



Australian Children's Rights News

Newsletter of the Australian Section of Defence for Children International
Issue Number 41, September 2006
ISSN 1320-7091

Crisis in Indigenous Housing, Health, Education and Juvenile Justice

Recognition of the multitudinous problems in relation to the health, housing, education and juvenile justice involvement of Indigenous children and young people is not new, and is hardly news any more. But recent media attention to the problems of abuse and neglect, and in particular child sexual assault, has once more put these issues in the spotlight.

As outlined in the non-government Alternative report to the UN Committee on the Rights of the Child prepared by DCI-Australia and the National Children's and Youth Law Centre, many Australian Indigenous children do not have secure housing, live in households with incomes below the poverty line, and are exposed to or subject to violence including sexual exploitation as a 'normal' part of daily life. They may also be exposed to drug and alcohol abuse and become victims of addiction including the inhalation of solvents such as petrol. They are marginalised from mainstream health, education, child welfare and police services and do not have adequate, or in many instances any, alternative Indigenous services.

The importance of community development and principles of self determination in addressing Aboriginal and Torres Strait Islander youth and children's rights have often been recognised, and recommendations with respect to these matters have been made, by numerous public inquiries. But these recommendations remain unimplemented.¹

Among many, the reports by the Productivity Commission 2003 Report on Indigenous Funding, *Overcoming Indigenous Disadvantage: Key Indicators 2003* and the Commonwealth Grants Commission 2001 both provided evidence of the crises for indigenous Australians across all aspects of life, from education and health through to excessive levels of engagement with the criminal justice system and low levels of economic participation.

Features:

Crisis in Indigenous Housing, Health, Education and Juvenile Justice - p 1

Health Perspectives on Indigenous Children - p 5

Housing Disadvantage Stunts Growth - p 7

As If Children Matter - p 12

Children's Freedoms Reduced out of Fear - p 25

A Tribute to Danny Sandor - p 20

UNICEF's The State of the World's Children 2006 report - p 23

What's Wrong with Children's Rights - p 25

COLUMNS

President's Column
Publications
Conferences

Continued on page 4

President's comments:

This issue of Australian Children's Rights News features a timely series of articles coordinated by Simon Quilty on the health, housing, education and juvenile justice involvement of Indigenous children and young people in Central Australia. These are continuing and related issues, highlighted in numerous reports and in the Non-Government Report to the UN Committee on the Rights of the Child, and the subject of particular comment in the Committee's Concluding Observations. This series of articles is based on the reflections and experience of people who see the problems and the struggle for better conditions by Indigenous communities at first-hand and are involved in this struggle.

This issue, no 41, is the first for 2006 and our apologies for the delay. It is also the first issue since Danny Sandor died earlier this year. The news of his death and various tributes have been circulated on our website and on those of other organisations and networks Danny was involved in, in the Victorian Parliament and in *The Age* by his colleague, friend and former 'boss', the former Chief Justice of the Family Court of Australia, Alastair Nicholson. Alastair's tribute to Danny is reprinted in this issue. It is trite to say that he is very sadly missed by those of us who knew him - in DCI and elsewhere. His intelligence, passion and compassion as well as enormous energy were hallmarks of his style and commitment. Danny was a past president of DCI but continued his involvement until he was no longer able to. He edited the last issue of *Australian Children's Rights News* (Issue 40) and continued sending emails and keeping people connected. Vale Danny, we miss you! In the words of Helen Bayes, the founder and first President of DCI-Australia:

"Danny had a lot more living to do, and so much more to give and share. His deep commitment to children and young people, and his very special contributions to child rights, human rights and family law, in Australia and internationally will keep him alive and loved in many hearts, including my own." And in the words of one of our National Committee members, Diana Batzia's: "Danny's absence from the scene is a tragedy. I wish we could email him and get him to lead the charge in his inimitable way on an issue a week!"

Tribute to Danny on behalf of DCI in the Age

Remembered as a powerful intellect, who was a generous and passionate advocate for children's rights. In a world of doers and talkers, Danny fell squarely into the first category. We just lost one of our best. Sadly missed.

Defence for Children International - Australia

DCI-Australia now needs to consider its direction and future work program, and plans are underway to bring the National Committee and others together before the end of the year to discuss and think this through. Your ideas are welcome!

In the meantime, there are a number of other issues to focus on, including the continuing work on the UN Concluding Observations and consideration of the UN study of violence.

In a few weeks, the UN Secretary-General's study on violence against children will be reported to the UN General Assembly. A letter

from the Non-Governmental Organizations Advisory Panel, including Defence for Children International, and outlining the main findings is printed in this issue (pages 15 - 18) and I urge you to read and think about how you can help in the consideration and implementation of the recommendations in the effort to reduce or eliminate violence against children. As the International Society for Preventing Child Abuse and Neglect has indicated in its communications, "This is expected to be a tough sell to the General Assembly." ISPCAN and DCI are co-authors on the letter to members of the General Assembly. "If you have contacts in your country it would be appropriate to share the letter and help generate support for the report.

Lastly, we have now changed our address with the move of the National Children's and Youth Law Centre to the new Law Building, at the University of New South Wales

Best wishes
Judy Cashmore
President
DCI Australia

CHANGE OF ADDRESS

C/- National Children's and
Youth Law Centre
The Law Building,
University of New South
Wales, SYDNEY, 2052

Telephone: 02 9385 9588
Fax: 02 9385 9589

It was in the early years of DCI that I met Danny, and immediately admired him, both as a person and for his work and insights. I asked him to come on to the DCI Committee and he fairly quickly said yes. He immediately became a tower of strength to DCI, and continued to be so until he died. He undertook a huge range of tasks and on-going responsibilities in DCI, never in my experience seeking any personal recognition, and always working closely with others, especially the Committee, and many, many colleagues.

His service to DCI includes the Children's Rights Media Awards which were awarded two years running, entirely due to Danny's creative initiative and organisation. He edited many issues of Australian Children Rights News and contributed material to every issue. He developed the website with his friend, Chris Cody, and helped the preparation of both Alternative Reports to the Committee on the Rights of the Child.

I enjoy many vivid memories of Danny - working hard to focus the discussion at the National Children's Summit, wearing outrageously striped pants at the campaign against Mandatory Sentencing in Alice Springs, enjoying good food and wine while planning initiatives, smoking restlessly and laughing often. Over all this however, my special appreciation is for the quiet, respectful and helpful way he worked with me and others while following his own concerns about the world. He seemed always to welcome what others were doing or wanted to do, and simply offered his special expertise and knowledge wherever he could, and with great attention to the detail. It is these special qualities of Danny, the man, that I esteem most highly, and why I am deeply saddened that his life has ended so soon. Much too soon.

Helen Bayes, founder of DCI-A

The Australian government's report to the UN Committee on the rights of the Child acknowledged the challenges in relation to indigenous children and young people in the following terms:

Australian governments continue to address the needs of indigenous children, particularly in the areas of health, education, family violence and the juvenile justice system. Yet indigenous children continue to suffer disadvantage in these areas compared with non-indigenous children. Indigenous children comprise an increasingly significant proportion of the Australian population. It is estimated that approximately 5% of all Australian children are indigenous and that if current patterns continue, by 2042, indigenous Australians will make up approximately 12% of the 0–14 age group in Australia. These statistics mean that the need to address the relative disadvantage of indigenous children is more pressing than ever.

In its Concluding Observations in response to Australia's reporting process, the UN Committee recommended "that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to disadvantaged groups, such as indigenous children, "to the maximum extent of....available resources" (para 18).

The Committee recommends that the State party strengthen its efforts to continue developing and implementing – in consultation with the indigenous communities – policies and programmes ensuring equal access for indigenous children to culturally appropriate services, including social and health services and education. The Committee further recommends that an evaluation of the new arrangements for the administration of indigenous affairs take place soon in order to assess whether the abolition of ATSIC has been in the best interests of the indigenous children. (para 77)

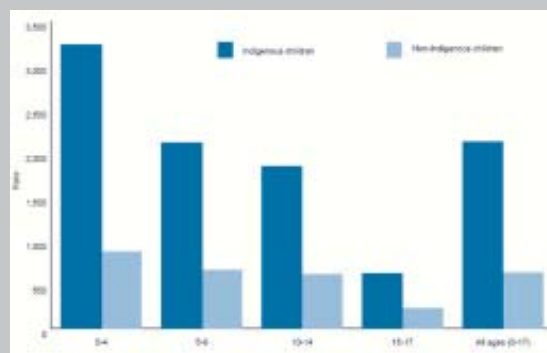
As the following series of articles in relation to juvenile justice and the health, housing and education indigenous children and young people in the Northern Territory point out, however, there is now clearly a crisis.

(Endnotes)

¹ See for example the recommendations from two major Australian inquiries; the Royal Commission into Aboriginal Deaths in Custody, in particular Commissioner Elliot Johnson (1991) National Report vol 5 recommendations 62, 235, 236, 237, 238 and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997) Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, Sydney recommendations 43 to 53 with particular reference to recommendation 43.

The Australian Institute of Health and Welfare publication *Child protection in Australia* each year reports on child abuse and neglect notifications and substantiations, and the way in which authorities deal with these. In Australia, child protection is the responsibility of community services departments in each state and territory. Following reports of child abuse or neglect (known as notifications), the relevant department launches an investigation. Cases in which abuse or neglect is found to have occurred are known as substantiations, and can lead to an application for a care and protection order before a court. The figure below shows that in 2004–05 Indigenous children in all age groups were much more likely to be the subject of substantiations than non-Indigenous children. The rate of child abuse or neglect substantiations was greatest in the age group 0-4 years for both Indigenous and non-Indigenous children (3,236 and 881 per 100,000, respectively), declining with increased age.

Children who were the subject of abuse or neglect substantiations, by age and Indigenous status, 2004-05, rate per 100,000^a



^a per 100,000 Indigenous or non-Indigenous children in relevant age group. Rates were calculated using Australian Bureau of Statistics population estimates for June 30 2005. For the Indigenous population, high series estimates were used.

Source: Australian Institute of Health and Welfare 2006. *Child protection in Australia 2004-05*. Canberra: AIHW (Child welfare series no. 38).

Health Perspectives on Indigenous Children

By Simon Quilty

In relation to the health of indigenous children and young people, in its recent 2005 Concluding Observations in response to Australia's reporting process, the UN Committee on the Rights of the Child recommended that:

the State Party undertake all necessary measures to ensure that all children enjoy the same access to and quality of health services, with special attention to children belonging to vulnerable groups, especially indigenous children and children living in remote areas. In addition, the Committee recommends that the State party take all adequate measures to overcome, in a time-bound manner, the disparity in the nutritional status between indigenous and non-indigenous children...

and in relation to substance abuse:

The Committee encourages the State party to continuously monitor the issue of substance abuse with especial focus on raising awareness among indigenous children and children living in remote areas. The State party is also encouraged to develop free and easily accessible drug abuse treatment and social reintegration services for children who are victims of drug and substance abuse.

The health problems for Aboriginal children living in the Northern Territory are incomprehensible in modern Australia. There are many parallels with indigenous populations worldwide; complex interactions between social and cultural dislocation, dispossession of land, introduction of new diseases. All of this in turn leads to poor health. Regardless though, over the last few years that I have worked in the Territory as a junior doctor, the large holes in the provision of essential services in many aspects of the complex picture has astounded me.

There are a number of very positive aspects to the provision of healthcare services to aboriginal Australians. Senior doctors working in the paediatrics department of Alice Springs Hospital have commented that the number of really sick children has definitely declined over the past five years. There is excellent access to emergency aero-medical services, and all communities bar the very smallest have a health clinic. The remote training of General Practitioners is perhaps the best worldwide. Generally speaking, the health service is staffed by very competent and committed people.

But this isn't good enough – the statistics speak for themselves. There are a high number of newborns well below a healthy weight, and who have been exposed to high levels of alcohol in-utero. These children are at high risk of retarded development and adulthood kidney disease. Children living in Central Australia have the highest recorded rates of rheumatic fever anywhere in the world – a disease that is almost unheard of outside of aboriginal populations in this country. Rates of skin infections, lung suppuration, and infectious diarrhoea are comparable to children living in poverty in Africa.

The hardships facing these people are complex and inter-related. The poor health of children can only be understood in relation to the communities from which they come. The incredibly high rates of infectious disease are a direct consequence of very overcrowded housing. Malnutrition, commonly seen in children under three years of age, is due to chronic infectious gastroenteritis in childhood, a lack of healthy food

choices at the community shops, poor understanding of healthy living, and social and cultural realities. Poor literacy rates are secondary not only to poor educational facilities, but also to community attitudes and poor health. And malnutrition and failure to thrive impair a child's ability to learn, further impairing literacy attainment.

The shockingly poor literacy rates amongst children have to be understood not only in terms of the failure of the education system, but also due to the incredibly high rates of middle ear disease (for instance, recent research by the Fred Hollows Foundation showed that no children in the community of Wugularr had reached year 3 reading benchmark, and only 20 percent had reached year 3 numeracy). When I was recently working under a visiting Ear Nose and Throat Surgeon in an East Arnhem Land community, there was not one child who we screened who did not have significant chronic ear disease. Many of these children will be left with permanent hearing loss and subsequent developmental impairment. And as an aside, despite this massive burden of disease, the Royal College of Surgeons has only one Ear Nose and Throat surgeon for the whole of the Northern Territory.

These children are born into disadvantage. While it has not been studied, the rates of children exposed to toxic levels of alcohol and other substances are probably some of the highest such rates anywhere in the world. The number of children born to mothers who suffer from type II diet- and lifestyle-induced diabetes is very high in aboriginal Australia. The risks for these children then developing a whole range of developmental and lifetime health problems is greatly increased. There are very high rates of low birth weight children in Central Australia. Research has shown that these children have retarded neuropsychological development, and that low birth weight is the single biggest risk factor for adult renal disease, of which the rates in Central Australia are the highest nationally.

Children who have such poor education grow into disempowered adults who do not benefit from advances in understanding of health. Rates of diabetes caused by high-fat high-sugar diets, smoking, sexually transmitted infections and drug and alcohol abuse are astounding in Central Australia. And of course these problems are transferred directly to the next generation.

It is not possible to provide equitable healthcare to people who do not speak English - the case for the majority of aboriginal people living in remote communities. It is also not possible to provide healthcare of the quality expected in mainstream Australia to whole communities of illiterate people.

What has struck me most about the children of Northern Australia is the reality that most are born without any real life prospects. After facing all of the adversities outlined above, these children watch as the generation above them face the next barrage of life challenges – unemployment, a lack of purpose, confusion about the old ways and the images beamed down from satellites onto their televisions, alcohol, marijuana, kava. Predictably, the rates of youth suicide have exploded in the territory over the past few decades. In 1990, not one single aboriginal person was reported to have died from suicide, a pattern that seemed to defy trends of indigenous peoples in other countries. That has now changed. Earlier this year, on one single night in Alice Springs Hospital there were five separate and unrelated admissions of young aboriginal people who had made serious attempts to end their own life.

There is no role for 'tough on crime' approaches that the federal government now seems to be suggesting. Although there are admittedly problems of child abuse in communities, this issue has been very much overplayed in the media. I have seen some shocking cases presenting to the hospital occasionally, but it is not a day-to-day issue that I see on a regular basis. All of the underlying factors that contribute to this are fuelled by poverty and disadvantage. The only way forward is through well funded evidence-based practices that have a focus on self determination and empowerment of aboriginal people.

Much of what I have outlined does not acknowledge communities that are managing to overcome these problems. There are a number of communities in the region that have experienced dramatic improvements in health over recent decades (for instance Utopia), and others that have managed to find successful programs that have almost completely eradicated the problem of petrol sniffing (for instance Yendumu). There are many success stories that I have not focused on in this paper, and these instances should act as models in the direction that aboriginal communities take in the future.

Housing Disadvantage Stunts Growth

Jonathan Pilbrow
Central Australian Policy Officer
NT Shelter/NTCOSS, Alice Springs

In relation to standard of living and housing, the UN Committee on the Rights of the Child in its 2005 Concluding Observations in response to Australia's reporting process:

In light of article 27 of the Convention, the Committee recommends that the State party increase its efforts to provide affordable housing options and take all possible measures to raise the standard of living of indigenous children and children living in rural and remote areas. (para 57)

Housing disadvantage is all too commonplace in the NT - particularly for Indigenous people. Housing and essential services – or the lack of - are major factors affecting the health of Indigenous Australians. In 2006, many Indigenous communities still lack access to basic standards of living – exacerbated by overcrowding and a lack of available housing to meet the ever growing need.

Overcrowding of houses increases the spread of infections, and puts additional strain on household facilities such as kitchens, bathrooms and sewerage systems. Diarrhoeal and respiratory diseases are the major causes of morbidity amongst Indigenous children and also play a major role in the malnutrition experienced in the first three years of life. Poor hygiene increases the transmissions of such diseases. Providing sound functional health hardware is vital for reducing the pool of infections and improving the poor state of health among Indigenous people in Australia. Specifically the incidence of diarrhoeal disease, skin infection, pneumonia eye infection and other transmissible diseases can be reduced through the provision of sound functional health hardware.¹

Having in place functional washing machines, for example, “will reduce diarrhoea, because organisms are less likely to be transmitted between people, especially between children and adults.”² Yet much indigenous housing still does not have functioning health hardware to enable healthy living practices, such as those set out by the UPK environmental health

review, conducted on the Anangu Pitjantjatjara (AP) Lands in 1987). The 9 healthy living practices include ‘washing people; washing clothes and bedding; removing waste safely; and safe storage of food. Washing children daily, for example, is likely to reduce the prevalence and spread of diarrhoeal, respiratory disease and skin infection.’³

Improving health is crucial to improving life opportunities in other areas for children and young people. The all too common health problems outlined above create significant learning barriers. “Ear infections, for example, often lead to deafness and this is a major contributor to the high drop-out rates of Indigenous people in schools.” (NT Government, 2004).⁴

This then has major implications for further education and subsequent employment opportunities.

There has certainly been some progress in improving health outcomes — for example, those achieved by The *National Aboriginal Health Strategy* (NAHS), through the establishment of the Health Infrastructure Priorities Projects in 1993 and 1994, and the Environmental Health Program in 1996, which provided for large-scale infrastructure development in communities where this would have maximal impact on health. However, there are still many families and children and communities living in unacceptable living conditions.

Evidence of clear need

As at 2003-04, the NT had the largest number of Indigenous Community Houses in the country, which were not connected to an organised sewerage system and 7.1 % of Indigenous communities in the NT were not connected to an organised supply of electricity. In addition, 94 dwellings were not connected to an organised water supply.⁵

The 2001 Community Housing and Infrastructure Needs Survey (CHINS) of Indigenous Communities found that in the NT:

- 25% of indigenous housing stock needed major repair or replacement;
- 27% of the indigenous population lived in communities affected by water restrictions; and
- 48% of indigenous communities were affected by sewerage overflows or leakages.⁶

In addition, the NT has the highest rate of homelessness in Australia. There are over 5000 homeless people in the NT (288 per 10,000 of population). The NT also has the largest percentage of indigenous people living in 'no conventional accommodation' of any State or Territory. Almost 7% of indigenous households (2,681 in the NT) are living in improvised dwellings (i.e. a structure without a bathroom or toilet). The percentage of people sleeping rough in the NT (2169 or 40% of homeless people) is more than double, and in some cases triple that of the rate in all of the other States and Territories.⁷

While the 2001 census showed that nationally 42% of homeless people were women and 58% were men, in the NT 63% were women and 37% were men. This high proportion of women – many of whom have accompanying children – compared with other States/Territories means that women and children are particularly disadvantaged when it comes to securing and maintaining stable, affordable and appropriate housing in the NT. Overall, Indigenous people are far more likely to experience homelessness than any other Australian.

While statistics such as these abound, let us consider the following:

- From the period ending 30/6/03, the number of public housing dwellings available for rent in the NT went from 6,130 to 5,555 by 31/5/05 – a decrease of 575 dwellings (9%).
- Yet at the same time there were 2156 applications for public housing during 2003-04, a 12% increase from the previous year.⁸
- In the same period there were only about 140 new houses built through the Indigenous Housing Authority of the NT (IHANT), in the two financial years between 2003/04 and 2004/05.⁹

As at November 2005, in Alice Springs alone, there were approximately 900 public housing properties rented out as general public housing rental (this does not include industry housing) and 775 public housing applicants. Of these applicants – 80% or 620 people – were Indigenous. There has been very little public housing built in Central Australia in the last 10-15 years, while at the same time there has been significant urban drift from remote communities. It is estimated that 10% of Public Housing dwellings in the NT are overcrowded – the highest of any state or Territory¹⁰. Is it any wonder?

Recognition of dire need

In 2004, according to the then NT Minister for Housing (John Ah Kit), "Current levels of funding come nowhere near meeting the problem [of providing decent housing to remote communities]. We are barely building enough houses each year to replace those that must be demolished as uninhabitable. Families of up to 16 and 20 live in overcrowded houses because we can't keep pace with the demand for new ones, which in turn puts strains on existing houses." According to Mr Ah Kit "there has been a pattern of gross under funding of indigenous housing across Australia"... which "in turn is reflected in chronic physical and mental ill health; lousy educational and employment outcomes; and endemic substance abuse, violence and criminality."¹¹

It is widely accepted that there is a need for an additional \$2 billion nationally for indigenous housing – and approx \$850 million for the NT. However, current expenditure in the NT is approximately \$40 million¹² – and this is largely Commonwealth funding. Budgets allocated to maintenance and repairs are insufficient to meet the requirement of current housing

stock, let alone meeting the emerging need. Overall funding for indigenous housing has been declining in real terms for at least the last 15 years.¹³

The issues of chronic overcrowding and functioning health hardware are not confined to the remote communities – they apply also to larger and smaller regional centres as well. The Town Camps in Alice Springs, for example, have chronic overcrowding, and the overall occupancy rate in some town camps is far too high, exacerbating both contagious and chronic sickness, as well as injury rates, amongst residents. As an immediate priority, to begin to address overcrowding issues, there needs to be an urgent upgrading of existing housing stock to address environmental health and functional infrastructure issues.

The recent announcement of an additional \$20 million from the Federal Government to assist with infrastructure in town camps is certainly welcome. This is in addition to the \$10 million already allocated for the Connecting Neighbours program – which will see an improvement in essential services (e.g. power & water). This additional funding provides an enormous opportunity to upgrade existing housing stock on town camps, as well as provide additional housing on town camps - where it is a safe option for tenants, and where available space permits it (with some camps already being at capacity).

The NT Department of Local Government Housing & Sport have estimated that there is a need in 2006 for an additional 121 bedrooms (30 4-bed-room houses) on Town Camps to meet the current need for housing for residents¹⁴, though the population figures that these are based on are likely to be understated.

Urgent need for action

If the state of affairs in relation to housing and associated environmental health issues were to be created overnight by a humanitarian disaster, money would flow immediately to rectify the damage. Yet because the disastrous state of affairs has evolved over a long period of time, out of sight of most of ordinary Australians, the nation barely bats an eyelid. But we can wait no longer. The Indigenous population of the NT has grown by 27% since

1991.¹⁵ Demographic trends in remote Indigenous communities foreshadow significant population growth (with some communities to have a population increase of as much as 88% by the year 2023).¹⁶ To further delay action could be catastrophic.

One of the strategies outlined in the *National Issues in Indigenous Housing 2004/05 and Beyond* position paper is to improve access to mainstream housing and infrastructure programs for Indigenous people and communities, who do not have equitable access to services and programs because of language barriers; cultural awareness and acceptance of programs; design and delivery of mainstream programs; discrimination; and low literacy and numeracy levels. However, this will require additional funding.

Unless serious and immediate attempts are made to address the absolutely chronic state of indigenous housing in the NT – indigenous families and another generation of children seem destined, yet again, to a life of chronic disease, poverty and disadvantage.

“Can anyone doubt that a community, such as Wadeye, with effective occupancy rates of 16 people per house, cannot provide the sort of environment where children will be healthy, obtain a basic education, avoid the criminal justice system, and lead socially and culturally productive lives?”¹⁷ Appropriate housing, of itself, will not necessarily lead to better health outcomes but coupled with the provision of essential infrastructure and sound personal sanitary practices real gains in health outcomes can occur.

Each day that we wait is another day of struggle and disadvantage for indigenous families and children – many of whom are young and helpless victims. Aside from the significant human cost - the longer we delay the provision of appropriate resources to tackle the enormous housing shortfall, the greater the financial cost down the track of addressing the problems. This only serves to exacerbate this problem of national shame, which comes at a time of continuing Federal Budget Surpluses – with \$17 billion in 2006, which will be diverted in the form of tax cuts for many who already have more than enough.

Where are we heading as a nation?

Surely history will judge us on how we treated our most vulnerable. And who can be more vulnerable than a small indigenous child born into homelessness, unemployment, illiteracy and chronic disease. Lack of adequate housing is a recipe for disease and disaster and continuing disadvantage.

The *National Issues in Indigenous Housing 2004/05 and Beyond* position paper identified that “\$1 billion over 10 years would go a long way towards eliminating the current essential service infrastructure shortfalls and build 300 additional houses.” However, such a significant contribution would still mean that it would be at least 20 years before the national backlog of existing indigenous housing is significantly reduced or eliminated.

The Productivity Commission 2003 Report on Indigenous Funding, *Overcoming Indigenous Disadvantage: Key Indicators 2003* and the Commonwealth Grants Commission 2001 reports both provided evidence of the crises for indigenous Australians across all aspects of life, from education and health through to excessive levels of engagement with the criminal justice system and low levels of economic participation.¹⁸

In May 2001, Housing Ministers across Australia endorsed a policy framework, *Building a Better Future: Indigenous Housing to 2010* (BBF), which outlines a 10 year statement of new directions for indigenous housing – covering areas such as better housing, better housing services, and more housing. It is clearly apparent, 5 years into the 10 year period for BBF, that the massive deficit in the indigenous housing sector cannot be reduced under current program resource levels.¹⁹

In 2004, according to the NT Government “The Productivity Commission findings that indigenous people were nearly six times more likely to live in overcrowded housing than other Australians demand a policy response by governments.”²⁰ Where is this response?

In terms of public housing, 28% of all people occupying public housing dwellings in the NT are Indigenous (approx 1500 households)²¹ - yet there are very few formal support systems available for people who most need it. Many of the tenants are indigenous people who may have not lived in an urban setting previously,

for whom English is not their first language. Non government organisations, both Indigenous and non-Indigenous, who provide support are stretched to capacity. While a life skills program has begun in Darwin, and is about to begin in Alice Springs, very little money has been put into life skills for public housing tenants.

It is apparent to most people that Indigenous people are set up to fail in public housing in the NT. There is a revolving door of people moving into public housing on short term (3 month) leases, facing issues of visitors and overcrowding - often due to family obligation and a shortage of viable accommodation options for visitors; damage and complaints, and a non-renewal of lease. They then find themselves homeless, facing significant repairs and maintenance debts (some as high as \$10,000), which could have been avoided if houses were more appropriately constructed in the first place, in relation to health hardware and durability.

Many more support mechanisms are clearly required so people are not set up to fail. This applies particularly for people with high and complex needs, including language barriers, who are put into housing without sufficient support systems – such as people with disabilities, people with a chronic disease (eg kidney failure) and young people. Some Housing Departments in other states have designated youth workers, with the SA Housing Trust having a medium term housing program for young people who face barriers to accessing and maintaining private rental accommodation – but this does not occur in the NT. Significantly there is no Youth Housing Policy in the NT.

Responses to homelessness in the NT must take into account and address both the ‘structural’ causes of homelessness (e.g. the lack of affordable and secure housing etc) as well as the individual causes, if inroads are to be made into this huge issue. Only then will Government and the community be in a position to provide adequate intervention responses, including prevention, early intervention, crisis intervention and long-term support.²⁵ Currently there is an enormous dearth of these types of responses in the NT.

International literature (as highlighted in the Commonwealth’s *National Evaluation of the Supported Accommodation Assistance Program (SAAP IV) – Final Report (2004)* of Australia) states that:

- When people become homeless they need – as soon as possible – to be provided with somewhere to live that they can call home;
- Those offered with exits from homelessness must be provided with sustainable exits. In many cases this will involve the provision of appropriate housing and levels of support.
- Homeless people need to be provided with a choice of housing and a choice of whether or not to accept support.”

Yet in the NT, where there is gross under-spending in relation to homelessness, these options simply do not exist for most homeless people. The NT and particularly the smaller regional centres, do not have the range of accommodation options, such as low cost private rental and town based ‘community housing’ options that other larger centres interstate have. There are simply no exit points for people when they are in emergency, short term or transitional accommodation (if they are lucky enough to have found any accommodation). Lengthy waiting times are often endured for priority housing, especially for victims of domestic violence – primarily women and children. There are also significant difficulties for Indigenous families in accessing private rental, with applicants often unable to meet the strict criteria in relation to previous tenancy history and rental references.

Until these issues are addressed, indigenous families and children will continue to live in overcrowded situations, accrue enormous debts related to housing and be grossly over-represented in homelessness figures.

Children and young people have the right to a standard of living that allows for their appropriate development, and this includes housing. At present, current systems and programs are unable to meet this need, despite Australia’s obligations under the United Nations Convention on the Rights of the Child. *Article 27* of the Convention states that:

1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance

and support programmes, particularly with regard to nutrition, clothing and housing.

Clearly, there is a systemic failure to provide this to a significant number of indigenous children and young people in the NT. This is despite evidence of the link between the poor standard of housing and health hardware for indigenous people being a known contributor to their health problems, particularly the high rate of infectious disease among children.

Addressing these complex issues is going to involve cooperation at all levels of Government, together with the non-government sector, the private sector and the broader community. If we are serious about investing in our children, then we must invest in housing. The time to act is now. **We are beyond the critical stage.**

Footnotes

1 National Indigenous Housing Guide, 2nd Edition (Department of Family, Community Service and Indigenous Affairs).

2 National Indigenous Housing Guide, 2nd Edition (Department of Family, Community Service and Indigenous Affairs).

3 The UPK Report (South Australian Committee of Review on Environmental and Public Health within the Anangu Pitjantjatjara Lands in South Australia, 1987.

4 National Issues in Indigenous Housing 2004/05 and Beyond.

5 Source: AIHW Indigenous Housing Indicators.

6 NT Government Website (Local Government Housing & Sport, 2006).

7 National Evaluation of the Supported Accommodation Assistance Program (SAAP IV) – Final Report (2004) Commonwealth of Australia

8 Territory Housing, Estimates Hearings – 2005/06.

9 Department of Local Government, Housing & Sport 2006.

10 Territory Housing, Estimates Hearings – 2005/06.

11 National Issues in Indigenous Housing 2004/05 and Beyond; Position Paper developed by the NT Government, Sept 2004.

12 National Issues in Indigenous Housing 2004/05 and Beyond; Position Paper developed by the NT Government, Sept 2004.

13 Department of Local Government, Housing & Sport 2006.

14 NT Government Website (Local Government, Housing & Sport).

15 National Issues in Indigenous Housing 2004/05 and Beyond ; Position Paper developed by the NT Government, Sept 2004.

16 National Issues in Indigenous Housing 2004/05 and Beyond ; Position Paper developed by the NT Government, Sept 2004.

17 National Issues in Indigenous Housing 2004/05 and Beyond; Position Paper developed by the NT Government, Sept 2004

18 The UPK Report (South Australian Committee of Review on Environmental and Public Health within the Anangu Pitjantjatjara Lands in South Australia, 1987

19 National Issues in Indigenous Housing 2004/05 and Beyond ; Position Paper developed by the NT Government, Sept 2004.

20 NT Housing Fact Sheet 2 of 2.

21 National Evaluation of the Supported Accommodation Assistance Program (SAAP IV) Final Report (2004) Commonwealth of Australia

As If Children Mattered

By: Ross Homel
15 September 2006

This article was previously published in *New Matilda* (www.newmatilda.com), an online magazine and policy portal. Reprinted with kind permission of Ross Homel and *New Matilda*.

A few months ago I attended the funeral of three young Aboriginal boys, the oldest of whom was 11. They were killed on Saturday March 11 while walking on railway tracks in a suburb south west of Brisbane. I attended because the children and their families have had some association with our Pathways to Prevention program, a partnership between Griffith University and the national community organisation Mission Australia. Our work is located in a disadvantaged area not too far from where the tragedy occurred. Pathways aims to promote both child and community development through child-focused programs, family empowerment, and through building stronger connections between families, children and local schools.

Our project philosophy is very much in line with a [10-point national plan](#) for early childhood released on August 21 this year by a group of 21 experts from a range of disciplines. The recommendations of this group include prioritising the wellbeing of children, universal preschool education for children in the two years prior to school, and a living wage payment that allows primary carers to take at least a year to care for infants and young children. In this paper I want to reflect on the policy landscape around early childhood, families and schools, draw on what we have learned in our work in the Pathways Project, and propose a specific tool for extending the early-years initiatives to support the development of children throughout the primary years and beyond. However the funeral remains for me a vivid reminder of the formidable challenges we face, no matter what age group we focus on. More than

one thousand people, mostly from the Indigenous community, attended the funeral, sharing their memories of the boys and offering their love and support to the families. The tragedy was intensified for one of the families because just eight weeks previously they had lost an older boy in a high-speed police pursuit. He had been a passenger in a stolen car that crashed when the young driver lost control.

The stories that emerged about the lives of the children brought home to me the relentless challenge of poverty and social exclusion in this country. The stories made real the statistics for this nation that show that since World War II many aspects of health and wellbeing haven't got better for children and young people, despite the longest economic boom in history. On the contrary, many indicators show substantial deterioration in health and wellbeing, especially for our Indigenous brothers and sisters.

The stories also underlined for me the way problems in the domains of education, health, family life, economic activity, community, work, and criminal justice are intertwined. For example one of the boys spent his early years in what is probably the most socially deprived suburb in Brisbane, was excluded from school by Grade 2 and became, in the words of the eulogy, "a Primary School Dropout". This was despite the efforts and obvious love of his two parents and extended family. Toward the end of his short life, at age 9, this lad was roaming the streets and the city, emulating the behaviour of older boys, notwithstanding their admonitions "to always be a good boy and that it was no good doing the things they did".

Tragically, one aspect of the funeral was an enacted parable, illustrating this point about the connectedness of problems. As the church bells tolled and the hearses began to pull out for the cemetery, five heavily armoured vans emerged from the rear, from the car park, setting out for their journeys back to the prisons and detention centres from which several older

siblings and cousins had been released temporarily for the service. I have to say that for me the starkness of the parable was almost more than I could bear: it was almost as if for Indigenous children there are two inevitable destinations, the prison or the cemetery, each pathway through life being littered with the wreckage of a school career.

Despite all the love with which these three boys were surrounded, it has to be recognised that on that fateful afternoon a few months ago they were in a perilous situation and were too young (or perhaps too cocky) to understand the risks. And no responsible adult was there at the time to look out for them. Family and community supports sometimes fail even in the most privileged social settings. Where poverty and social exclusion are entrenched, failure of support systems is a more common phenomenon. That's why the state has a responsibility, and indeed why the whole community has a profound moral obligation to "look out" for vulnerable children like the three boys who were killed, as well as for all children and young people who will from time to time encounter challenges beyond the normal capacities of families to overcome.

Something close to a national consensus has developed recently around the need to address the effects of social inequality through interventions that focus on the early years (0-5), with all state governments and the Commonwealth now committing substantial resources. The most prominent example is the nationwide Communities for Children program . Yet ten years ago, the idea of early intervention was largely absent from Australian policy discourse. What brought about change were the long-term evaluations of overseas interventions, the

publication locally of reports like Pathways to Prevention: Developmental and Early Intervention Approaches to Crime in Australia which I authored with a group of colleagues , and the formation of major lobbies such as the National Initiative for the Early Years and the Australian Research Alliance for Children and Youth. The national 10-point plan for early childhood I referred to earlier is the latest contribution to this policy push.

However, what is now needed is an extension of the principles underpinning the early-years policies to school-aged children and beyond, into early



adulthood, and a concomitant refocusing on the school system. We are currently building on what was learned from the Pathways to Prevention program, which began with a focus on the early years and the transition to school, to address this larger challenge. A principle that is guiding our thinking is a "preposterous proposition" for public policy that the great American developmental psychologist Urie Bronfenbrenner enunciated 25 years ago: Create formal support systems that generate and strengthen

informal support systems, that in turn reduce the need for formal systems .

While we can document many successes through the Pathways Project, including measurable improvements in behaviour amongst boys who participated in the preschool program and whose parents participated in the family independence program, we continue to face significant challenges in terms of bridging the huge divide between families and schools, and in setting up systems that will allow schools, families and the helping agencies to work effectively together to promote better outcomes for children.

We have called a new approach that we are in the process of piloting Circles of Care. Circles of Care is a program designed primarily to address the imbalance of power between disadvantaged families and schools. We aim to create within schools a supportive community that “is there” for the child throughout their primary school career, and which can provide ongoing support, encouragement and advocacy. A child’s circle of care would support positive development and help to reduce the risks of conflict between the child and the school.

Acknowledgements of the child’s achievements would be shared within the circle, and form an alternative to the parent-teacher interviews that are often poorly attended and which are stressful for those parents and teachers involved. Effectively the program creates a “conspiracy of care” that celebrates successes and provides a small community - including but “extending” the family - that looks out for the interests of the child and heads off difficulties before they occur.

How would Circles of Care be constituted? We envisage a small group consisting of the child’s teacher, the parents or caregivers, an uncle or other relative, perhaps an older sibling, a Pathways worker, and perhaps a learning support teacher or someone else from the school (such as a teacher aide who speaks the family’s language). This small group could call on other relevant people and agencies as needed. This is a challenging project, but it is exactly in the spirit of Bronfenbrenner and his emphasis on creating formal or organised systems that create the conditions in which informal and

community supports can flourish, ultimately – one would hope – making special schools and behaviour management systems less necessary. The idea builds on the developmental and restorative literatures, and addresses critical deficiencies in current systems.

In the end the challenge we face in this country is to care enough to establish new ways of seeing and acting, to move outside of established systems that seem incapable of solving the kinds of “wicked problems” that lead to tragedy and heartache. It’s about opening doors for children who can’t open them for themselves.

A longer version of this paper was delivered to the Brisbane Ideas Festival on April 2, 2006.

About the author

Ross Homel is Professor of Criminology and Criminal Justice at Griffith University

Endnotes

A major report on the Pathways Project will be published in November 2006 by Mission Australia and Griffith University.

See also: Freiberg, K., Homel, R., Batchelor, S., Carr, A., Lamb, C., Hay, I., Elias, G. & Teague, R. (2005). Pathways to participation: A community-based developmental prevention project in Australia. *Children and Society*, 19: 144-157.

<http://www.usyd.edu.au/news/84.html?newsstoryid=1225>

Stanley, F., Richardson, S. & Prior, M. (2005). Children of the lucky country? How Australian society has turned its back on children and why children matter. Pan Macmillan. http://www.facs.gov.au/internet/facsinternet.nsf/aboutfacs/programs/sfsc-communities_for_children.htm

Developmental Crime Prevention Consortium (1999). Pathways to prevention: Developmental and early intervention approaches to crime in Australia (Full Report, Summary and Appendices) (400 pages). Canberra: Australian Government Publishing Service

See Patton, G, Bowes, G, Sawyer, S., Homel, R. & Stanley, F. (2005). “Towards a national agenda for youth?” (Editorial). *Medical Journal of Australia*, 183(8): 394-395.

Bronfenbrenner, U. (1981). Children and families: 1981. The silent revolution. Lecture delivered at Macquarie University, July 1981.



September 21, 2006

Ambassadors and Permanent Representatives to the United Nations

Re: Secretary-General's Study on Violence against Children

Your Excellency:

In just a few weeks, on October 11, the Secretary-General's independent expert, Paulo Sérgio Pinheiro, will present the findings of a comprehensive and ground-breaking global study of violence against children. As members of an international NGO advisory panel for the study, we take this opportunity to share our **recommendations for action** and our hope that your government will take leadership to address the devastating and pervasive violence documented by this report. In particular, we urge you to support the appointment of a Special Representative to the Secretary General on violence against children to ensure effective follow-up to the study, maintain high-level visibility to these crucial issues, and guarantee that the momentum created by the study is not lost.

The Pinheiro study finds that shocking levels of violence affect the lives of children on all parts of the globe. Among the report's findings:

- Between 20 and 65 percent of school-age children report having been verbally or physically bullied in the past 30 days. Corporal punishment such as beating and caning is standard practice in schools in a large number of countries, and is often responsible for school drop-out;
- 126 million children are involved in hazardous work, often enduring beatings, humiliation and sexual violence by their employers;
- Institutionalized children—whether in orphanages or detention facilities—are at particular risk of violence from the staff responsible for their care, including torture, beatings, isolation, restraints, rape, and harassment;
- As many as 150 million girls and 73 million boys worldwide are raped or subject to sexual violence each year, usually by someone in their family circle. Between 133 and 275 million children annually are estimated to witness domestic violence;
- Violence in the family in the form of harsh punishment is common in both industrialized and developing countries. Children in all regions have reported the physical and psychological hurt they suffer at the hands of their parents and caregivers;

- Over 50,000 children a year die as a result of homicide; 1-2 million are treated in hospitals for violence-related injuries;
- The majority of violent acts against children are perpetrated by people who are part of their lives: parents, teachers, schoolmates, employers, and caregivers. In only sixteen States has all violence against children been prohibited, leaving the vast majority of the world's child population without adequate legal protections from violence;
- Violence against children exacts extraordinary costs to society, and is linked to lifelong social and health problems, including post-traumatic stress disorder; depression; antisocial and aggressive behaviors; substance abuse; lung, heart, and liver disease; impaired academic and work performance; problematic peer relations; and greater involvement with the criminal justice system.

The Pinheiro study was conducted through an intensive consultation process including nine regional consultations involving governments, civil society, and children; thematic consultations with relevant experts; field visits; questionnaire responses by 133 governments; and submissions from hundreds of organizations around the world. Our organizations—humanitarian, human rights, and professional associations—were extensively involved in the study as part of an international NGO Advisory Panel of experts (including children and youth) which provided input and consulted regularly with the independent expert throughout the process. One of the unique strengths of the study was the unprecedented and substantive participation of children in all regions, providing their views on violence, its impact on their lives, and developing their recommendations for international action.

As your government reviews the report, we urge the following action:

I: Strong endorsement and follow-up:

The Rights of the Child resolution to be adopted by the General Assembly at its 61st session should welcome the Pinheiro study and strongly endorse its recommendations. In particular, the resolution should urge all states to take effective steps to implement fully the study's recommendations, including by:

- Prohibiting all forms of violence, including all corporal punishment, harmful traditional practices and sexual violence against children in all settings by 2009;
- Developing a multifaceted, coordinated and integrated national plan of action to respond to violence against children by 2007;
- Involving children and young people in the follow-up to the Study;
- Strengthening national efforts to prevent violence against children through child-friendly policies and services, public information campaigns, and the provision of training for all persons working with children;
- Ensuring that children have access to quality health, social and legal services to provide assistance in cases of violence, as well as accessible and safe complaints mechanisms;
- Ensuring that perpetrators of violence against children are held accountable and brought to justice;
- Developing effective data collection and information systems to track progress and inform policy and programming at all levels.

All governments should also commit to implementing the study's more detailed recommendations addressing violence against children in specific settings, including the home, schools, care and justice systems, the workplace, and the community.

II. Request the appointment of a Special Representative to the Secretary-General on Violence against Children:

The widespread and devastating impact of violence against children revealed by the Pinheiro report demands leadership and attention at the highest level. A high level mechanism to ensure high-level visibility to the situation and follow-up to the report's recommendations is essential.

Ten years ago, the similar Graça Machel study on the impact of armed conflict on children established a clear need for continued attention to that issue through the office of a Special Representative to the Secretary-General. This office has been key to maintaining visibility for the children and armed conflict agenda, conducting high-level advocacy with both governments and non-state actors, coordinating comprehensive reports on progress and obstacles to child protection, and achieving significant progress on the issues through a series of Security Council debates and resolutions.

Today, the Pinheiro study demonstrates the need for a similar office to focus and coordinate the challenge of addressing violence against children in all other settings. Our organizations strongly support the Pinheiro report's recommendation for the establishment of a **Special Representative to the Secretary-General on violence against children**. Because violence against children relates to the mandates of multiple UN bodies and agencies, a high-level post is critical to ensure strong leadership on the issue and facilitate effective cooperation within the UN system and across all regions. Without this focus and leadership, we fear that the substantial momentum that has been generated during the study process to address violence against children may well be lost.

Within the UN system, there are substantial areas of violence against children - including aspects of violence in the home, in schools, and in care and justice systems - that are not covered by existing special procedures or mechanisms, and remain unaddressed. A Special Representative would be able to address comprehensively all aspects of violence against children in all settings.

Key elements of the Special Representative's mandate could include:

- Acting as a high profile advocate to promote prevention and elimination of all violence against children;
- Working with UN agencies to ensure systematic monitoring of the study's recommendations, with regular reporting to the General Assembly and Human Rights Council;
- Assessing progress achieved and difficulties encountered in protecting children from all forms of violence, including through country visits;
- Raising awareness and promoting systematic collection and dissemination of information about violence against children and its effective elimination.
- Ensure that children's participation in the prevention and elimination of violence against them is supported and their views heard and respected.

Children and youth who have participated in the study process have expressed a particular desire for a Special Representative to provide a focal point within the UN system for continued engagement by children and children's organizations in the follow-up to the study.

A UN inter-agency working group, including OHCHR, UNICEF, WHO, and other agencies involved in the study on violence against children, supports the proposal for a Special Representative to the Secretary General to enhance their respective roles in addressing violence against children.

A Special Representative is preferable to the creation of a new Special Rapporteur within the human rights mechanisms in order to effectively relate to **all** agencies that have violence against children as part of their mandates, including those that do not relate directly to the Human Rights Council. The office of the Special Representative should be funded with voluntary contributions and be based in New York, with a small staffed office.

The Study on Violence against Children has brought to light the unconscionable violence that affects boys and girls of all ages, regardless of nationality, education, class, religion or ethnic origin. We urge your government to show leadership on this important issue by strongly supporting the Study's recommendations at this General Assembly and ensuring high-level follow-up through the establishment of a Special Representative to the Secretary-General. We must not fail the children of the world who have great expectations from this study.

Thank you for your consideration.

Sincerely yours,

Defence for Children International
Global Initiative to End All Corporal Punishment Against Children
Human Rights Watch
International Federation of Social Workers
International Save the Children Alliance
International Society for the Prevention of Child Abuse and Neglect
International School Psychology Association
OMCT/World Organization Against Torture
World Vision International

The Australian Family Relationships Clearinghouse is available now at:

www.aifs.gov.au/afrc

The Australian Family Relationships Clearinghouse (AFRC) has been established at the Australian Institute of Family Studies with funding from the Australian Government Department of Families, Community Services and Indigenous Affairs.

The principal focus of the Clearinghouse is to collect and deliver the latest relevant research and practice to family relationship service providers and practitioners across Australia. Guided by an external Reference Group, the Clearinghouse will also contribute to the goals of the Family Relationship Services Program by offering a resource and point of contact for providers of family relationship and support services. Policy makers and members of the research and broader communities will also benefit from having access to the Clearinghouse.

AFRC invites you to receive notice of new publications, relevant news, resources, conferences and other important information concerning family relationships by joining AFRC-alert. To join AFRC-alert go to www.aifs.gov.au/afrc/afrcalert.

Join the AFRC e-discussion list, e-relating, to keep in touch with others providing or supporting family relationships services. Subscribers can exchange ideas and information on research, policy and practice with other people involved in family relationship services or research in Australia.

Go to www.aifs.gov.au/afrc/erelate to subscribe to e-relating.

**** Publications of the AFRC ****

i. Family Relationships Quarterly - Newsletter includes articles, literature highlights, research updates, upcoming conference listings and much more.

ii. AFRC Briefing Concise papers that cover literature reviews and synthesis or translation of key messages.

iii. AFRC Issues In-depth papers focusing on policy and research topics relevant to family relationships.

Australian Family Relationships Clearinghouse
Australian Institute of Family Studies 300 Queen Street
Melbourne Vic 3000 Australia
Phone: (03) 9214 7888, Fax: (03) 9214 7839
Email: afrc@aifs.gov.au,
Website: www.aifs.gov.au/afrc

Research identifies federal laws discriminating against same-sex couples

The Human Rights and Equal Opportunity Commission (HREOC) released a discussion paper and detailed research paper which identifies Commonwealth laws that discriminate against same-sex couples and their children. This is the second discussion paper released as part of the Same-Sex: Same Entitlements Inquiry - the National Inquiry into Discrimination Against People in Same-Sex Relationships: Financial and Work-Related Entitlements and Benefits.

HREOC President John von Doussa QC said:

“Same-sex partners living in genuine relationships are denied the entitlements most families take for granted, such as: carer’s leave when their children are sick; tax rebates for dependants; and a guarantee that their partner will receive their superannuation death benefits.”

“This research demonstrates how pervasive the discrimination experienced by same-sex couples is.”

Human Rights Commissioner Graeme Innes AM said:

“Discrimination occurs in many of the fundamental aspects of family life governed by the Commonwealth, including: employment conditions; health entitlements; social security; tax; superannuation; family law; aged care and migration.”

“This research confirms the compelling personal stories that the President and I have heard from many same-sex couples during recent consultations.”

The Same-Sex: Same Entitlements Inquiry received more than 350 submissions in response to its first discussion paper. The Inquiry is now inviting comments on this second discussion paper by 3 November 2006. The Inquiry aims to finalise its report in early 2007 so that it can be tabled in Federal Parliament by mid-2007.

For a schedule of Inquiry consultations, written summary of the testimonies and audio files see:

<http://www.humanrights.gov.au/samesex/hearings.html>

The summary discussion paper is available at:

http://www.humanrights.gov.au/samesex/discussion_paper2.html

and a full research paper is available at:

http://www.humanrights.gov.au/samesex/research_paper.html

For more information about the Inquiry, see:

<http://www.humanrights.gov.au/samesex/index.html>

Supporting Vulnerable Children & Families – National – FREE

Early Childhood Australia is running an online survey – to get ‘voices from the field’ about suggestions for building the capacity of the children’s services sector to identify & support vulnerable children and families. A vulnerable child is defined as any child who is unable or unlikely to reach their full health, development or personal wellbeing potential due to adverse experiences and insufficient support to overcome them.

To complete the survey:

http://www.earlychildhoodaustralia.org.au/vulnerable_children_survey.html

Resilience: Build It – Perth – 2-3 November 2006

This conference is presented by the Youth Affairs Council of Western Australia and is aimed at those working in the youth sector. It will feature a number of dynamic keynote speakers, who will also run interactive workshops. It will focus on wellness – of young people, of the youth sector, of the workers and of the youth community.

Call for abstracts: Closed.

Further information:

<http://www.yacwa.org.au>

Creating Child Friendly Cities: Reinstating Kids in the City – Sydney – 30-31 October 2006

ARACY and Griffith University’s Urban Research Program have announced a national conference but attendance is limited to 150 places. **Further information:** contact Anne Matacz on 08 9476 7810 or annem@aracy.org.au

Honouring the Child, Honouring Equity 6: Cultures, Challenges & Change in Troubling Times – Melbourne – 16-19 November 2006

This conference, by the Centre for Equity & Innovation in Early Childhood (CEIEC), aims to identify strategies for reconsidering children’s rights & working for social justice; to explore how early childhood research, theory, policy & practice can honour the child and equity; to inspire collaborative projects in local communities; and to plan strategies for maintaining networks and actions post-conference. **Call for abstracts:** Closed.

Further information:

<http://www.edfac.unimelb.edu.au/eesc/ceiec/events/conferences/current/CEIECAnnualConf>

A Tribute to Danny Sandor

19 October 1960-21 February 2006

Alastair Nicholson, Former Chief Justice of the Family Court of Australia, and honoured member of DCI-Australia knew Danny well, as both a colleague and friend over a number of years. His wonderful tribute to Danny expresses the affection and regard with which we at DCI-A and numerous others felt for Danny and the great loss of his passion, intelligence and enthusiasm.

Vale Danny Sandor

Danny Sandor, who died at the age of 45 after a long and courageous battle with a rare form of cancer, was a truly stellar man with a mercurial personality, who lit up the lives of all around him. His death stunned many of his friends. Although we knew his illness was terminal and he was always realistic about his prognosis, Danny seemed invincible in a way that most of us do not.

He was the only child of Hungarian Jewish immigrant parents, who came from Israel to Australia after WW2 and settled in St Kilda. The family prospered – his father owning the local service station and his mother buying and selling property.

Although as a young person Danny often helped his father, serving petrol was not his choice of a career and while others of his age were playing cricket and football, he enrolled at drama school. He pursued an acting career for some time, even playing parts in Cop Shop and Homicide, before deciding that he wanted to take a different path.

He first turned to nursing and obtained his certificate as a State Enrolled Nurse in 1979. Sadly, while still in his early 20s, Danny's parents both died of cancer within a short time of one another. He was able to use his skills to nurse each of them at home during the palliative phase of their illnesses.



Danny then became interested in psychology and began an Arts degree at the University of Melbourne, which he completed with First Class Honours in 1982. His tutor in psychology at that time, Dr Doreen Rosenthal, remembers him as someone who 'bounced in as if he was six inches off the ground' exuding enthusiasm, excitement and enjoyment in everything he did and as a brilliant, charismatic and idiosyncratic student. He brought all those qualities to his later life.

Between 1983 and 1988 Danny worked for Community Services Victoria in various management areas involving young people. At the same time he also completed a Diploma with Honours in Criminology in 1984. His interest in children and young people stayed with him for the rest of his life and he had a particular interest in child protection and juvenile justice issues.

While with the Victorian Department he managed the Streetwork Project, a unique protective service

for young people subject to drug and sexual exploitation in Melbourne's inner suburbs. Later he became an active member of the Youth Affairs Council of Victoria, and subsequently its Chair. He was also a member of Defence of Children International and occupied a number of senior positions in that organisation, with which he continued to work closely until his death. Danny's particular affinity for children and young people was enhanced by his ability to speak to them as equals and to listen to and understand their problems.

In 1989, Danny decided to study law, and he threw himself into it with his usual energy and commitment. He immediately became very interested in Discrimination Law, a third year subject, which as a first year student he was prevented from studying. However he eventually charmed Professor Jenny Morgan into allowing him to enrol in it and needless to say, he obtained first class honours in it. He finished his law course in three years, and graduated with a First Class Honours Degree in 1992. Asked why he had decided to enter such alien territory as the law, he said he believed it was necessary, if he wanted to change anything for children, to know from the inside how the system worked.

Danny was gay and proud of it and worked hard to end discrimination against people of different sexual orientation. He was an instigator of the Victorian Gay and Lesbian Rights Lobby and a key player in law reforms instituted by the current Victorian Government. He was a Board member of the National Children's and Youth Law Centre from 2001 and was also a member of the Victorian Attorney-General's Advisory Committee on Gay, Lesbian, Transgendered and Intersex Legal Issues, through which governmental understanding of the problems associated with these issues was greatly improved. This was recognised after his death in tributes paid by two MPs in the Victorian Parliament.

I first met him in 1992 when he applied for a position as my legal associate. Following his interview one of the three members of the selection panel expressed concern that he may be 'too radical' for the Court. Fortunately the other two members considered him outstanding, as indeed he was. There

began what was for me a wonderful association, which I will always treasure. We had an immediate rapport and I enjoyed his infectious personality, sense of humour, and great intellect and, as I got to know him better, his gentleness, courtesy, strength of character and principles.

Danny worked in my Chambers, first as my associate and later as one of my two Senior Legal Advisers until 2004, when I retired. As such he was an integral and leading part of the closely knit group that constituted my then staff, all of whom are devastated by his death.

He was of great assistance to me in so many ways. He was fascinated by the technical aspects of appeal work and loved discussing and questioning the issues raised. But he never forgot the human side of family law nor the damaging impacts such disputes had on the families concerned, and particularly on children. He was a great researcher and we worked together, often at my home, on drafts of judgments. He had a particular interest in children's cases and cases that involved gender issues. He also made the burden of my speaking engagements bearable and meticulously checked and footnoted my judgments and speeches.

Danny did not keep normal office hours and would frequently arrive at work as late as 10 or 11 am in the morning. No one would question him as his work was always up to date, and we knew that he had probably been working in his office or at home until all hours the previous evening on urgent court matters, as well as assisting some under resourced community group or the like.

Once a cause attracted Danny's support he worked for it tirelessly, relentlessly, never with any wish for thanks or recognition and always in a pragmatic and unsentimental way. He was a formidable and relentless opponent, both verbally and via the written word, whenever he saw the rights of vulnerable people being compromised.

Danny did not suffer fools gladly and he was a stern opponent of individuals and systems when he believed criticism of their activities - or inaction - was warranted. However he was never disparaging of

others and his criticisms were always constructive and useful. He was always courteous but was no admirer of hierarchies, and as a consequence he had friends throughout the Family Court, from judges to junior staff. We all found him always ready to learn and to help, and no job was too menial or time consuming. He gave freely of his time for colleagues and friends and his generosity extended to financial support for friends who needed help from time to time.

I learned much from him, as I hope he learned from me, but I think I was the greater beneficiary. He taught me new attitudes to issues like gender and racial equality, and opened new pathways in thinking on all sorts of issues, particularly in relation to children and the law.

Danny was very well regarded in England, where he worked on loan for a period in the Chambers of the then President of the Family Division of the High Court, Dame Elizabeth Butler-Sloss. A number of messages of sympathy have been received from English judges and court staff. His influence also extended to New Zealand, Canada and South Africa, where he had many friends amongst judges, human rights advocates and legal academics. Judge Jennifer Coate, the President of the Children's Court of Victoria commented "He made a huge contribution to many aspects of laws surrounding children and young people, not only locally, but internationally".

After Danny left the Family Court in mid 2004 he was employed by the Soros Foundation in Budapest managing a programme for intellectually disabled young people living in countries of the former Soviet Union. Unfortunately he became ill several months later and returned to Melbourne for treatment.

Although he was too ill to work full time, he continued his work for Soros in Melbourne as best as he could. During the past year he also collaborated with me on submissions to Senate Committees on Anti-Terrorism legislation and to the Victorian Government on child protection and its proposal for a Bill of Rights.

Danny was a passionate civil libertarian and really believed in the principles embodied in the UN Charter

and particularly the UN Convention on the Rights of the Child. He was a great supporter of the concept of giving more heed to children and was highly critical of the fact that most Australian Governments have failed to do so. He regarded them as committing human rights abuses through inaction.

Danny's prodigious appetite for work was matched only by his love for a party and for enjoying the company of his many friends. With a glass of champagne in one hand and a cigarette in the other, he was a wonderful, and inexhaustible companion.

Danny was also a musician, linguist and enthusiastic traveller. He spoke Hungarian and Spanish fluently and had reasonable capacity in German. It was not unusual for him to be found in the early hours of the morning in Melbourne, Budapest, Nice or Buenos Aires, playing a hotel piano to the sleepy approval of the late night bar staff.

Danny remained committed to the end of his life. As late as the first week of February this year, less than a month before he died, he was discussing proposed submissions to the Victorian Government concerning its version of anti-terrorist legislation, and offering his services to the Victorian Government to assist in the development of the proposed Community Court.

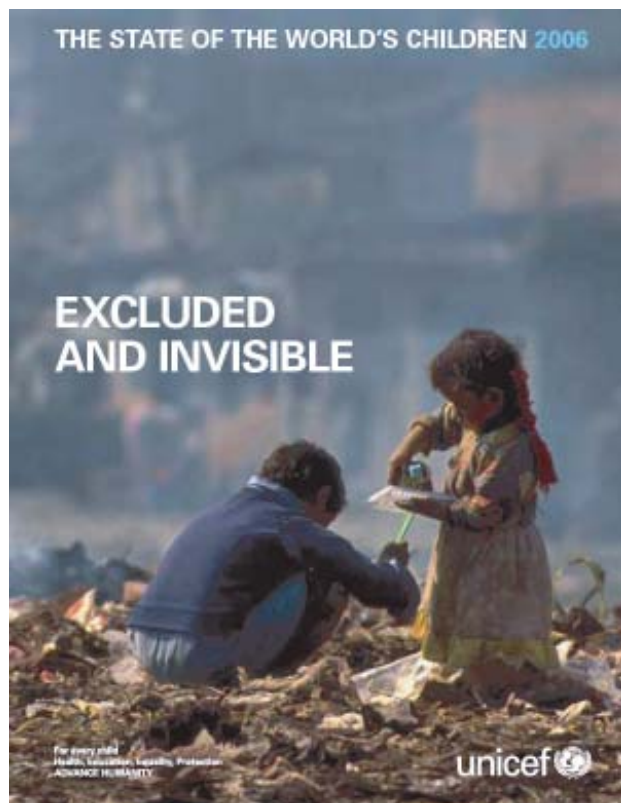
Although by this time unable to cook as he loved to do, he also entertained about 30 of his friends at a gathering on Australia Day this year. He made arrangements following his death for a party to be held at the St Kilda restaurant where he had celebrated his 40th birthday. The celebration was attended by more than 150 people from the many walks of life upon which his activities impinged.

One constant in Danny's life was his home in St Kilda. It was in this place that he and some of his closest friends lived and where he finally died, lovingly cared for by friends and family.

Even a shooting star needs a home.

**Alastair Nicholson,
Former Chief Justice of the Family Court of
Australia**

UNICEF's The State of the World's Children 2006 report



This year's UNICEF 'State of the world's children' report is subtitled 'Excluded and invisible'. It highlights the importance of achieving the *Millennium Development Goals* (MDGs) for children as a way to 'transform the lives of millions of children who would be spared illness and premature death, escape extreme poverty and malnutrition, gain access to safe water and decent sanitation facilities and complete primary schooling.' The report outlines the threefold action required to reach the MDG's 'quick impact initiatives' to increase access to essential services for children and families without such services; initiatives sustainable over a longer term that are 'rooted in a human rights-based approach to development'; and participation from all sectors of society in 'deeper approaches' that 'give special attention to the most vulnerable.'

UNICEF identifies those excluded from access to services due to poverty and inequality, armed conflict, HIV/AIDS and discrimination as the most vulnerable

children. Violating children's right to protection also renders some children 'invisible' to society. Children at risk of being invisible include those not registered at birth, street children, those in early marriages and refugee or displaced children. The report has three conclusions on how to include and protect excluded and invisible children: by 'understanding the plight of excluded and invisible children'; by addressing the causes of exclusion and invisibility; and by all sectors of society committing to the creation of a 'strong protective environment' for the world's children. Finally, the report outlines how governments and other societal 'actors' can work together to realise this commitment.

UNICEF's 'Voices of Youth' website contains information for children and young people, the report, its goals and how the youth of the world can take action to achieve them:

[http:// www.unicef.org/voy/explore/sowc06/explore_sowc06.php](http://www.unicef.org/voy/explore/sowc06/explore_sowc06.php)

Both the full 'The State of the world's children 2006' report and its executive summary are available for download at:

<http://www.unicef.org/sowc06/fullreport/executive1.php>

An Australian perspective

Former member of the Federal Government's National Youth Roundtable Sebastian De Brennan provided a useful Australian perspective on the report on ABC Radio National's Perspective program entitled 'Generation Y Bother!': <http://www.abc.net.au/rn/talks/perspective/stories/s1627901.htm> (Source: UNICEF 'The State of the World's Children report')

This is the print version of the story broadcast on the Perspective program reprinted with the permission of the ABC.

UNICEF has recently handed down yet another disturbing report on the state of youth affairs throughout the world. In the 2006 issue of its flagship report, 'The State of the World's Children', UNICEF argues that hundreds of millions of children are suffering from severe exploitation and discrimination and are virtually invisible to the world.

The report explores the causes of exclusion and the abuses that children experience and identifies four circumstances in which children are most likely to become invisible and forgotten: children without a formal identity; children without parental care; children in adult roles; and children who are exploited.

According to other UN figures, the reasons for less rhetoric and more action with respect to youth-related issues cannot be understated. With over 200 million youth living in poverty, 130 million youth illiterate, 88 million unemployed and 10 million young people living with HIV/AIDS, the case for a renewed commitment is clear. At stake is one preventable child death every three seconds, 20 each minute, 1200 an hour; 29,000 a day; day after day.

Sadly, in all parts of the globe, youth-related issues remain a grave concern notwithstanding a commitment from all 191 UN Member States to meet the UN Millennium goals by 2015. The eight goals are to eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and, develop a global partnership for development. All of these goals are capable of having a profound impact on younger generations. In short, they codify an expanded vision of development, one that vigorously promotes human development as the key to sustaining social and economic progress in all countries, and recognises the importance of creating a global partnership for development. Although it is still early days, it is questionable whether the goals as they relate to children can ever be met in the absence of further youth consultation. Involving a few 'youngsters' in the occasional world conference, while a positive step forward, will simply not suffice, and is typical of a world order quick to voice young peoples needs and desires for us, with minimal consultation, and under the assumption that we are incapable of articulating those concerns for ourselves.

Compounding the problem is the finding of the UN's World Youth Report 2005, that youth policy is frequently driven by negative stereotypes of young

people, including delinquency, drug abuse and violence. What seems to be forgotten far too often is that young people are a positive force for development, peace, and democracy.

There can be no denying that Australia's youth have it better than most on many of these fronts. It would be self-indulgent to believe that the acute lack of youth services in country NSW at present, or the fact that most young people are too timid to ask for a pay rise in the current atmosphere of workplace relations reforms, have a greater distress value for us than the death of 'youngsters' overseas from starvation or disease, or from violence by an oppressive military regime.

Nevertheless, we have our own unique set of challenges. Our indigenous youth remain some of the most disadvantaged in the world; indeed, when countries for which suicide data are published by the World Health Organization are ranked according to rates for young males, Australia ranks in the highest third. In 2003-04 the Australian Institute of Health and Welfare estimated that there had been one formal notification to authorities of child abuse every two and half minutes. As one colleague put it, 'a true crisis but we are unable to even discuss it openly.'

The problem is that we are speaking to the wrong people. Like it or not, the 'youth consultation mechanisms' heralded by Australian governments have, for all the fanfare, quickly been dismissed as 'tokenistic' and 'disappointing' by former and current participants. This not only stifles important youth-for-youth advocacy domestically, but also impacts upon our ability to highlight the plight of those millions of youth less fortunate than us throughout the globe.

Regardless of geography, however, the message is resoundingly clear: if ever progress in relation to youth issues is going to be made, then the dialogue and engagement must be on equal footing.

If it is going to be paternalistic, then expect another grim report from UNICEF in 2007.

Guest on this program:

Sebastian De Brennan

Former member of the Federal Government's National Youth Roundtable.

Principal, De Brennan & Co Consulting

What's Wrong with Children's Rights

**By Martin Guggenheim Professor of Clinical Law at New York University
Harvard University Press 2005**

Review by Robert Ludbrook

One is first struck by the odd cover illustration. At the top we see a child's lower legs. Each leg is attached to a long pole which extends to the bottom of the picture. The child's face and upper body are not visible. While Martin Guggenheim does not enlighten readers as to the meaning of this illustration those familiar with debate over children's rights will know that the reference is to Jeremy Bentham's 1843 dictum that natural and imprescribable rights are 'nonsense on stilts'. The jibe that children's rights are 'nonsense on stilts' is sometimes directed at those who advocate for children. The argument goes that because children do not have the power to enforce their rights, children's rights are at best mere empty rhetoric and at worst dangerous nonsense.

The arresting title *What's Wrong with Children's Rights* suggests that Guggenheim subscribes to the dangerous nonsense theory. He is hailed in the United States as one of the leading voices of the family preservation movement. It is a brave man who stands against the tide of support for children's rights that has swelled over the last 25 years. Consider this: the United Nations Convention on the Rights of the Child adopted by the General Assembly in 1989 has been ratified by 192 countries worldwide. The United States is the only industrialised country that has refused to ratify the Convention. Guggenheim is an American lawyer who obviously shares his country's antipathy for the Convention on the Rights of the Child. He refers only briefly to it with some mildly disparaging comments and appears to support a description of the Convention as 'the camel's nose in the tent'. This is presumably intended to convey that international human rights bodies have no place in America's legal and social and legal system.

The title *What's Wrong with Children's Rights* leads one to expect an attack on children's rights but the book is more a blast directed at a group of lawyers

referred to by the author as 'children's rights advocates'. The reason for the intensity of the author's dislike of these lawyers is not revealed until the final chapter. Guggenheim was himself a children's rights lawyer working with the American Civil Liberties Union. He fell out with his colleagues in the New York Civil Rights Union over a case brought to the US Supreme Court where the Union argued that foster parents should have a superior right to that of the child's biological parents once a foster child had been in substitute care for one year. The NYCLU children's rights lawyers aligned themselves with the cause of the foster parents while Guggenheim outspokenly supported the rights of the biological parents and was branded with the label of parent's rights lawyer.

Guggenheim voices strong opposition to assignment by the courts of lawyers to represent children in court proceedings. He argues that the position taken by the lawyer is not the child's position but reflects the lawyer's personal view of what will be best for the child. Many children's advocates will endorse the view that lawyers have no special claim to advise the Court on what orders will best serve the best interests of the child and should not take on that role. They do have a role of advising the court of the child's views on the matters in issue and pressing for an outcome desired by the child. After all, the child is the person most affected by the court's decisions and, as Guggenheim concedes, parents have their own interests which do not always coincide with those of the child. It becomes obvious as the book progresses that the author's antagonism towards lawyers advocating for children is restricted to situations where parents are involved. He is quite comfortable with lawyers advocating for the rights of children affected by the exercise of state power. He describes such lawyers as 'juvenile rights advocates' and acknowledges that older children in many situations need lawyers. He gives as examples children in state custody (including foster care) and children caught up in the juvenile justice system.

What's Wrong with Children's Rights is a reminder that the US Constitution and decisions of the US Supreme Court and State Supreme Courts in interpreting the constitution have meant that broad policies affecting children in the United States are often formulated by the judiciary rather than by the legislature. The role of the Australian courts in litigation concerning children has tended to focus on the situation of the individual child in his or her particular situation

leaving broad policy objectives to be formulated by the legislature.

Why is Guggenheim so antagonistic to children's rights and those who advocate for them? He is a strong supporter of what he describes as 'parental rights doctrine' which he sees as a fundamental principle enshrined in the US Constitution (although, curiously, there is no mention of children or parents in the Constitution). He deplores the fact that many children's claims are advanced on the basis of a child's individual personhood, viewing this as a fatally flawed premise. He is equally critical of a propensity of children's rights lawyers to separate children's interests from those of their parents. Because children are dependent on parents for most of their childhood, Guggenheim believes that to discuss children's rights without simultaneously considering the rights of parents is dangerous. He is worried by a tendency to separate children's interests from the interests of the rest of society.

The book mounts a sustained attack on the 'best interests of the child' test whether applied in situations where the state is seeking to intervene to protect a child or in disputes between parents over their children. The author argues (as have others before him) that the test is subjective and allows judges to decide cases according to their own personal beliefs and values. While this argument had some force in earlier times, the current reality is that in Australia and most other English-speaking countries the courts have the benefit of reports by psychologists and other professionals with expertise in children's developmental needs. They also have statutory guidance as to matters they must take into account in reaching a decision as to a child's best interests. It is not a question of courts deciding in accordance with their personal whims and prejudices.

In child protection, Guggenheim views the best interests test as a formula for unleashing state power against a family by substituting the state's views on child rearing for those of the parents. He fails to appreciate that having decisions made by a court rather than by a state child protection agency is a curb on state power over parents and families. Guggenheim proposes that parents should be free to raise their children as they see fit even when their choices would be defended by few reputable experts. He concedes that official intervention may be justified if parental child-rearing is 'extremely bad for the child' or causes 'impermissible harm'. He voices disapproval of

children being removed from 'bad families' but allows that they should be removed from 'extremely bad families'. The expression 'impermissible harm' suggests that a certain amount of harm to a child is acceptable and should be ignored. Guggenheim fails to grasp the point that a test which requires a court to determine whether parenting is 'extremely bad for the child' or is causing the child 'impermissible harm' is no less subjective than the best interests test which he abjures. Many Australian lawyers would view the best interests test in the way that Winston Churchill saw democracy: 'the worst test - except for all the others that have been tried'.

Turning to the question of disputes between parents, Guggenheim again advocates for the abolition of the best interests standard. He argues that 'child custody cases are not really about children - they are about adults' and asserts that 'the history of child custody disputes is the story of adults using the language of children and their rights to gain something for themselves'. In just one generation, he claims, we have gone from a culture that largely avoids custody fights to one that encourages them. He deplores the fact that parental differences over care and contact have become far too contentious, permitting litigants to go to unreasonable lengths to prove that awarding custody to them will further the child's best interests. The best interests standard, in his view, ensures that parents do not have to apologise for appearing to be selfish when they are fighting over their children as they have the perfect cover that they are only doing it for their children. He sees child rearing as a complex amalgam of self-serving and altruistic parental interests and believes that this mix is, on the whole, good for society.

Guggenheim is better at articulating the problems created by the adversarial system and court-imposed resolution of parental conflict than he is at suggesting realistic alternatives. He asserts that almost any predetermined rule for resolving disputes over child custody will be vastly superior to the present open-ended best interests standard. He discusses briefly a return to the 'tender years presumption' (that mothers are better fitted to caring for younger children) or the primary caretaker presumption (that the child's primary caregiver or psychological parent should have custody). He also is attracted to the 'approximation standard' adopted by the American Law Institute in 2002 (that post-separation arrangements should approximate as closely as

possible the pre-separation role each parent has played in the child's life). Of course, there is no guarantee that presumptions and fixed rules will preclude litigation. How do you define a child of tender years? Is there a further presumption that older children (or at least older boys) will be better off with their father? Does this mean a custody change at a nominated age? How do you determine which parent is the primary or psychological parent? How can you replicate pre-separation time apportionment when the parties and the child are living in a very different post-separation environment?

One gets the impression that Guggenheim is shooting at clay pigeons. Children's rights advocates and the best interests test are not the real problems. In the fierce rhetoric of the book, children in real families tend to be overlooked and there is a failure to look for practical solutions to the problems identified. In child protection, the family group conference model introduced in New Zealand in 1989 and adapted by some Australian States is characterised by inclusiveness and draws on the resources of the extended family of the child and the parents. It is not a question of the state removing children from their parents – it is a question of encouraging and empowering families to make their own arrangements while ensuring that the child is protected. In the area of family law, the Commonwealth *Family Law Amendment (Shared Parental Responsibility) Bill* 2005 is aimed at defusing the acrimony that is generated by family litigation. It promotes a co-operative approach to parenting and establishes procedures that will assist in ensuring that children have a meaningful relationship with both parents. Parents will have to attend family dispute resolution meetings or family counselling before they are permitted to file a court application. Parents will be encouraged to work out a sensible and flexible arrangement by which they can each continue to meet their responsibilities to their children without recourse to an adversarial contest and court imposed orders. These fresh approaches retain the best interests test but place strong emphasis on parental and family decision-making with the court as a place of last resort.

The other feature of recent family law reforms in Australia, England and New Zealand is a new stress on ascertaining and having regard to the views of the child. The landmark *Gillick* decision of the English House of Lords in 1985 and Article 12 of the Convention on the Rights of the Child have both given impetus to a view of children as rights-bearing

individuals rather than as possessions of their parents or objects of adult concern. Guggenheim is dismissive of the view that children should be empowered to make important decisions about their own lives. He refers to (without specifically endorsing) the disrespectful view that to give children autonomous rights is like permitting the inmates to run the asylum. He argues that having parents make important decisions about their children's lives means that these decisions will be made by persons who know the children best and care for them most.

What's Wrong with Children's Rights is both challenging and infuriating. Guggenheim sums up his view of children's rights in the final paragraph of the book:

'We have reached the point in our history where perhaps the greatest goal for advancing children's rights should be a return to a time when we treated children like children, when mistakes they made were understood to be part of the natural process of growing up and when adults understood their obligations.'

The author seems to favour a return to attitudes towards children that prevailed in Victorian England that 'children should be seen and not heard' and that children should remain under the control of their parents until they reach adulthood. That world has long gone. We realise today that children are real people who have much to contribute to decision-making and to society if given the opportunity. *What's Wrong with Children's Rights* makes some good points but, like the cover illustration, presents a partial and distorted picture of children. Children's rights are not nonsense on stilts: Like stilts, children's rights raise children up so they can meet adults face to face. It allows them to be seen and heard.

Biographical Note

Robert Ludbrook was founding director of the Sydney-based National Children's and Youth Law Centre and has worked as a senior project manager for the New South Wales Commission for Children and Young People. He lives in New Zealand and works as an advocate for children and their rights.

Publications

UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

The UN has produced a child-friendly version of the *UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*. Please send feedback by 18 September 2006 to: voy@unicef.org

Source: CRINmail http://www.crin.org/email/crinmail_detail.asp?crinmailID=1610
Further Information: available online http://www.crin.org/docs/unicef_child_fr_justice.doc

UN Study on Violence against Children

The International Save the Children Alliance has compiled a summary of children and young people's recommendations from the consultations on the UN Study on Violence against Children.

Source: Website:
<http://se-web-01.rb.se/Shop/Products/Product.aspx?ItemId=1408> Save the Children Sweden Further Information: available online http://se-web-01.rb.se/Shop/Archive/Documents/3279-Act_Now.pdf

Youth and Violent Conflict

The United Nations Development Programme's Bureau for Crisis Prevention and Recovery (BCPR) released its report "Youth and Violent Conflict: Society and Development in Crisis?". The report represents a first step to build substantial knowledge on this issue as a basis for policy development and programmatic responses. It reviews existing analytical and policy frameworks, provides an initial mapping of relevant programming efforts put in place by UNDP and partner organizations, and advances preliminary recommendations for the way forward. To download a copy of the report, please visit: http://www.undp.org/bcpr/whats_new/UNDP_Youth_PN.pdf

The Committee on the Rights of the Child has adopted a new General Comment (number 8) on the question of corporal punishment.

You can download a copy of 'The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment' at: <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.GC.8.pdf>

CANADIAN EARLY LEARNING AND CHILD CARE AND THE CONVENTION ON THE RIGHTS OF THE CHILD

<http://www.childcarecanada.org/pubs/op22/index.html> by Martha Friendly, Occasional paper number 22

This paper's starting place is with the UN Convention on the Rights of the Child's assumption that child care is a right and that governments have a responsibility in ensuring that this right is achieved. The paper reviews the Canadian political and social context for child care, putting this in a historical context; reviews the current child care situation; discusses the Articles of the Convention that pertain to early learning and child care; and concludes that Canada has not yet taken the issue of children's right to early learning and child care seriously.

This Occasional Paper is a working version of a chapter prepared for *A Question of Commitment: Children's Rights in Canada* (working title) edited by R. Brian Howe and Katherine Covell, Waterloo, Wilfred Laurier University Press, (publication expected 2007).

One in ten adults felt unloved as children, according to a survey of 1,795 adults carried out for the NSPCC.

The findings accompany the NSPCC's latest campaign, Be The Full Stop, which calls on everybody to take whatever action they can to help end cruelty to children. The NSPCC is calling on the Government to fund helplines and online or text based counselling that provide them with 24-hour access to confidential advice and support.

Source: NSPCC Press Release
<http://www.nspcc.org.uk/html/home/informationresources/onechildintengrowsupfeelingunloved.htm>
13 September 2006

Further Information: NSPCC Website <http://www.bethefullstop.com> Be the FULL STOP

Youth Justice and Child Protection

Edited by Malcolm Hill, Andrew Lockyer and Fred Stone, September 2006
320 pages, ISBN 1 84310 279 X
Paperback, £22.99/US\$39.95

With ever-increasing new policies on 'anti-social behaviour' and ongoing public concern over the care of children, juvenile crime and law breaking, this new book is a timely examination of recent developments in the areas of youth justice and child protection.

The central focus of the book is on whether society and young people in state care, both in young offenders' institutes or foster/care homes, are better served by the dispensation of justice or appropriate family support. A broad range of international contributors discuss different approaches to this issue and the varying extent to which it is dealt with as part of the same system ranging from the English, Welsh, Western European, US and Canadian arrangements, where judicial and service responses are largely segregated to the Scottish system where both are dealt with in the same children's hearing system. The contributors also consider the implications of these arrangements for the rights of society on the one hand, children and parents on the other, and provide information on the rationale for current policy, new proposals, and the efficacy of the different systems

Youth Justice and Child Protection will be an important reference for policy-makers, social workers, carers, academics, students, lawyers, magistrates, sheriffs, health professionals and all those working in youth justice and child protection.

Further details on the JKP website:
<http://www.jkp.com/new/1-84310-279-X>

OR Jessica Kingsley Publishers, 116 Pentonville

Road, London, N1 9JB, UK Tel: (+44) 020 7833 2307 Fax: (+44) 020 7837 2917 email: post@jkp.com

Oklahoma governor signs 'Kelsey's Law' child abuse and neglect measure

<http://www.kten.com/Global/story.asp?S=4955996>

OKLAHOMA CITY Legislation designed to protect children from abuse and neglect that bears the name of a slain 2-year-old Meeker girl was signed into law today by Governor Brad Henry. The bill, known as the Kelsey Smith-Briggs Child Protection Reform Act, would strengthen training of court-appointed child advocates and make judges more accountable for their rulings in child-placement cases.

For the Keeping children safe report: **KEEPING CHILDREN SAFE** A toolkit for child protection



A new resource for all agencies working with children across the world. Produced by a coalition of NGOs this tool kit gives guidance on setting and implementing child protection standards and provides training exercises on preventing, recognising and responding to child abuse. Highly recommended and free of charge for NGOs.

Democratic Audit of Australia

For the NGO report:

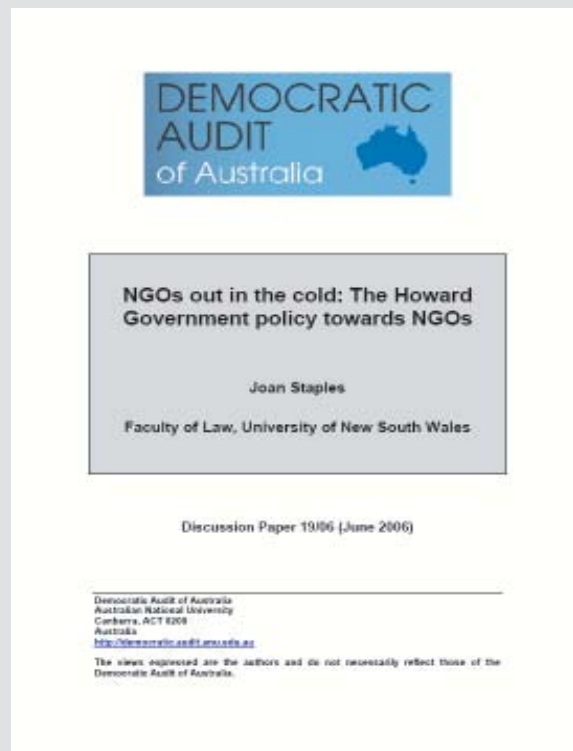
The report *NGOs out in the cold: The Howard Government policy towards NGOs* by Joan Staples, Faculty of Law, University of New South Wales provides a useful analysis of the Howard Government's policy following the 2004 report *Silencing Dissent*:

Non-government organisations and Australian democracy by Sarah Maddison, Richard Denniss and Clive Hamilton published by the Australia Institute.

From the introduction of *The NGOs out in the cold* report :

The last decade since the Howard government came to power has seen a dramatic change in the democratic model underlying the relationship between NGOs and the government. However, to date, few in the NGO sector seem aware of the theoretical model which is impacting on them. As a result, there has been little discussion of this issue and its implications for Australian democracy.

In 2004, Maddison, Denniss and Hamilton demonstrated that advocacy NGOs believe they are being pressured into silence by policies and practices of government, particularly of the Federal Government.¹ Lack of a sector awareness of the theory behind these often antagonistic policies and practices, may be due to many factors – the disparate nature of the sector, its volunteer structure and frequent change of personnel, its lack of resources, and general lack of an 'NGO sector consciousness' by the many players across a wide range of interest groups. Understanding the theory behind the changes in NGO/government relationship may be valuable for NGOs in making sense of the different attacks which they have experienced, in understanding the coherent nature of the attacks, and in formulating a strategic response. However, most importantly, its democratic implications are worthy of wider debate in the general community.



Call for Articles

Australian Children's Rights News depends on the input of members affiliates and subscribers to keep providing you with a wide-ranging and informative update on children's rights issues. Others with a viewpoint on children and young people's rights are also invited to submit. We are now seeking articles to be considered for the first edition of 2007. Contributions of between 700 and 2000 words are preferred and should be e-mailed with full author details to judycash@nsw.bigpond.net.au



Suggested graphics or photos to accompany the article are most welcome. The closing date for receipt of material is 30 November 2006 but please advise the editors as soon as possible if you are planning to submit.

If you have an idea which you would like to discuss, please email Judy Cashmore judycash@bigpond.net.au. Articles published in Australian Children's Rights News may also be placed on the DCI-Australia Website: www.dci-au.org/

Conferences

Nov 16: Days of Activism

Nov 19: World Day for Prevention of Child Abuse

10 December 2006: Human Rights Day

EDUCATION FOR ALL GLOBAL MONITORING REPORT 2007

The theme of this upcoming UNESCO report is EFA goal 1: "Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children."

http://action.web.ca/home/crru/rsres_crru_full.shtml?x=88018

Launch date of the 2007 EFA Global Monitoring Report

When: October 26, 2006

Where: New York City, N.Y.

Theme: Early Childhood Care and Education (ECCE)
In the morning there will be a media event at the United Nations. In the afternoon there will be a separate panel discussion on policy, followed by a reception.

About 2007 Report

As with the previous Reports, the 2007 Global Monitoring Report will monitor movements towards the six Education for All goals, the contributing national programmes and commitments made by the international community and focus in greater depth on one of the goals. The goal selected for this report is Goal 1, which pertains to ECCE: 'Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children'.

UN Global Youth Leadership Summit, UNHQ 31 October - 1 November 2006

Organized by the UN Office for Sport for Development and Peace, the UN Global Youth Leadership Summit aims to link youth with the MDGs, using sport, peace-building, and culture as entry points. The event will include two youth delegates – one male, one female – from each of the 191 Member States of the UN. For more information, please visit <http://www.unyouthsummit.org> or contact Karima.Zerrou@undp.org

World Summit on Exploitative Child Labour

The World Summit on Exploitative/Hazardous Child Labour, 14-17 October, 2007, will be held in Cairns Australia. Children's Rights International is hosting the event.

The World Summit on Exploitative Child Labour will evaluate the progress and achievements made in relation to the eradication of the worst forms of child labour and will explore the challenges ahead in securing rights for children in the 21st century and meeting the UN Millennium Goals by 2015.

The Congress will reflect on whether the International Labour Organisation (ILO) and the International Programme on the Elimination of Child Labour (IPEC), as defined by the ILO in Forms of Child Labour Convention No.182 (C182) and its associated Recommendation (R190), address the right issues, in the light of 21st century concerns with nationalism, identity and globalisation, or whether new approaches to protecting children's rights are needed. The Summit will focus on the role of the organizations representing employers and workers, non-government organisations as well as governments. The Summit will engage the corporate sector with a view to bringing a concrete reality to the much vaunted concept of responsible corporate citizenship. It will highlight steps taken by some companies and organisations operating internationally to address the worst forms of exploitation in their labour obligations and their attempts to try to set higher standards.

Children's Rights International has become increasingly concerned about the position of children in countries where economic boom conditions has created an enormous demand for labour and particularly cheap labour, which children can provide. We are also naturally concerned about the other forms of labour exploitation of children involving sexual exploitation, trafficking and servitude which come hand in hand with the new technologies, the globalised world and the increasing movement of economic refugees across international borders."

A Call for Papers is available at http://www.childjustice.org/wsecl/html/call_for_papers.htm

For more information contact Bill Jackson
Chief Executive Officer
World Congress Inc and Children's Rights International
www.childjustice.org
PO Box 163, Newtown, Sydney, Australia 2042,
Email: Bill.Jackson@bigpond.com

Join DCI!

You too can become a Member.
Your subscription includes each issue of ACRN.
Members also receive lots of other information about DCI's campaigns and activities.

Subscriptions

under \$20,000 pa/student	\$25	pa
\$20,000 - \$35,000 pa.	\$55	pa
\$55,000 - \$75,000 pa.	\$85	pa
over \$75,000 pa.	\$115	pa

OR you can simply subscribe to our newsletters:

Australian Children's Rights News	NGO
\$35 pa	
	Govt \$60 pa

Donations help to expand DCI's important work.
Please consider adding a donation to your subscription:

\$10..... \$25..... \$50..... or \$.....

Credit Card Authority

Please debit my Bankcard/Visa/Mastercard Account

Card # / / /

Exp date . . . / . . .

Signature

Name on Card

Fax card payments to 02 9385 9589

OR - I enclose a cheque for \$.....

Name

Organisation

.....

Address

.....

State Postcode

Ph Fax

Email

Send this form with your cheque to:

DCI-Australia
c/- NCYLC
The Law Building
University of New South Wales
SYDNEY NSW 2052

Defence for Children International - Australia

DCI-Australia

c/- NCYLC

The Law Building,

University of New South Wales

SYDNEY NSW 2052

Email: info@dci-au.org

Web: www.dci-au.org

Phone: 02 9385 9588

Fax: 02 9385 9589

Patron : Phillip Adams AO

**National President : Judy Cashmore
(NSW)**

Vice President : Vacant

National Secretary : Janet Jukes (Vic)

Treasurer : Diana Batzias (VIC)

Peter Briffa (TAS)

David Ferraro (SA)

Brigid Flatlow / Sue Packer (ACT)

Simon Quilty (NSW/NT)

Cheryl Vernon (WA)

June Wangmann (NSW)

Advisory Panel

Prof. Phillip Alston

Sally Castell-McGregor

Prof Hilary Charlesworth

The Hon. Prof. Richard Chisholm

The Hon. John Fogarty AM

Prof Chris Goddard

Moirra Rayner

Sid Spindler

Australian Children's Rights News is published by Defence for Children International Australia. The editor of this issue is Judy Cashmore. Electronic formatting of this issue is by Web Enter www.webenter.com.au. The views expressed in Australian Children's Rights News are not necessarily those of DCI. Articles, reports, information about meetings and conferences can be e-mailed to: info@dci-au.org