

Human Rights and Equal Opportunity Commission

Submission to the NSW Parliamentary Committee on Children and Young People

Inquiry into Children, Young People and the Built Environment

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Introduction

1. The Human Rights and Equal Opportunity Commission (the Commission) is established by the *Human Rights and Equal Opportunity Commission Act 1986* (Cth) (HREOC Act). It is Australia's national human rights institution.
2. The Commission's relevant functions are set out in s 11 of the HREOC Act and include the power to promote an understanding and acceptance, and the public discussion, of human rights in Australia.¹
3. One area of Commission responsibility is the rights of children under the *Convention on the Rights of the Child* (1989) (the CRC). Australia agreed to be bound by the CRC in December 1990 when it ratified the Convention. The Australian government has made the CRC a "relevant international instrument" under the HREOC Act.²
4. The Commission makes this submission in response to the NSW Parliamentary Committee on Children and Young People's Issues Papers 1-3 on the *Inquiry into Children, Young People and the Built Environment*.
5. This submission focuses on the findings of the recent Commission publication *Rights of Passage: A Dialogue with Young Australians about Human Rights*. In particular this submission focuses on the rights set out in Article 12 of the CRC - participation by young people in decision making processes that affect them.

¹ Section 11(1)(g) of the HREOC Act.

² Section 3(1) of the HREOC Act.

6. *Rights of Passage* provides current information about young people's perceptions of their enjoyment of human rights in Australia. *Rights of Passage* is available online at http://www.humanrights.gov.au/human_rights/rights_of_passage/index.html.
7. The research phase for the *Rights of Passage* project included:
 - Focus groups – The Commission consulted 160 11-19 year olds in 16 focus groups across three states (New South Wales, Queensland and South Australia) and the Australian Capital Territory on a range of human rights-related issues
 - A national survey – 1050 questionnaires were distributed to 26 high schools and youth centres in all states and territories, of which 437 (41.6%) were returned
 - A literature review – researched and written by Dr Stephen Bochner, (Visiting Professor, School of Psychology, University of New South Wales, Sydney)
 - National art and essay competitions.

Participation in the School Environment

8. Participants in focus groups held for *Rights of Passage* stated they had little say in the way their schools were run. They did not believe that it was likely that they would be able to change things with which they disagreed.
9. In terms of formal involvement in clubs and committees at the school level, respondents showed strong support for institutions such as the Student Representative Council (SRC). Most students said that this was the one avenue where students' opinions were effectively heard and acted upon.
10. School students generally felt that if they were interested in starting a new club or society at the school that their request would be granted. The few students that took advantage of this opportunity felt that they had reaped substantial benefits. Students in one school, for example, had started a social justice action group which conducted campaigns addressing specific human rights concerns (such as racism) in the school and the local community. These students reported a sense of accomplishment, self-worth and confidence as a result of these activities.
11. The above example highlights the importance of providing opportunities for students to develop personal initiative, leadership and decision-making skills. Overall, the young people consulted during *Rights of Passage* did not feel actively engaged in decision-making at the school level.

12. The Commission suggests that mechanisms to consult students be improved and utilised in the context of making changes to the built environment in schools.

Efficacy of Youth Consultation in the Community

13. The young people who participated in *Rights of Passage* clearly believed that they considered the rights of others when exercising their own rights. However, they also revealed the extent to which they believed that adults generally did not consult with them sufficiently on community issues of concern to them. This included considerations relevant to built environments, such as access to public space.
14. Outside of the school context, many respondents had engaged in some form of political activity, such as signing a petition, writing a letter or protesting in rallies. Many of the focus group respondents questioned the value of these forms of participation, including some of those who had participated in some way. The majority believed that such indirect attempts by young people to influence governments were easy to ignore:

'Adults are more respected than children on a general basis I think.'

Male 14-16

'I think of politics as this big frustrating thing that we have no power over and they don't listen to us.'

Female 14-16

'As a child I don't think we have as much [influence]. People think we are not as educated, we're younger, we're immature. I think when we get older people will listen. It's just the way our society works, I s'pose.'

Male 14-16

15. Of the focus group members who had written a letter to a politician (either local, state or federal), most thought their concern had been considered and would write other letters in the future. The majority of respondents who had not written to a politician said they did not intend to, expressing serious reservations about the usefulness of such action:

'I think that the main reason why people don't [write letters] is that, would the politician actually read the letter? Would anybody read the letter or would it just go straight into the bin?'

Male 17-19

16. A small number of focus groups respondents spoke of a culture of 'tokenism' in government consultations with youth. The impression these young people had was that governments, especially at the local government level, often appeared to consult with young people about issues of concern to them in their communities when in reality the government response to the matter in question had already been decided.

17. One particular focus group held in regional NSW was comprised entirely of young people (16-19) who had previously been members of the local council youth advisory council, now defunct. The consensus opinion was that the youth advisory council was a good idea in theory, but that in practice it was poorly designed and managed:

Respondent A (Female 17-19): *'YAC [Youth Advisory Committee], that was the biggest load of 'BS'.'*

Respondent B (Female 17-19): *'We did really good things.'*

Respondent A: *'It was good, but the council didn't care.'*

Respondent B: *'It was really good, because we got to have our view, we had a say, we got to do so much good stuff within the community, but the council, it was just the council were like 'Oh, they're just youth'.'*

Respondent A: *'And they said the Mayor was going to come to our meetings two or three times and never turned up.'*

18. Respondents in the same focus group had also had an unfortunate experience with government at the state level:

"I went to that P-plate thing that [the minister] did, the youth forum about changing the P-plate laws, and it looked very nice on the TV, but he didn't care ... Where they [were] meant to be researching stuff and then implementing stuff, but then they just changed without getting our ideas. I was talking to him [the minister] afterwards, and he goes 'the decision is already made.' It was just a publicity thing."

Female 17-19

19. Overall, the young people in this study were not aware of the opportunities available to them to become involved in decision-making in their communities. Unfortunately, the minority who had been formally involved in youth community consultations felt the consultation processes had been ineffectual.
20. These findings indicate that greater public education measures (especially at the local government level) aimed at youth are necessary to inform young people of the ways in which they are able to be involved in decision-making in their communities. In local government jurisdictions where youth consultations already occur, an ongoing formal consultation assessment procedure may prevent young people from being alienated by a process which they perceive could be improved.
21. The Commission recommends improvements to the processes available to youth to put their views regarding the built environment as it impacts on them in the general community.

Discrimination on the Basis of Age and Race

22. Many survey and focus group respondents reported they had experienced some degree of discrimination on the basis of either age or race in their communities. The majority of these statements related to access to public space, especially the enjoyment of shopping centres. These concerns of youth are well articulated in the 'Case Study – Young People and Shopping Centres' in Issues Paper 3.
23. The Commission recommends that any government initiatives designed to incorporate the view of children regarding access to open spaces (such as those described in Issues Paper 3, pp.8-10 in relation to youth use of shopping centres) should ensure the incorporation of non-discrimination as a guiding principle.