Kids** or **Twitter – @MeganM4Kids**

Or you can follow my dog on Instagram, at **Scout4Kids**



Artwork from children and young people in youth justice centres

When I visited youth justice centres this year, I asked children and young people to send me their artworks to show me what life was like for them. I asked them to show me how they felt, what they wish for and what they need.

The art they made is really wonderful and makes you think! Here are some of the artworks they sent me...



What does the word remorse mean? Why do you think this artwork is called "Remorse"?

How do you think the young person has tried to show the idea of remorse in this painting?

The young person says that his artwork "speaks for itself". What do you think it's trying to say?

This artwork is called "Remorse". The young person who painted this artwork said "Anyone can take any meaning to it as it speaks for itself".

“Archie after Jandamarra”. The young person who painted this artwork was inspired by the artwork “Proud” which is a portrait of Archie Roach, painted by the artist Jandamarra Cadd. This portrait won the Archibald Prize.

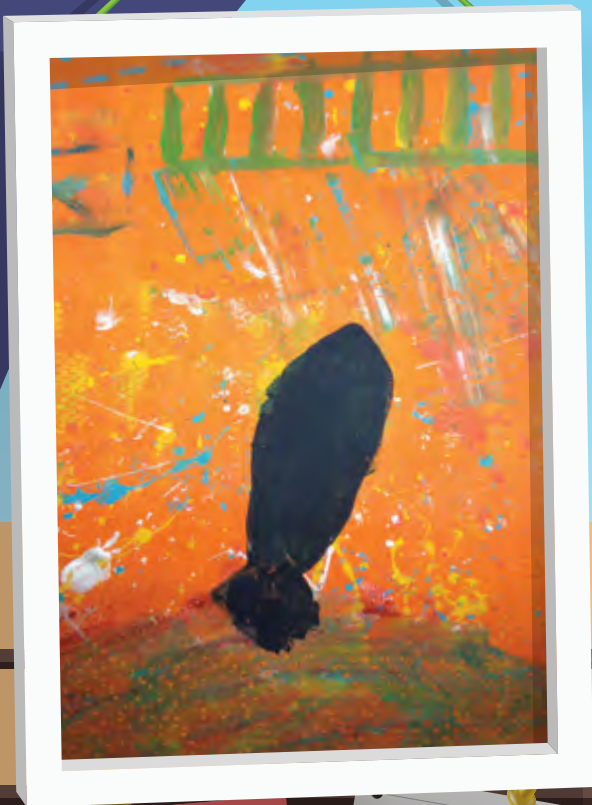


Who is Archie Roach?
Why do you think the young person who did this drawing might have been inspired to draw him in their artwork?

Why do think this young person chose to use a mask in this artwork?
Why do you think they might want to have a “fresh” face, or a “colourful disguise”?



The young person who painted this said “I wanted to paint a ‘fresh’ mask. It’s a colourful disguise”.



This artwork is called “In Captivity”. The black shape in this painting is a killer whale. The young person who painted this artwork explained that this is about a killer whale called Tilikum who lives in captivity in the theme park SeaWorld, in Florida.

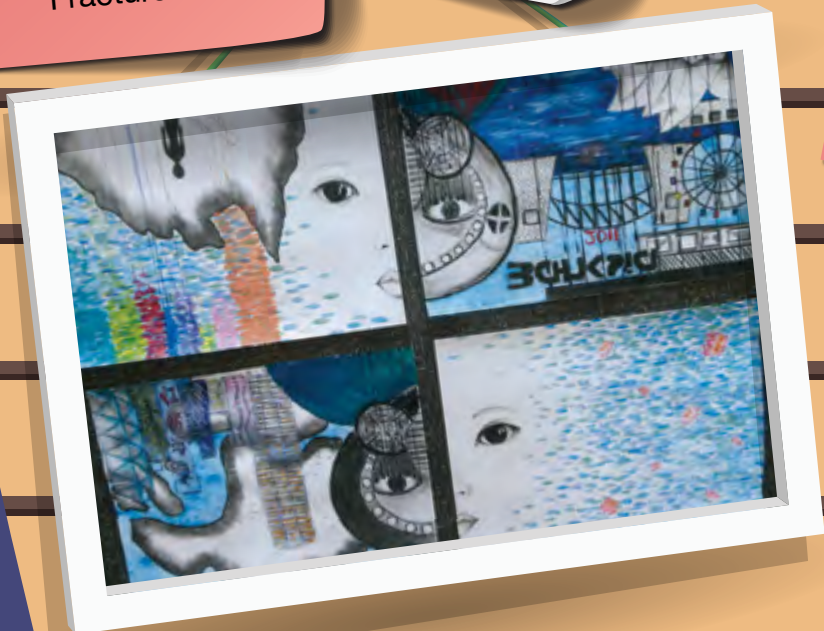
- Why do you think this young person chose to paint Tilikum, the killer whale?

- What could be some of the similarities between the young person and Tilikum?

Why do you think the young person who painted this artwork gave her painting the title “Fractured”?

- What feelings might Tilikum and the young person share?

What do you think this young person means when she says “but being locked up can be a good thing because I become someone greater”?



What are some other things that might help young people in trouble “become greater”?

This artwork is called “Fractured”. The young person who painted it said “I feel trapped. I don’t have freedom but being locked up can be a good thing because I become someone greater.”

This artwork is called “Doing time”. The young person who drew this artwork said that’s about “how life is inside”.



This young person has shown some of the activities in his everyday life. How are these activities similar to things that you do in your daily life? How are they different?

What kind of impression do the images in this cartoon strip give you about what life is like on the inside?

In the panels of this comic, the young person uses a similar type of sentence each time – “we do this” and “we do that”? Why do you think they’ve used repetition?

Why do you think we use the phrase “doing time” to mean when someone has been sent to a youth justice centre?

This painting is called “Mixed Emotions”. The young person explained that “It’s abstract self-expression about my feelings in here. Frustrated, happy, sad, confused, helpless ... and surrender. The different colours in the painting reflect these feelings. I stood on the table to do the artwork - to let my feelings out through the splashing of the paint and folding of the paper”.



Looking at this painting, do you feel you can get a sense of what the young person is feeling?

Which colours do you think represent the emotions the young person described – frustrated, happy, sad, confused, helpless.

Are these feelings mostly positive feelings or negative feelings?

True or false?

Check your answers over the page.

1. Children and young people under the age of 18 have their own special rights. True / False
2. When a child or young person commits a crime, they are treated differently to adults. True / False
3. Children and young people who are in youth justice centres still have a right to expect things like education, good health care and contact with their family. True / False

Here are some of the things that young people in youth justice centres said would make their lives better. Match these speech bubbles to rights in the Convention on the Rights of the Child.

"To be fed, clean clothes and place to sleep"

"School at my own pace"

"Family, to be able to talk to family, have them visit"

"Can't be locked in room all the time"



THE RIGHT TO BE TREATED FAIRLY
NO MATTER WHAT



THE RIGHT TO BE SAFE AND NOT
HARMED BY ANYONE

"Respect - Because we aren't all bad people just cos we are locked up"



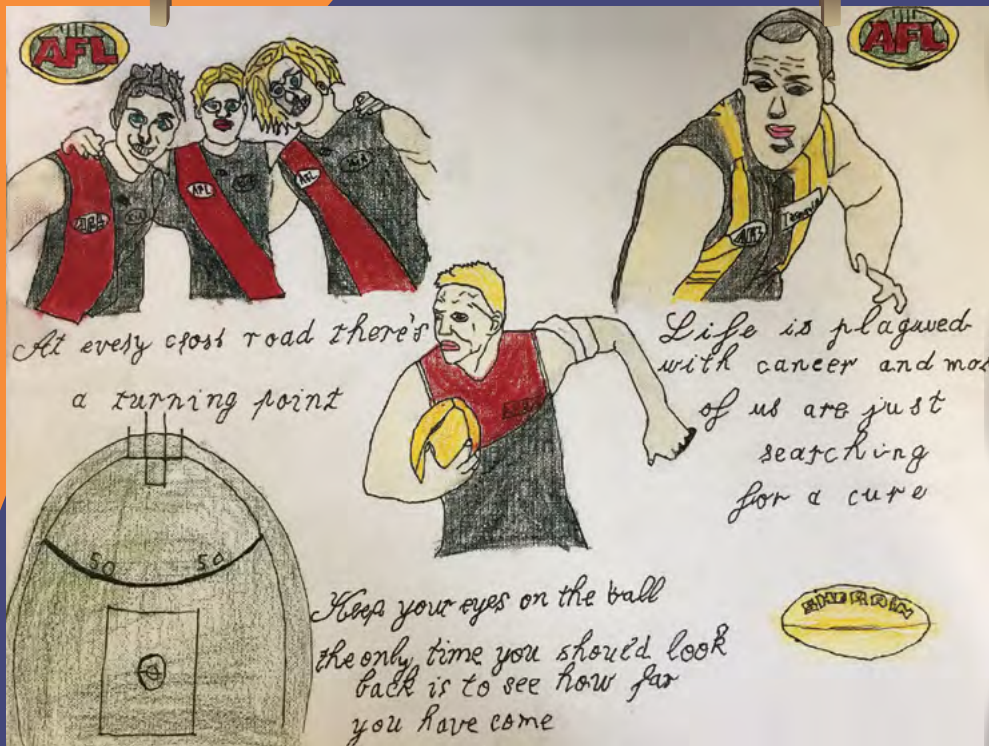
THE RIGHT TO BE CARED FOR
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A Turning Point is an original artwork by a young person detained in a youth justice centre. The artist stated about his work: 'no matter what happens in life, there is always a turning point'.

Injustice is an original artwork by a young person detained in a youth justice centre. The artist stated that his work was about being in juvenile justice at a young age and what I would do better to keep myself free.



Answers: True or False

- Q1. True! Children and young people have these rights because their needs are different from adults and they need more protection.
- Q2. True! When a child or young person commits a crime, they are treated differently because they are still learning and developing.
- Q3. True! Children and young people in youth justice centres have lost their right to freedom but they still have all their other rights!