

RIGHTS OF CHILDREN AND FAMILIES



In this tool, you will find:

- » A summary of children's rights
- » An overview of conventions that provide for the protection of children's rights
- » What to do if you believe a child's rights have been violated
- » Key prompts to consider ways for CaFIS providers to support and uphold the rights of children
- » Links to additional resources.

KEY GUIDANCE

What are children's rights?

Human rights are basic rights and freedoms that apply to all humans regardless of your background, beliefs, or where you live.

Some rights are fundamental, such as the right to life, food, education, health and freedom. These rights apply equally to children.

Children are afforded some special rights because they are vulnerable and depend on others to meet their needs. These special rights include the right to be protected from exploitation and abuse, the right to be cared for and have a home, and the right to have a say in decisions which affect them.

Most rights fall into the following categories:

- » Right to safety and protection (e.g. To be free from violence and abuse, to have a safe place to live)
- » Right to be yourself (e.g. Free from discrimination on the basis of culture or religion)
- » Right to health (e.g. Access to medical care, healthy food and safe water)
- » Right to education (e.g. To attend school)
- » Right to develop (e.g. To play and learn, to be protected from things that could harm your development or wellbeing)
- » Right to privacy (e.g. A right to keep personal information private, have a say over what information is shared about you)

- » Right to participate (e.g. To have a say and be heard on issues that affect you)
- » Legal rights (e.g. Freedom from discrimination, access to legal information)

How are children's rights protected?

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that sets out the rights of children.

In 1989 the UNCRC was signed by many governments around the world, including Australia.

By signing the UNCRC Australia made a legally binding promise that everyone living in Australia under the age of 18 has these rights.

Some of these rights are also protected under Australian laws.

Do parents or families have rights?

While the UNCRC is primarily concerned with the rights of children, it also covers the rights and responsibilities of parents (or family) as the people entrusted with protecting the rights of children and helping children to exercise these rights as they grow up.

The rights of children and families are intricately linked. For example, as every child has the right to be raised within their family, the family has the right or responsibility to raise their child. Families are able to raise their children according to their own values and beliefs and make decisions on behalf of their children about religion, schooling, discipline, medical treatment and daily living.

For the most part, the law allows families to bring up their children without interference. In fact, it requires parents to exercise their responsibilities. However, if they fail to do so appropriately, or if a parent's action or inaction causes harm or puts their child at risk of harm, others may act to protect the child's rights.

Collective rights for Indigenous children and families

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) sets out how existing human rights apply to the recognition and protection of Indigenous peoples' rights internationally.

In 2009 Australia endorsed the UNDRIP as a framework for recognising and protecting the rights of Indigenous Australians.

While the UNDRIP doesn't suggest any new or special rights, it protects the collective rights of Indigenous peoples. These collective rights are not addressed in other human rights charters that focus on individual rights. For example, the UNDRIP re-asserts Indigenous peoples' rights to cultural respect, and to participate in decisions that affect their lives, through representatives chosen by themselves.

What can I do if I think the rights of child are being violated?

There are places that can help if you think a child's rights are being violated. The type of assistance you might seek will depend on the rights that are being violated, and might include:

- » **Advocacy services**
 - NT Children's Commissioner
 - SA Commissioner for Children and Young People
 - SA Aboriginal Children's Commissioner
 - SA Guardian for Children and Young People
 - CREATE Foundation
- » **Child protection**
 - If a child's safety is being violated
 - NT Child Protection Reporting Line 1800 700 250
 - SA Department for Child Protection 13 14 78

APPLICATION TO CaFIS PROVIDERS

Prompts to consider how you can support and uphold the rights of children

- » How is awareness of the rights of children and families embedded in the organisation?

For example: Is information about rights covered in training for new staff? Is it referenced in policy?
- » How do we ensure our services are working towards the best interests of the child?

For example: In working with the family do we consider the child's physical and emotional well-being, their health, educational, cultural and spiritual interests? Do we consider both short-term and long-term concerns?
- » How does my service support and promote children's rights in its work with families?

For example: Are children's views sought and considered as part of our service? Do we record children's views, opinions or wishes in family support plans?

- » How do we demonstrate our commitment to UNDRIP?

For example: Do we have mechanisms to help children and families participate in decision making?

- » Are there things we could do to improve knowledge, skills and practice overall in order to better support and promote children and families rights?

For example: Do we provide any guidance or skills training to staff on talking with children and young people? Do we have a process documented for staff to follow if they become aware that the rights of children or families have been breached?

Disclaimer

This document has been prepared by the Commonwealth Department of Social Services (the Department) for the purpose of disseminating important information for the benefit of the public. While the Department has used its best endeavours to ensure the information included is correct as at the time of publication, the Department makes no representation or warranty about the accuracy, reliability, currency or completeness of any of the information provided. The information is provided on the understanding that the Department is not providing professional advice and individuals and organisations should obtain their own appropriate professional advice before relying on any of the information provided in this document.

Where to go for more information on this topic

www.unicef.org UNICEF is a child rights organisation. The full UNCRC and a simplified version is available.

www.humanrights.gov.au The Australian Human Rights Commission has a community guide to the UNDRIP Declaration on the Rights of Indigenous Peoples. It also has information and resources about children's rights.

www.occ.nt.gov.au Office of the Children's Commissioner NT

www.ccyp.com.au Commissioner for Children and Young People SA

www.cacyp.com.au Commissioner for Aboriginal Children and Young People SA

www.create.org.au CREATE Foundation representing children in care