



Submission to the National Children's Commissioner:
Convention on the Rights of the Child: Australia's progress

Good Shepherd Australia New Zealand

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Author:
Women's Research, Advocacy and Policy (WRAP) Centre

Key contact:
Dr Sarah Squire
Good Shepherd Australia New Zealand
6 Paterson Street, Abbotsford, Vic 3067
T: +61 03 8412 7320
E: Sarah.Squire@goodshep.org.au

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About Good Shepherd Australia New Zealand

This submission has been prepared by Good Shepherd Australia New Zealand (GSANZ), a community services organisation that has been delivering on its mission to disrupt the intergenerational cycle of disadvantage, with a focus on women and girls, since 1863 in Australia and 1886 in New Zealand. We achieve this by challenging disadvantage and gender inequality through services, research, advocacy and social policy development.

Our specific expertise is in:

Safety and resilience – supporting women to be resilient provides a buffer between an individual and adversity, allowing them to achieve improved outcomes in spite of difficulties.

Financial security – supporting women to ensure they have access to sufficient economic resources to meet their material needs so that they can live with dignity.

Educational pathways – assisting women and girls to overcome the obstacles in their life that hinder them from achieving their educational/vocational capacity.

Outcomes and evaluations – developing evidence-based program designs across all Good Shepherd Australia New Zealand programs and services.

Research, social policy and advocacy – evidence-based research into emerging issues, identifying effective change interventions for program design, policy analysis and advocacy.

GSANZ is part of a global network of services and advocates established by the Congregation of the Good Shepherd, with representation at the United Nations as a non-government organisation with special consultative status on women and girls.

GSANZ is part of the Good Shepherd Asia-Pacific Anti-Trafficking Network which includes teams representing 19 countries from across the region dedicated to ending trafficking exploitation.

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1. Introduction

GSANZ welcomes the opportunity to make a submission to the National Children's Commissioner on Australia's progress implementing the United Nations *Convention on the Rights of the Child*.

As part of the international network of services run by the Congregation of the Good Shepherd, a non-government organisation (NGO) with special consultative status on women and girls at the United Nations, GSANZ views Australia's progress within a global context. Our work is informed by the principles enshrined in the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and the Sustainable Development Goals (SDGs); we note that Goals 5, 8 and 16 include specific reference to the elimination of forced marriage, trafficking, forced labour, modern slavery, child labour and other types of exploitation.

This submission is informed by our work with women and girls, which includes our practice experience and sector networks built in the course of delivering family violence refuge and outreach support, youth crisis accommodation, family services, and community supports. Our expertise in the area of forced marriage, trafficking for labour and sexual exploitation is drawn from our involvement with the Good Shepherd Asia-Pacific Anti-Trafficking Network and our connection to a global network of services provided by the Congregation of the Good Shepherd. Our Women's Research, Advocacy and Policy (WRAP) Centre has engaged in empirical research,¹ policy analysis² and cross-sector collaborations on the issues of gender inequality, family violence and its impacts on children. We have been recognised by peer organisations and media and we have presented, published and provided commentary in a range of forums.

Our submission focuses predominantly upon the following clusters of articles:

- Violence against children
- Family environment and alternative care
- Disability, basic health and welfare
- Education, leisure and cultural activities.

¹ Burn, J., Simmons, F., Hollonds, J., Power, K., Stewart, P., and Watson, N., 2012, *Hidden Exploitation: An Evidence Review*, Abbotsford: Good Shepherd Australia New Zealand; M McGuire, 2014, *The Right to Refuse: Understanding Forced marriage in Australia*, Collingwood: Good Shepherd Youth & Family Service.

² See for example Good Shepherd Australia New Zealand, 2016, *Domestic violence and gender inequality*, Submission to the Finance and Public Administration References Committee, https://goodshp.org.au/media/1427/gsanz_domestic-violence-and-gender-inequality-submission_20160408.pdf; Good Shepherd Australia New Zealand, 2015, *Submission to the Government Schools Funding Review*, <https://goodshp.org.au/media/1249/submission-to-the-victorian-government-schools-funding-review-aug-2015.pdf>; Good Shepherd Australia New Zealand, 2017, *Gender inequality and family violence Policy Position Paper*, https://www.goodshp.org.au/media/1965/gender-inequality-and-family-violence_gsanz-policy-position-paper.pdf; and Good Shepherd Australia New Zealand 2016, *Forced Marriage Policy Position Paper*, http://www.goodshp.org.au/media/1271/gsanz_forced-marriage-in-australia_positionpaper.pdf.

2. Summary of recommendations

Abuse and neglect, including physical and psychological recovery and social reintegration (Arts 19 and 39)

Recommendation 1

A national approach specific to children and young people affected by family violence is developed and implemented to provide children and young people with practical service responses to aid in their recovery.

Recommendation 2

Ensure that in each state and territory, domestic and family violence risk assessment frameworks and tools include child-specific risk indicators so as to allow adequate assessments of risk for children and young people, independent of their non-violent parent and/or caregiver.

Recommendation 3

All state and territory government schools across Australia are mandated to deliver Respectful Relationship Education content to students from Kindergarten through to year 12.

Measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (Art 24(3))

Recommendation 4

Expand the definition of family violence to include child, early and forced marriage. This will improve community engagement and ensure comprehensive service delivery frameworks are developed.

Recommendation 5

Implement a national framework that provides access to safety and support regardless of willingness and capacity to report concerns to law enforcement.

Health and health services, in particular primary health care (Art 24)

Recommendation 6

Targeted government investment in research into girls and young women's mental health is required, along with a commitment by governments to fund tailored prevention and intervention strategies in response.

Recommendation 7

Investment in further research is required to i) understand the nature of psychological distress and suicidality among young women; and ii) explore and

understand the impacts of sexualisation of girls and young women, with a focus on social and economic determinants of poor mental health.

Social security and childcare services and facilities (Arts 26 and 18(3))

Recommendation 8

ParentsNext providers and networks should prioritise placements beyond precarious, casualised work that puts more stress on the family, limits long-term career options, and fails to lead to financial security.

Recommendation 9

Improve enforcement of existing Child Support obligations and close loopholes which make it easy for payer parents to evade their financial responsibilities towards their children.

Recommendation 10

Remove exemptions for payment of Child Support by violent ex-partners and instead implement a system of collection via the state, whereby the state pursues these payments on behalf of the resident/payee parent.

Recommendation 11

Introduce a state guaranteed payment scheme to reduce the impact of unpaid Child Support on single parents and their children.

Right to education, including vocational training and guidance (Art 28)

Recommendation 12

Greater investment is required to develop services and programs specific for children in their middle years, particularly for the transition to high school.

Recommendation 13

Greater investment in supporting teachers to better identify risk factors for educational disengagement among students in their middle years.

Recommendation 14

Flexible learning environments need to be recognised in education policy, and be properly funded and supported to ensure they remain integrated, robust alternatives to 'mainstream' education settings.

Recommendation 15

All education settings are structured and resourced to address the multiple issues that children and young people experience including but not limited to: homelessness, family violence, mental health, drug and/or alcohol misuse, bullying and harmful gender stereotypes.

3. Violence against children:

Abuse and neglect, including physical and psychological recovery and social reintegration (Arts 19 and 39)

Family violence and impacts on children and young people

Each year in Australia, an estimated 27 children are killed by a parent.³ A staggering 23 per cent of Australian children have witnessed violence against their mother,⁴ and family violence is present in 55 per cent of physical abuse and 40 per cent of sexual abuse cases against children.⁵ In 2015-16, 45,714 Australian children were the subject of substantiated child protection notifications, with 45 per cent for emotional abuse, and 18 per cent for physical abuse.⁶

Girls and young women in their middle years are especially at heightened risk of violence. The Australian Personal Safety Survey 2016 found that 16 per cent of girls and young women aged 18 years and over had experienced physical and/or sexual abuse before the age of 15.⁷ The Personal Safety Survey also found that 11 per cent of boys and young men had experienced physical or sexual abuse before the age of 15.⁸ Further to this it was also found that 10 per cent of men and 13 per cent of women had witnessed violence towards their mothers by a partner before the age of 15.⁹

Exposure to family violence - whether direct or indirect - can affect a child's behaviour, development, relationships and emotions; their learning and cognitive abilities; and their physical health. Children's experiences of family violence can take many forms, from being abused directly to witnessing abuse directed at another person in the home. Witnessing violence can involve a much broader range of incidents than witnessing a fight. This may include a child:

- hearing the violence
- being used as a physical weapon
- being forced to watch or participate in assaults
- being forced to spy on a parent

³ Kirkwood, D., 2012, 'Just say goodbye': Parents who kill their children in the context of separation, Domestic Violence Resource Centre Victoria, Discussion paper, No. 8, Melbourne: DVRCV.

⁴ Richards, K., 2011, Children's exposure to domestic violence in Australia, Research Paper No. 419, Trends and Issues in Crime and Criminal Justice, Canberra: Australian Institute of Criminology.

⁵ Australian Institute of Health and Welfare, 2017, Specialist homelessness services 2015 - 2016, Canberra: Australian Institute of Health and Welfare.

⁶ Australian Institute of Health and Welfare, 2017, Child protection Australia 2015 - 2016, Child Welfare series no. 66. Cat No. CSW 60, Canberra: Australian Institute of Health and Welfare.

⁷ Australian Bureau of Statistics, 2016, Personal Safety, Australia 2016, Cat No. 4906.0, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>.

⁸ Ibid.

⁹ Ibid.

- being informed that they are to blame for the violence because of their behaviour
- being used as a hostage
- defending a parent against the violence
- intervening to stop the violence.¹⁰

Following a violent incident, children's exposure to family violence can also involve having to telephone for emergency assistance, seeing a parent or other family member being arrested, or having to leave home with a parent due to safety issues.¹¹ Whether children see or hear the violence, or if they are abused directly, the impacts on their wellbeing are significant. For many children, the physical and emotional injuries sustained within the context of family violence can be both immediate and far-reaching. Working effectively with children who have been affected by family violence is vital to their recovery, and increases their likelihood of living a healthy and full life.

The Victorian Royal Commission into Family Violence (RCFV) report acknowledged that children - once considered the 'silent victims' of family violence - are impacted in their own right. Targeted responses that consider and address particular risks to children's safety are therefore essential. This is reflected in the RCFV recommendations and the subsequent reform agenda led by the Victorian State Government.

Recommendation 1

A national response specific to children and young people affected by family violence is developed and implemented to provide children and young people with practical service responses to support in their recovery.

Family violence, children and young people, and assessing risk

In 2017, in partnership with The Salvation Army and WAYSS GSANZ undertook a Practice Inquiry to examine the ways in which family violence practitioners can and do respond to children.¹² The Practice Inquiry considered information provided to family violence practitioners by Victoria Police, and sought the views of practitioners

¹⁰ Edleson, J., 1999, Children's witnessing of adult domestic violence, *Journal of Interpersonal Violence*, 14(8), pp. 839 - 870; Humphreys, C., 2007, *Domestic violence and child protection: Challenging directions for practice*, Issues paper 13, Sydney: Australian Domestic & Family Violence Clearinghouse.

¹¹ Tomison, A., 2000, Exploring family violence: Links between child mistreatment and domestic violence, *Issues in Child Abuse Prevention*, No. 13, Melbourne: Australian Institute of Family Studies; Gewirtz, A., and Medhanie, A., 2008, Proximity and risk in children's witnessing of intimate partner violence, *Journal of Emotional Abuse*, 8(1/2), pp. 67 - 82.

¹² Good Shepherd Australia New Zealand, 2018, *Improving responses to children who experience family violence: When policy reform meets practice*, Abbotsford: Good Shepherd Australia New Zealand [forthcoming].

of three specialist family violence services in the Bayside Peninsula, a region in southern outer Melbourne, Victoria. It was clear that the practitioners who participated in this project are overwhelmingly committed to providing holistic responses to the needs of children. However, they identified a number of barriers to doing so. Some of these barriers included:

- the large volume of police referrals received daily, limiting practitioner capacity to respond more comprehensively;
- information sharing problems between and across agencies; and
- variable levels of collaboration between the agencies responsible for children's welfare.

Crucially it was identified that risk assessment tools for children and adults are not currently streamlined. Practitioners report this can place pressure on women to assess the risks to their children's safety and take action.

Solutions to these barriers are emerging in Victoria. These include:

- an L17¹³ Portal - a Victoria-specific online system whereby Victoria Police can make referrals to specialist family violence women's services, Child FIRST, men's referrals services and make reports to Child Protection. The L17 Portal also enables the sharing of information about women and children among police, specialist family violence services and child protection;
- a review of the Common Risk Assessment Framework; and
- legislative reform pertaining to information sharing in the context of family violence.

Recommendation 2

Ensure that in each state and territory, domestic and family violence risk assessment frameworks and tools include child-specific risk indicators so as to allow adequate assessments of risk for children and young people, independent of their parent and/or caregiver.

Primary prevention of violence against women and their children

Responding to children living with violence is one of six priorities of the Third Action Plan 2016-2019 of the *National Plan to Reduce Violence against Women and their Children*. Within this priority area of responding to children, plans to address service gaps and build capacity of relevant service providers to better respond to children

¹³ The Victoria Police Risk Assessment and Risk Management Report - L17 - is the mechanism by which Police who attend family violence incidents can make referrals to community agencies and/or reports to Child Protection.

have been specified. Indeed, greater focus on addressing the needs of children is critical to ensuring their safety and wellbeing. Further to this however, is the need for equal focus on the primary prevention of all forms of violence, particularly violence against women and their children.

Within priority one of the Third Action Plan is the call to “support schools and teachers to deliver age-appropriate and evidence-based respectful relationships education to all school children covering sexual violence, gender equality issues and a range of other relationship issues and tailored to vulnerable cohorts”.¹⁴ Respectful relationship education is critical in preventing all forms of violence, particularly against women and their children. To date respectful relationships education has been integrated into the curriculum in Victoria, New South Wales and Tasmania and will be mandatory for all students by the end of 2018.

There are other forms of bullying and harassment that many children and young people experience - namely, homophobia and transphobia, racism and ableism. Recent research confirms the importance of understanding and identifying risk and protective factors for children to various harms, and pinpointing these factors is crucial in developing prevention, early intervention strategies and support needs for individual children and their families.¹⁵ Respectful relationship education has the potential to be the vehicle to ensure that all forms of discrimination and disadvantage are addressed and challenged at an early age so as to prevent the development of harmful attitudes which may lead to harmful behaviours in later life. Therefore, GSANZ recommends that respectful relationships education content be expanded beyond gender equality to include all forms of discrimination.

Recommendation 3

All state and territory government schools across Australia are mandated to deliver respectful relationship education content to students from Kindergarten through to Year 12.

¹⁴ Australian Government, 2016, *Third Action Plan 2016-2019, National Plan to Reduce Violence against Women and their Children*, p. 6, Canberra: Australian Government.

¹⁵ Know Violence in Childhood, 2017, *Ending violence in childhood. Global report*, New Delhi, India: Know Violence in Childhood, https://resourcecentre.savethechildren.net/node/12380/pdf/global_report_2017_ending_violence_in_childhood.pdf.

Measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (Art 24(3))

Addressing forced marriage in Australia

Child, early and forced marriage is a significant gender equality issue, globally and nationally. Impacted individuals experience huge challenges including being deprived of their fundamental rights to health, education and safety.

Forced marriage was introduced into Australia's Commonwealth slavery offences (*Criminal Code Act 1995* (Cth)) in 2013.¹⁶ The practice is defined and understood under Australian law as a practice of slavery. Australia's strategy to address forced marriage is included as part of the National Action Plan to Combat Human Trafficking and Slavery 2015-2019.¹⁷ Prior to criminalisation, incidences of forced marriage were addressed under the *Marriage Act 1961* (Cth) and the *Family Law Act 1975* (Cth). The earliest report of forced marriages in Australia dates back to 1994.

The true extent of the issue is unknown as there is little available comprehensive data. The National Children's Youth Law Centre, in their study on Child Marriage, reported that from 2011-2013, 250 cases were identified by research respondents.¹⁸ In 2016-2017, the Australian Federal Police Human Trafficking Team received 70 referrals of child, early and forced marriage, bringing the total since criminalisation to 174.¹⁹

Child, early and forced marriage involves a range of highly complex dynamics, intertwined with family politics and conflict, tradition, social and cultural hierarchy and in many settings, patriarchal values that continue to view women and girls as having less power to determine their futures.

Growing evidence suggests a need to change the way in which Australia responds to the practice of child, early and forced marriage. There is a greater realisation that our current approach, one that is defined and rooted in a criminal justice paradigm, is falling short of both preventing the practice and ensuring that individuals have adequate and appropriate support. This is evidenced by the recent announcement

¹⁶ *Criminal Code Act 1995* (Cth) <https://www.legislation.gov.au/Series/C2004A04868>.

¹⁷ Commonwealth of Australia, 2014, *National Action Plan to Combat Human Trafficking and Slavery 2015-19*, Canberra: Attorney-General's Department, <https://www.homeaffairs.gov.au/crime/Documents/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf>.

¹⁸ National Children's Youth Law Centre, 2013, *End child marriage - Australia Research Report on the Forced Marriage of Children in Australia*.

¹⁹ As reported annually in the Interdepartmental Committee Report on Human Trafficking and Slavery. Reports available at: <https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/Australias-reponse-to-human-trafficking.aspx>.

by the Assistant Minister for Home Affairs of a pilot project which de-links access to the government-funded support program from engagement with law enforcement.²⁰ This means that victim/survivors are not required to cooperate with the Australian Federal Police in order to access the support program. Whilst this is a step in the right direction, the difficulty remains that referral to the support program is still via federal law enforcement, which limits people from coming forward and reporting early and forced marriage. In turn, this results in a lack of data about the size and scope of the issue.²¹

Research and practice evidence concludes that to address the practice effectively, governments and community responders must approach intervention as more than a legal problem to be solved. As such, a broader understanding of the issue is required. It is essential to acknowledge and understand the complex nature of familial relationships, including the ways in which social constructs of gender, influence and play a role in child, early and forced marriage.

As GSANZ has argued, evidence has shown that approaches which offer alternatives to a criminal justice response lead to higher levels of community engagement and comprehensive victim-led interventions. Legislation alone has not proven effective. Research has found that effective interventions to both prevent the practice and provide adequate protections for individuals at risk are built on partnership and establishing shared value.

Despite criminalisation in 2013, gaps and challenges remain. In particular, four years since criminalisation there remain no prosecutions under the *Criminal Code Act*, and individuals who do commence engagement with the Australian Federal Police are overwhelmingly disengaging. Inadequate support frameworks also render individuals, particularly young people, without sufficient support and care when their home is no longer a safe place.

GSANZ maintains that forced marriage ought to be defined as a form of family violence. Expanding the definition of family violence to include forced marriage will lead to a greater acknowledgement of the practice within communities. The response would also shift from victim/survivors being primarily responsible for their own protection to a system that intervenes on their behalf. Making this policy shift opens the way for appropriate resources and support to be made available.

²⁰ Ministers for the Department of Social Services, The Hon Dan Tehan MP with Assistant Minister for Home Affairs The Hon Alex Hawke MP, 15 February 2018, Greater access to support victims of Modern Slavery, Media release, <https://ministers.dss.gov.au/media-releases/2841>.

²¹ Vidal, Laura, 2018, Australia's response to early and forced marriage: Better, but still lacking, Women's Action Policy Tank, Melbourne: Women's Research, Advocacy and Policy Centre, Good Shepherd Australia New Zealand, <http://www.powertopersuade.org.au/blog/australias-response-to-early-and-forced-marriage-better-but-still-lacking/26/2/2018>.

Expansion of the definition would also extend prevention strategies so that forced marriage can be an example included in respectful relationship education already delivered in schools.

Recommendation 4

Expand the definition of family violence to include child, early and forced marriage. This will improve community engagement and ensure comprehensive service delivery frameworks are developed.

Recommendation 5

Implement a national framework that provides access to safety and support regardless of willingness and capacity to report concerns to law enforcement.

4. Disability, basic health and welfare

Health and health services, in particular primary health care (Art 24)

A gendered approach to children and young people's mental health

Both men and women experience similar lifetime prevalence of mental health conditions (48 and 43 per cent respectively). However, the most recent ABS data reveals that women experience a higher prevalence of anxiety and post-traumatic stress disorder (PTSD), and data trends indicate an alarming increase in self-harm and suicide attempts among girls and young women.²² Despite these statistics, public attention and both government and philanthropic investment has largely been focused on men's mental health. For example, over the last three years the Movember Foundation has spent over \$4.4 million of its global fundraising revenue on services and programs to address poor mental health and suicide among Australian men. The government's 2011 Taking Action to Tackle Suicide package provided \$23.2 million over four years for support services and campaigns to address male suicide²³ in recognition of the 'social determinants that increase the risk of suicidality for men'.²⁴ Apart from perinatal mental health, there has been no corresponding recognition of - or investment in - women and girls as a specific group.

Research suggests that women have higher rates of suicidal behaviour than men, even though men are more likely to die by suicide. There has also been an alarming

²² Australian Bureau of Statistics, 2013, *Gender indicators, Australia*, Cat No. 4125.0, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4125.0main+features3150Jan%202013>.

²³ The Department of Health, 2014, *Development and implementation of an evaluation framework for suicide prevention Activities*, Canberra: The Department of Health, <http://www.health.gov.au/internet/publications/publishing.nsf/Content/suicide-prevention-activities-evaluation-exec-summary>.

²⁴ Commonwealth of Australia, 2010, Commonwealth response to *The Hidden Toll: Suicide in Australia Report of the Senate Community Affairs Reference Committee*, Barton ACT: Commonwealth of Australia.

increase in suicidal ideation among women, particularly young women and young Aboriginal and Torres Strait Islander women.²⁵ Measured by hospital admission, the intentional self-harm rate for women (which encompasses suicide attempts and non-suicidal self-injury) is now 40 per cent higher than men's,²⁶ with a large increase in the adolescent years. The number of women who have injured themselves so severely that they require hospital treatment has increased by 50 per cent since the year 2000.²⁷

These patterns are emerging at young ages and, appear to be worsening. According to the second Australian Child and Adolescent Survey of Mental Health and Wellbeing, there is an increasing prevalence of depression among children aged 4-17, and very high levels of suicidal behaviour.²⁸ Adolescent girls in particular are faring poorly, with suicidal behaviours more common over all age groups and most common among 16-17 year-olds; with one in seven having seriously considered attempting suicide. Girls are twice as likely to self-harm as boys, with one in ten girls aged 12-15 years harming themselves in the previous 12 months.²⁹

While there are many genetic, individual, familial and environmental factors at play in determining whether someone develops a mental health condition, for women and girls, gender inequality is the one overarching social determinant of poor mental health.

Gender inequality affects girls from a very young age, beginning with stereotypes and reinforced through practices such as giving girls less pocket money than boys despite their greater share of household chores, as detailed in *Growing Up Unequal*.³⁰ A staggering 98 per cent of 10 - 17 year old girls surveyed by Plan International Australia last year said they did not receive equal treatment to boys.³¹

²⁵ Steering Committee for the Review of Government Service Provision, 2014, *Overcoming Indigenous disadvantage. Key indicators 2014*, Canberra: Productivity Commission, <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2014/key-indicators-2014-report.pdf>.

²⁶ Australian Institute of Health and Welfare: Harrison, J.E., and Henley, G., 2014, Suicide and hospitalised self-harm in Australia: Trends and analysis. Injury research and statistics series no. 93. Cat. No. INJCAT 169, Canberra: AIHW, <https://www.aihw.gov.au/getmedia/b70c6e73-40dd-41ce-9aa4-b72b2a3dd152/18303.pdf.aspx?inline=true>.

²⁷ Suicide Prevention Australia, 2016, *Suicide and suicidal behaviour in women - Issues and prevention*. A Discussion Paper. Sydney: Suicide prevention Australia, <https://www.suicidepreventionaust.org/sites/default/files/resources/2016/Discussion%20Paper%20Suicide%20and%20Suicidal%20Behaviour%20in%20Women%20July%202016.pdf>.

²⁸

²⁹ Lawrence, D., Hafekost, J., Boterhoven De Haan, K., Sawyer, M., Ainley, J., Zubrick, S.R., 2015, *The mental health of children and adolescents. Report on the second Australian Child and Adolescent Survey of Mental health and Wellbeing*, Canberra: Department of Health.

³⁰ Webster, A., Anderson, R., and Barr, M., 2017, *Growing up unequal: How sex and gender impact young women's health and wellbeing*, Issues Paper 12, Melbourne: Women's Health Victoria.

³¹ Plan International Australia, 2017, *The dream gap: Australian girls' views on gender equality*, Melbourne: Plan International Australia.

The complexity of social networking, an increasingly visual tween culture and the early sexualisation of girls have also been identified as factors negatively affecting girls in the hidden 'middle years'.³²

GSANZ has a longstanding interest in the needs of children and young people in their middle years. Our research shows that girls and young women in the middle years are faring less well in key development areas, particularly mental health.³³ GSANZ believes there are specific gendered differences when it comes to addressing mental health needs of children and young people, and the absence of women and girls within national mental health policy is deeply concerning. While it is difficult to identify with certainty why mental health is deteriorating for girls and young women, there is emerging evidence to suggest that messaging encoded in 'tween culture', the sexualisation of girls at even younger ages, and harmful stereotypes about gendered differences of ability are all compounding factors that have a detrimental impact on the wellbeing of girls and young women.

Recommendation 6

Targeted government investment in research into girls and young women's mental health is required, along with a commitment by governments to fund tailored prevention and intervention strategies in response.

Recommendation 7

Investment in further research is required to i) understand the nature of psychological distress and suicidality among young women; and ii) explore and understand the impacts of sexualisation of girls and young women, with a focus on social and economic determinants of poor mental health.

³² McGuire, M., and Maury, S., 2017, *Bridging the divide: Supporting children and young people in their middle years*, Abbotsford: Good Shepherd Australia New Zealand.

³³ McGuire, M., 2016, *One foot in each world: Challenges and opportunities for children and young people in the middle years*, Abbotsford: Good Shepherd Australia New Zealand, https://www.goodshep.org.au/media/1434/one-foot-in-each-world_challenges-and-opportunities-for-children-and-young-people-in-the-middle-years.pdf; McGuire, M., and Maury, S., 2017, *Bridging the divide: Supporting children and young people in their middle years*, Abbotsford: Good Shepherd Australia New Zealand, https://www.goodshep.org.au/media/1949/bridging-the-divide-supporting-children-and-young-people-in-their-middle-years_pdf-2mb.pdf.

Social security and childcare services and facilities Arts 26 and 18(3)

ParentsNext, single parents and impacts on children and young people

An adequate and well-structured social security system is essential to the social and economic wellbeing of the country, and should acknowledge that there are reasons in which certain demographics, such as parents of young children, require a greater reliance on support.

The Household, Income and Labour Dynamics in Australia (HILDA) data indicates that most women who are on welfare payments remain on them for four years or less, and these years coincide with the prime child-bearing and -rearing years.³⁴ Although the ParentsNext Program offers a range of support services, GSANZ believes that ParentsNext demonstrates gross assumptions of long-term welfare dependency for mothers of young children.

The majority of workers in precarious employment are women,³⁵ filling nearly 70 per cent of precarious positions.³⁶ This is most often due to women's need for flexible employment that can accommodate caring roles and responsibilities. In response to the government's ParentsNext Discussion paper, GSANZ has expressed concern that the ParentsNext program could inadvertently worsen this bleak outlook for women's employment by encouraging women with young children to accept employment opportunities that lack security, adequate remuneration, or a long-term career pathway that will lead to financial security.

Recommendation 8

ParentsNext providers and networks should prioritise placements beyond precarious, casualised work that puts more stress on the family, limits long-term career options, and fails to lead to financial security.

Parenting payments, child support and impacts on children and young people

It is estimated that 82 per cent of single parent households in Australia are run by women,³⁷ and 41 per cent of children in single parent households live in poverty (up from 37 per cent in 2012).³⁸ Inadequate social security payments, including the

³⁴ Wilkins, R. (2017). *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 15*. The Melbourne Institute: Melbourne.

³⁵ Maury, S. (2017). *Precarious work and the health cost to women*. Good Policy, 12:1, pp. 6-7. Available at <http://www.powertopersuade.org.au/blog/precariou-work-and-the-health-cost-to-women/1/8/2017>.

³⁶ Workplace Gender Equality Agency. *Unpaid care work and the labour market: Insight Paper*.

³⁷ Australian Bureau of Statistics 2017, Census of Population and Housing: Australia Revealed, 2016, Cat. No. 2024.0, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/2024.0>.

³⁸ Australian Council of Social Service, 2016, *Poverty in Australia*, Strawberry Hills, NSW: ACOSS, <https://www.acoss.org.au/wp-content/uploads/2016/10/Poverty-in-Australia-2016.pdf>.

effects of the Welfare to Work regime,³⁹ works to entrench poverty within single parent families, which are overwhelmingly run by women and therefore effectively disproportionately disadvantages women.

Women become single mothers for a wide range of reasons, sometimes as a consequence of circumstances completely out of their control. For single parents who are unemployed, the current social security system restricts them from accessing Parenting Payment Single if all of their children are over the age of eight. In this situation, single parents need to register for the Newstart Allowance which is \$170 less per fortnight compared to Parenting Payment Single.

It is reported that there is nearly \$1.4 billion currently outstanding in Child Support Scheme payments⁴⁰ largely due to payments being avoided by non-resident/payer parents. According to the National Council for Single Mothers and their Children, 36 per cent of Child Support transferred by the Child Support Agency in 2014 was \$0 - \$500 per year. Typically, it was a little over \$1 per day. This occurs despite the Child Support Scheme being premised upon the belief that biological parents have financial responsibility for their children, as set out in Article 27 of the *Convention on the Rights of the Child*.

While enforcement of Child Support transfers should be considered a priority for the state, it is largely viewed as a payment to the resident/payee parent from the non-resident/payer parent rather than a payment to support children. This approach is reinforced by the fact that government payments are not sufficient to cover basic living costs for children.⁴¹ It is crucial to change this approach as well as to acknowledge and understand that taking primary custody of children as a single parent can often significantly restrict future capacity to engage in paid work and thus limit economic security.

Recommendation 9

Improve enforcement of existing Child Support obligations and close loopholes which make it easy for payer parents to evade their financial responsibilities towards their children.

³⁹ McLaren, J., 2016, Weighing the cost of welfare to work implementation, Blog piece, 13 December, <http://www.powertopersuade.org.au/blog/weighing-the-cost-of-welfare-to-work-implementation/13/12/2016>; Maury, S., and McLaren, J., 2017, Response to discussion paper for ParentsNext National Expansion, Submission to Department of Employment, Abbotsford: Good Shepherd Australia New Zealand, <https://www.goodshep.org.au/media/1929/gsanx-submission-response-to-parents-next-discussion-paper-final.pdf>.

⁴⁰ House of Representatives Standing Committee on Social Policy and Legal Affairs, Child Support Programme Public Hearing: 28 August 2014. Answer to Question on Notice in Parliamentary Inquiry into Child Support Program, Submission 99 - 99.1 Supplementary Submission, Department of Human Services.

⁴¹ Landvogt, Kathy, Edwards, Terese and Cook, Kay, 2017, 7 Questions: Why doesn't child support add up? Blog article 1 May 2017, Women's Action Policy Tank, www.powertopersuade.org.au/blog/7-questions-why-doesnt-child-support-add-up/1/5/2017.

Child support exemptions for violent ex-partners

The financial disadvantage experienced by single parents is further exacerbated for mothers who have left a violent relationship. At present, there is an exemption for family violence survivors seeking Child Support in situations where there is a threat to their safety. This creates a perverse situation in which the only way to keep the victim/survivor safe is to withdraw all claims for Child Support. This exacerbates financial hardship and limits recovery for both mothers and their children. Simply exempting the violent ex-partner from paying is contrary to the rights of the child.

There should not be an individual parent-to-parent responsibility when violence is involved. The current Child Support payments system is a contradictory mechanism that financially penalises the victim/survivor while financially rewarding the perpetrator - fundamentally, at the expense of the health, safety and wellbeing of children and young people. A better approach would be to institute a system of collection via the state.

Recommendation 10

Remove exemptions for payment of Child Support by violent ex-partners and instead implement a system of collection via the state, whereby the state pursues these payments on behalf of the resident/payee parent.

A state guaranteed child support payment system

Research demonstrates that the perpetration of family violence continues post separation.⁴² Often, this is in the form of financial abuse and control, and such coercive and controlling tactics are supported and facilitated by our current welfare and legal systems and structures. For instance, access to Centrelink social workers is required in order for single parents to ensure their benefits are not unfairly removed when Child Support payments are erratic.

The original goal of the Child Support System was two-fold - to alleviate poverty among single parent families and to reduce state expenditure through enforcing non-resident parent financial responsibility. To some extent, the policy is also about allowing children to benefit from both parents' financial circumstances. Instituting state-guaranteed payments would go a long way in addressing many of these issues. At the very least, the onus for seeking, collecting and reporting on unpaid Child Support debts should sit with the state.

Guaranteed payments would ensure that the child support liability is paid on time and in full. It would sever the use of child support as an avenue to practice post-

⁴² Healey, L., 2009, *Researching the gaps: The needs of women who have experienced long-term domestic violence*, Collingwood: Good Shepherd Youth and Family Service.

separation financial abuse and control. A 2014 parliamentary inquiry recommended that state-guaranteed payments be implemented as a trial, however, little, if anything, has been done. Placing the onus on the state would remove many of the barriers to child support that place women at greater risk, or at least greater dependence on, 'keeping the peace with' their ex-partners. This is a conflict of interest that women resolve by compromising their own position.

Recommendation 11

Introduce a state guaranteed payment scheme to reduce the impact of unpaid Child Support on single parents and their children.

5. Education, leisure and cultural activities

Right to education, including vocational training and guidance Art 28

Children in their middle years and educational disadvantage

In 2010, GSANZ, Jesuit Social Services and MacKillop Family Services collaborated to identify, from the perspectives of young people, the key forces behind educational disadvantage.⁴³ As part of the project, 13 young people created digital recordings of their stories and their experiences of education. The experiences of education disadvantage described by the young people are not new. However, they make an important contribution to the policy debate precisely because they come directly from the voices of the people affected.

The middle years (8-12 years of age) are a critical time of development, often setting the trajectory of a person's life course. The middle years are also a time when children and young people are at risk of disengaging from education.⁴⁴ Girls and young women in particular can begin to change their view of themselves as learners and start to doubt their own potential. Other middle years students who can be at risk of disengagement from school include those:

- from Aboriginal and Torres Strait Islander backgrounds
- with learning difficulties
- from low socio-economic backgrounds
- from families under stress and

⁴³ Campbell, L., McGuire, M., and Stockley, C., *I just want to go to school: Voices of young people experiencing educational disadvantage - Key findings and recommendations*, Melbourne: Good Shepherd Youth & Family Service, Jesuit Social Services and MacKillop Family Services, http://jss.org.au/wp-content/uploads/2015/10/I_Just_Want_To_Go_To_School_Report_Digital.pdf.

⁴⁴ Inner City Regional Youth Affairs Network, 2013, *The middle years: Unchartered territory? ICRAN Middle Years Conference Report*, p. 8, <http://iellen.org.au/images/stories/pdf/middle-years-conferenec-report-2013.pdf>.

- living in remote locations.⁴⁵

When GSANZ first started exploring the challenges experienced by children and young people in their middle years, through two student scoping projects we found that age-appropriate services are both hard to find and are overlooked as being needed. In the words of one practitioner:

I find with the eight to 12 year olds, they're the silent group ... The focus is either on adolescents or the young kids and their behaviours, but the eight to twelves tend to be the children in the middle that aren't displaying a lot of behaviours, they're kind of floating along until they hit adolescence.⁴⁶

Perhaps most critically, practitioners said that children and young people in the middle years need safe places to develop their own sense of identity and agency.

Focusing on children and young people in their middle years, in 2016, GSANZ research report *One foot in each world: Challenges and opportunities for children and young people in the middle years* found that:

- Children and young people in their middle years can face various social, behavioural and developmental challenges, including the early onset of puberty and disengagement from school.
- Children and young people in their middle years may encounter difficulties in the transition from primary to secondary school. Teachers need more training and assistance to support students in their middle years who are at risk of educational disengagement.
- The middle years are a period in which mental health issues can first start to manifest. There is evidence that girls and young women in their middle years are now experiencing poorer mental health than their male counterparts.
- Gender has a significant impact on the challenges and needs experienced by children and young people in their middle years. In particular, girls and young women can face distinct issues that stem from gender inequality and stereotypes, including issues relating to poor body image, mental health problems, poor wellbeing, low self-esteem, educational disengagement, early

⁴⁵ Department of Education and Early Childhood Development, 2008, Effective strategies to increase school completion: Every child, every opportunity, available at

<https://www.eduweb.vic.gov.au/edulibrary/public/postcomp/effectivestrategiesreportprint.pdf>;

Campbell, L., McGuire, M., and Stockley, C., 2012, I just want to go to school: Voices of young people experiencing educational disadvantage, Good Shepherd Youth & Family Service, Jesuit Social Services and MacKillop Family Services, available at

https://www.goodshep.org.au/media/1345/i_just_want_to_go_to_school_executive_summary.pdf.

⁴⁶ Close, R., 2011, Disadvantaged pre-teens and their families: A scoping study for Good Shepherd Youth and Family Services. Unpublished scoping project conducted as part of a Master's in Social Work, RMIT University.

sexualisation and experiences of violence. More work needs to be done to understand how best to intervene in, and prevent, these issues.

- There are significant gaps in services for children and young people in their middle years. There is a need for age-specific services that focus on prevention and early intervention, and for services that address the challenges faced by girls and young women in their middle years. Services targeted at the middle years should be designed in consultation with child and young people themselves.
- The middle years represent a key opportunity for early intervention. With early and appropriate intervention, children and young people in their middle years can develop positive behaviours and attitudes that can influence them in adolescence and adult life.⁴⁷

The transition from primary to secondary school is reported to be a particularly sensitive period in which students are expected to adapt to two vastly different education systems. Students move from an educational setting in which they have a close one-on-one relationship with their teacher to a less individually focused system that places more of an emphasis on academic competitiveness.⁴⁸ It has been acknowledged that teachers require better support to identify risk factors for educational disengagement among the middle years and to assist with their smooth transition from primary to secondary school.⁴⁹

Recommendation 12

Greater investment to develop services and programs specific for children in their middle years, particularly for the transition to high school.

Recommendation 13

Greater investment in supporting teachers to better identify risk factors for educational disengagement among students in their middle years.

⁴⁷ McGuire, Magdalena, 2016, *One foot in each world: Challenges and opportunities for children and young people in the middle years*, Abbotsford: Good Shepherd Australia New Zealand, available at https://www.goodshep.org.au/media/1434/one-foot-in-each-world_challenges-and-opportunities-for-children-and-young-people-in-the-middle-years.pdf.

⁴⁸ Australian Institute of Family Studies, 2008, *Inquiry into children and young people 9 - 14 years in NSW* Submission, p. 2,

[http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/129f78374f6bccafca257464000b7711/\\$FILE/Submission%20No%2052.pdf](http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/129f78374f6bccafca257464000b7711/$FILE/Submission%20No%2052.pdf); Lamb, S., Jackson, J., Walstab, A., and Huo, S., 2015,

Educational opportunity in Australia 2015: Who succeeds and who misses out, Centre for International Research on Education Systems and Victoria University, p. 15.

⁴⁹ Youth Affairs Council of Victoria Inc, 2010, *Mapping the middle ground: Supporting the educational engagement of young people aged 10-14 years. Forum report*, p. 23, <http://www.yacvic.org.au/policy-publications/publications-listed-by-policy-area/27-education-and-training/46-mapping-the-middle-ground-supporting-the-educational-engagement-of-young-people-aged-10-14-years>.

Flexible learning environments to enhance educational engagement

In a research project to explore how to enhance educational engagement among the middle years cohort, it has been identified that there are certain 'boosters' that promote and support individual educational engagement, and conversely, certain 'guzzlers' that undermine and restrict engagement.⁵⁰

In addition to these individual factors, students' educational engagement can be adversely affected by systemic factors. Research by GSANZ, Jesuit Social Services and MacKillop Family Services identified that these systemic factors can include:

- bullying and violence at school
- unequal access to learning experiences (for example, students from lower socio-economic backgrounds often cannot afford to access the same opportunities as their more well-off peers)
- inadequate learning assistance within and outside of school
- being deprived of a 'voice' or consultation about education needs
- not being adequately recognised as an individual with distinct learning and other needs
- schools' lack of understanding of the range of issues that students can face (for example, mental health issues, bullying, living in out-of-home care, poverty, abuse from parents).⁵¹

Further to this, it has been well documented that Australian children and young people make up 42 per cent of Australians who are homeless. Homelessness can take many forms, including but not limited to sleeping rough, couch surfing, sleeping in a car, living in crisis accommodation and any other form of inappropriate dwelling. As articulated by two of GSANZ's Youth Homelessness Service practitioners:

Preventing homelessness is far more cost effective than creating a system where young people are more likely to experience homelessness. However, policy decisions don't seem to be in line with this advice.⁵²

In addition to homelessness, other reasons why students leave mainstream education settings are mostly to do with the lack of quality relationships, for example, as a

⁵⁰ Victoria University Melbourne and Maribyrnong and Moonee Valley Local Learning Employment Network, 2014, Questions of engagement: Improving the learning experience of students in years 5 - 8.

⁵¹ Campbell, L., McGuire, M., and Stockley, C., 2012, I just want to go to school: Voices of young people experiencing educational disadvantage, Good Shepherd Youth & Family Service, Jesuit Social Services and MacKillop Family Services, available at https://www.goodshep.org.au/media/1345/i_just_want_to_go_to_school_executive_summary.pdf.

⁵² Kennedy, M., and Canavan, E., 2017, Youth homelessness is reach crisis levels, Blog piece, April 4, www.powertopersuade.org.au/blog/youth-homelessness-is-reaching-crisis-levels/3/4/2017?rq=children%20young%20people.

target for bullying, feeling isolated due to mental health issues or problems in the home. If we are truly committed to delivering on children's and young people's right to an education, coordinated whole-of-government and whole-of-community approaches are required.

Recommendation 14

Flexible learning environments need to be recognised in education policy, and be properly funded and supported to ensure they remain integrated, robust alternatives to 'mainstream' education settings.

Recommendation 15

All education settings are structured and resourced to address the multiple issues that children and young people experience including but not limited to: homelessness, family violence, mental health, drug and/or alcohol misuse, bullying and harmful gender stereotypes.

6. Conclusion

This submission has highlighted a number of policy and practice areas in which GSANZ has particular expertise, relevant to the *Convention on the Rights of the Child*. These include family violence, social security - particularly for single-parent households - and the intersection of mental health, gender, and the middle years. However, we recognise that for children in Australia to have full enjoyment of their rights, change is required across a number of policy areas. This includes special provisions for groups of children who experience multiple forms of discrimination and disadvantage, such as children with disability, children in immigration detention settings and Aboriginal and Torres Strait Islander children.

In applying a gendered lens GSANZ highlights the need to ensure tailored strategies are developed and implemented to meet the diverse range of needs of Australian children and young people. We also advocate for analysing social justice issues, including those pertaining to children and young people, through an intersectional prism. As argued by Audre Lorde, there is no such thing as a single-issue struggle because we do not live single-issue lives.⁵³ Australian children and young people are diverse, and their experiences are shaped by a variety of factors. As such, supports and responses to their identified needs should be tailored.

GSANZ would welcome the opportunity to provide additional information on any of the areas covered in this submission and looks forward to reading the findings of the National Children's Commissioner's report to the Committee on the Rights of the Child and her 2018 statutory report to the Parliament of Australia.

⁵³ Lorde, A., 1982, *Learning from the 60s*, Speech delivered at Harvard University, available at: <http://www.blackpast.org/1982-audre-lorde-learning-60s>.

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