



HUMAN RIGHTS ACT FOR NEW SOUTH WALES

Inquiry into the Human Rights Bill 2025

Human Rights Act for NSW: Submission No.2 School Students' Statement on Human Rights Protection for NSW

Legislative Assembly Committee on Community Services
By email: communityservices@parliament.nsw.gov.au

JULY 2026

Human Rights Act for NSW Alliance
president@alhr.org.au

Acknowledgement

The Human Rights Act for NSW Alliance acknowledges the traditional owners and custodians of the lands, rivers and seas on which we work, live and travel across New South Wales as the first people of this country. We recognise that the land belonging to these peoples was never ceded. This always was and always will be Aboriginal land. We pay our deep respect to Elders past and present. We recognise that human rights apply to all individuals and have a special significance for Aboriginal and Torres Strait Islander peoples - the first owners of this land, members of its most enduring cultures, and individuals for whom the issue of rights protection has great and continuing importance.¹

Executive Summary

Human Rights Act for NSW (HRA4NSW) is grateful for the opportunity to provide this Submission No. 2 to the Legislative Assembly Committee on Community Services (the Committee) Inquiry into the Human Rights Bill 2025 (the Bill).

Human Rights Act for NSW is an alliance of more than 135 legal and community organisations, faith bodies and trade unions working across the state and united in their support for the introduction of a Human Rights Act in New South Wales.²

This Submission No. 2 is specifically focussed on sharing the views of New South Wales school students with the Committee arising from work led by HRA4NSW Alliance members, the Centre for Law and Social Justice at the University of Newcastle (the Centre) alongside Australian Lawyers for Human Rights (ALHR).

The Centre and the HRA4NSW Alliance have collaborated since 2022 to deliver an annual human rights-focused youth forum for high school students. These events have been coordinated by the Centre alongside ALHR with sponsorship and contributions from a number of organisations and individuals.

The event series is [profiled here](#).³

2022 Forum

The first forum, in 2022, was held in Newcastle with 70 high school students from across the Hunter region. The forum discussed and produced a school student's [statement on the human right to education](#)⁴. This statement has been later cited in Centre submissions, including to the Commonwealth parliamentary inquiry into Australia's human rights

¹ Preamble (7) Human Rights Act 2004 (ACT)

² A list of HRA4NSW Alliance members is available here: <https://humanrightsfornewsw.org/partners>

³ Centre for Law and Social Justice at the University of Newcastle and Australian Lawyers for Human Rights School Student Forums on Human Rights Event Series Webpage: <https://www.newcastle.edu.au/research/centre/law-and-social-justice/public-forums-landing-page>

⁴ School Students' Statement on the Right to Education, November 2022: https://www.newcastle.edu.au/_data/assets/pdf_file/0007/876400/School-Students-Statement-on-the-Right-to-Education.pdf

framework. Tim Crakanthorp, State MP for Newcastle, attended the forum to engage with student participants. He later reported on the Students' Statement on the Right to Education in NSW Parliament, noting that the statement was 'inclusive and thorough, showing genuine consideration for people of diverse backgrounds, living situations and abilities'.

2023 Forum

In 2023, the second forum was held in Newcastle with 55 high school students from Hunter schools participating. The forum discussed and produced a school student's [statement on the right to a healthy environment](#).⁵ The students learnt about First Nations perspectives on caring for Country and engaged with practitioners in climate justice and disability rights. Sharon Claydon MP, Federal member for Newcastle, attended to receive the Students' Statement on the Right to a Healthy Environment and reported on the students' work to Tanya Plibersek MP, Minister for the Environment and Water in the Commonwealth Parliament. Minister Plibersek wrote to congratulate the student participants on their engagement with environmental decline and the impacts of environmental harm on young people. The Students' Statement was later formally launched in Newcastle by Trisha Doyle MP, NSW Parliamentary Secretary for Environment, Heritage, Climate Change, and Energy.

2024 Forum

In 2024, the third forum was held in Newcastle with 80 high school students from Hunter schools participating. The forum discussed and produced a school student's [statement on the human right to participate in political and public life](#).⁶ Tim Crakanthorp MP returned to the 2024 forum to engage with participants on their Students' Statement, discussing – among other things – the campaign for voting rights for 16- and 17-year-olds. The students' advocacy was covered by Hunter region print, TV and radio news programs.

2025 Forum

In September 2025, the Centre and ALHR held the youth forum at NSW Parliament. The event brought together 60 high school students from 21 diverse schools in the Hunter and Sydney regions at NSW Parliament in Sydney. Forum participants were welcomed to Parliament by several MPs, including forum sponsor the member for Newtown, Jenny Leong. This forum was designed to engage students with proposed human rights law reform for NSW. A number of eminent speakers supported student engagement, including representatives of the Australian Human Rights Commission, the Human Rights Law Centre, Community Legal Centres NSW and the NSW Council for Civil Liberties.

⁵ School Students' Statement on the Right to a Healthy Environment, November 2023:
https://www.newcastle.edu.au/_data/assets/pdf_file/0008/957626/School-Students-Statement-on-the-Right-to-a-Healthy-Environment-2023.pdf

⁶ School Students' Statement on the Right to Participate in Public and Political Life, November 2024:
https://www.newcastle.edu.au/_data/assets/pdf_file/0012/1040007/School-Students-Statement-on-the-Right-to-Participate-in-Public-and-Political-Life.pdf

As is evident from the above discussion, many young people in NSW are engaged in human rights advocacy in NSW through this one event – thousands more are active in the human rights field through their studies and as contributors to many community organisations.

The Human Rights for NSW Alliance submits as an appendix the attached **School Students' Statement on Human Rights Protection for NSW**⁷, the product of the 2025 Youth Forum, as an important indicator of young peoples' perspectives on human rights protection for NSW.

The Statement speaks to several human rights principles which its authors regarded as deserving of protection under NSW law.

We respectfully ask the committee to consider the statement and the voices of young people in assessing the need for human rights law reform in NSW.

Notably, the 2025 Youth Forum participants called on the NSW Parliament to pass a Human Rights Act for NSW.

These were their core messages for decision-makers:

- NSW should have a Human Rights Act;
- Human rights apply to everyone, regardless of the differences amongst us – human rights are for all humans;
- No rights should be held higher than others – human rights all have equal status;
- The human rights of young people are not subservient to the rights of adults;
- Governments must not deny or violate human rights;
- Australia, especially NSW, is behind as a society in terms of protecting human rights – we need legislative change to advance the wellbeing of everyone in our community;
- NSW law does not offer comprehensive legal protection for the human rights of its people;
- Human rights are important for young people, and we want the confidence and security that our rights are protected in law;
- Legislative protection for human rights would benefit all people in NSW;
- We do not receive enough education around our human rights in our schooling or later in our lives – everyone in NSW and Australia ought to be informed about their rights; and

⁷ Statement on Human Rights Protection for NSW, September 2025: statement on a Human Rights Act for NSW: https://www.newcastle.edu.au/_data/assets/pdf_file/0005/1092965/2025-Youth-Forum-Statement-Human-Rights-Protection-for-NSW.pdf

- With better rights protection and more education about our human rights, together we can shape a better future for our society.

We advise that a small delegation of school students who participated in Youth Forums in Newcastle and Sydney is available to appear before the Committee to provide oral evidence about their statements and their views on human rights protections for NSW.

Children and Young People's Right to Participate

Below we provide brief information to respectfully draw the Committee's attention to children and young people's internationally recognised human right to participate. This right underpins our Youth Forums and the statements that school students have produced at the forums.

In our society children do not have as much social and political power as adults, because they do not have the right to vote until they turn 18. However, they do have an internationally recognised human right to take part in public life and to participate in decisions that impact their lives and their futures.

The Convention on the Rights of the Child

Article 12 of the United Nations Convention on the Rights of the Child (CRC)⁸ provides:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Australia has signed and ratified the CRC which means that the federal and New South Wales governments have a legal duty to ensure that all children enjoy the right to participate and be heard.

The CRC also makes it clear that, even when a person is under 18 years of age, all human rights apply to them equally as they apply to adults.

General Comment No. 12 (2009): *The right of the child to be heard*

*General Comment No. 12 (2009): The right of the child to be heard*⁹ by the United Nations Committee on the Rights of the Child (UNCRC) further explains the scope and content of children's Article 12 CRC right. It affirms children's participation as a binding human rights obligation requiring governments and institutions to create inclusive, child-sensitive and accountable processes through which children's views are freely expressed, seriously considered and capable of influencing decisions that affect them.

⁸ United Nations. (1989). *Convention on the Rights of the Child*. Treaty Series, 1577, 3

⁹ United Nations Committee on the Rights of the Child. (2009). *General comment No. 12 (2009): The right of the child to be heard* (CRC/C/GC/12). United Nations

It notes in particular that:

- The right to be heard is both a standalone right and a general principle of the CRC. The UNCRC identifies Article 12 as one of the four general principles of the CRC, alongside non-discrimination, the best interests of the child, and the right to life, survival and development. This means it should guide the interpretation and implementation of all other children's rights.
- Children must be given relevant information so they can form informed views.
- Children should be heard not only in individual decisions but also in broader policy, service design, law reform and social processes that affect them. Participation must apply broadly to "all matters affecting the child," including decisions about education, health, care, protection, justice, immigration, family life, policy-making and public services.
- Simply asking children for views is not enough; decision-makers must seriously consider children's views and give them "due weight" according to age and maturity. Decision-makers should explain to children how their views were considered and what weight was given to them.
- There is no fixed minimum age for participation. Children should be presumed capable of forming views and they should not have to prove their capacity before being heard. Age alone should not determine how much weight is given; maturity, understanding, support, experience and the impact of the decision on the child are also relevant.
- Children should be able to participate directly where possible. Children may be heard directly or through a representative, but direct participation should be available wherever possible.
- States must ensure equal participation for children who face barriers, including children with disability, girls, Indigenous children, migrant and minority-language children and other marginalised groups.
- Meaningful participation must be transparent, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe, sensitive to risk and accountable.
- Children also need access to complaints, remedies and redress when their right to be heard is ignored.

Other human rights instruments Australia has promised to uphold

In addition to the CRC, the right to participate is recognised in other international human rights standards that Australia has promised to uphold and which apply to children and young people in New South Wales, including:

- The International Covenant on Civil and Political Rights (ICCPR), Article 25,¹⁰ recognising the right of every citizen to take part in public affairs, vote and have equal access to public service.
- The Convention on the Rights of Persons with Disabilities (CRPD), Article 29,¹¹ requiring governments to ensure persons with disabilities can effectively and fully participate in political and public life.
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 7¹² and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 5,¹³ requiring governments not to discriminate in ways that impact the right to participate in public life.
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Articles 18, 19, 23 and 32,¹⁴ recognising that Indigenous peoples, including First Nations children and young people, have the right to: participate in decision-making in matters that affect them, have their own decision-making institutions, and expect governments to obtain their free, prior and informed consent regarding laws or projects affecting them.

Human Rights Bill 2025

HRA4NSW notes that *The Human Rights Bill 2025* offers NSW an opportunity to lead rather than lag behind other jurisdictions in Australia by adopting the recommendations of the Australian Human Rights Commission (AHRC)¹⁵ and the Federal Parliamentary Joint Committee on Human Rights to include **a procedural duty to engage in participation processes** where a decision of the NSW parliament or executive disproportionately affects a specific group or groups.

In the context of this submission, we note and welcome that this would include children, including children with disabilities and First Nations children, consistent with Australia's international obligations.

In the AHRC model, the participation duty operates as a procedural component of the positive duty on public authorities. It requires public authorities to facilitate the meaningful participation of First Nations peoples, children and people with disability in decisions and policies that directly or disproportionately affect their rights.

¹⁰ United Nations General Assembly. (1966). *International Covenant on Civil and Political Rights*. United Nations Treaty Series, 999, 171

¹¹ United Nations General Assembly. (2006). *Convention on the Rights of Persons with Disabilities*. United Nations Treaty Series, 2515, 3

¹² United Nations General Assembly. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*. United Nations Treaty Series, 1249, 13.

¹³ United Nations General Assembly. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination*. United Nations Treaty Series, 660, 195

¹⁴ United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*. A/RES/61/295

¹⁵ Australian Human Rights Commission. (2022). *Free & equal: A Human Rights Act for Australia 2022*

This would strengthen rights-based decision-making for children and young people by requiring affected groups to be consulted early, fairly, accessibly and in good faith, with their views genuinely considered before decisions are finalised. It would therefore create an important upstream framework that significantly enhances the work of government by proactively preventing human rights breaches before they happen.

Conclusion

We invite the Committee to please get in touch with any queries or concerns about this submission.

We reiterate that a small delegation of school students who attended the school student forums is available to appear before the Committee to provide oral evidence about their statements and their views on human rights protections for NSW.

Appendix A - begins at page 11

School Student's Statement on Human Rights Protections for NSW, September 2027.

Yours faithfully,

Professor Amy Maguire, Director, Centre for Law and Social Justice at the University of Newcastle

Kerry Weste, Vice President and Chair of Children's Rights, Australian Lawyers for Human Rights.

Members of the Human Rights Act for NSW Alliance

1. Aboriginal Legal Service (NSW/ACT) Limited
2. AbSec
3. ACON
4. Act for Kids
5. Advocacy Law Alliance
6. African Australian Advocacy Centre (AAAC)
7. All Means All
8. Amnesty International Australia
9. Anchor & Arrow Trauma Informed Service
10. ANTAR
11. Asian Australian Alliance
12. Assistance Dogs Australia
13. Asylum Seekers Centre
14. Australia New Zealand Lived Experience Advisory Council for Police-Related Deaths
15. Australian Arab Institute for Culture and Ideas
16. Australian Association for Adolescent Health
17. Australian Child Rights Taskforce
18. Australian Democracy Network
19. Australian Federation of Disability Organisations
20. Australian Federation of Islamic Councils
21. Australian Human Rights Institute
22. Australian Lawyers & Barristers Association
23. Australian Lawyers Alliance

24. Australian Lawyers for Human Rights
25. Australian National Imams Council
26. Australian Services Union NSW
27. Being Mental Health Consumers
28. Body Safety Australia
29. BrainStorm Mid North Coast
30. Bravehearts
31. CALM Cultural Advocacy & Legal Mediation
32. Carer Supports for people who have a Dual Diagnosis
33. Carers NSW
34. Centre 360 Youth and Family Service
35. Centre for Disability Studies
36. Centre for Law and Social Justice, University of Newcastle
37. Children and Young People with Disability Australia
38. Climate Defenders Australia
39. Community Legal Centres New South Wales
40. Community Restorative Centre
41. Council for Intellectual Disability
42. CREATE Foundation
43. Crossing Borders
44. Deaf Australia
45. DES Action NSW
46. Digital Rights Watch
47. Disability Rights Connect
48. Disabled Australian Lawyers Association
49. Down Syndrome NSW
50. Economic, Social and Cultural Rights Network Australia and Aotearoa New Zealand
51. Environmental Defenders Office
52. Equality Australia
53. Faith Housing Australia
54. First Mardi Gras 78ers
55. Flourish Australia
56. Grata Fund
57. Hindus for Human Rights ANZ
58. HIV/AIDS Legal Centre
59. Homelessness NSW
60. House of Welcome
61. Human Rights for All
62. Human Rights Law Centre
63. ICAN
64. Illawarra Legal Centre
65. Immigration Advice and Rights Centre
66. Inner City Legal Centre
67. Institute of Child Protection Studies at Australian Catholic University
68. Intellectual Disability Rights Service
69. Interaction for Health and Human Rights
70. International Commission of Jurists Australian Section
71. Jesuit Refugee Service
72. Justice and Equity Centre
73. Justice Connect
74. Justice Reform Initiative
75. Just Reinvest NSW
76. Kingsford Legal Centre
77. knowmore
78. Law Society of NSW (Observer Status)
79. Marrickville Legal Centre
80. Maternity Choices Australia
81. Mental Health Carers NSW
82. Mental Health Coordinating Council
83. Mid North Coast Legal Centre
84. Missing School
85. Mums 4 Refugees
86. National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA)
87. National Centre of Excellence in Intellectual Disability Health

88. National Disability Services
89. National Foundation for Australian Women
90. National Justice Project
91. National Regional, Rural, Remote and Very Remote Community Legal Network
92. New South Wales Bar Association
93. New South Wales Council for Civil Liberties
94. New South Wales Council of Social Service
95. New South Wales Society of Labor Lawyers
96. No Child in Solitary
97. NSW Teachers Federation
98. Older Women's Network NSW
99. Parents for Trans Youth Equity
100. Parents of Deaf Children Inc
101. People with Disability Australia
102. Physical Disability Australia
103. Physical Disability Council of NSW
104. Pride in Law
105. Rainbow Families
106. Redfern Legal Centre
107. Refugee Advice and Casework Service
108. Refugee Council of Australia
109. Save the Children and 54 reasons
110. School Can't Australia
111. Seniors Rights Service
112. Shelter NSW
113. Shine for Kids
114. South Coast & Country Community Law
115. St Francis Social Services
116. St Vincent de Paul Society NSW
117. Tenants Union of New South Wales
118. The Australian Centre for Disability Law
119. The Hijab Collective
120. The Law Society of New South Wales Young Lawyers
121. The Shopfront Youth Legal Centre
122. Trans Justice Sydney
123. Uniting NSW ACT
124. University of Sydney Students' Representative Council Disabilities and Carers Collective
125. UTS Centre for Social Justice and Inclusion
126. WayAhead – Mental Health Association NSW
127. Welcoming Disability
128. Welfare Rights Centre
129. Western NSW Community Legal Centre
130. Whitlam Institute
131. Wirringa Baiya Aboriginal Women's Legal Centre
132. Women Illawarra
133. Women with Disabilities Australia
134. Women's Electoral Lobby
135. Women's Legal Service NSW
136. Yfoundations
137. Youth Action NSW
138. Youth Justice Coalition
139. Youth Law Australia
140. YWCA Australia

School Students' Statement on Human Rights Protection for New South Wales



We, school students from the Sydney and Hunter regions of New South Wales (NSW), meeting at NSW Parliament on 11 September 2025:

- Acknowledge that we have worked together on the Country of the Gadigal people and pay our respects to their elders past and present, and acknowledge their continuing sovereignty;
- Welcome this opportunity to share our views about human rights protection for the people of NSW;
- Direct this Statement to Members of the NSW Parliament, our peers and schools, and the wider community of NSW.

We want to challenge some prejudices about young people that we see reflected in NSW society. We feel that young people tend to be ignored more frequently than older people. We see our experiences devalued and our opinions dismissed or taken less seriously.

In fact, young people:

- Will have the same experiences as all other members of society, and despite our young age, we already have had diverse, challenging and sometimes traumatic experiences;
- Deserve access to education about and advocacy for our human rights;
- Are still forming our opinions and our values – for this reason, it is very important that we are treated with respect, because the treatment of young people by the community will shape the formation of our views;
- Are very aware of what is happening in our world, including the urgent risks posed by climate change;
- Are experiencing the impacts of a technology-driven society, including harms like violation of our privacy, damage to our reputations, cyberbullying and restrictions on our ability to participate in public life online;
- Know that we have less political power and that decisions are often taken that will affect us without our input.

We challenge NSW decision-makers and the wider community to acknowledge that young people have views that should be taken seriously. We are the future and should have more of a say in how it is shaped. Young age does not discredit our experiences or mean that human rights protections do not apply equally to us, and it is not fair to discriminate against us or our ideas because we are young. We can provide different perspectives and can make useful and informed contributions to decision-making.

We should be at the forefront of decisions that affect us. We have an internationally recognised right to participate and to have our views heard and taken seriously.

We know that human rights concerns are urgent, and action must be taken now.





We came to Parliament today to discuss human rights protection for NSW. These are our core messages for decision-makers:

- Human rights apply to everyone, regardless of the differences amongst us – human rights are for all humans;
- No rights should be held higher than others – human rights all have equal status;
- The human rights of young people are not subservient to the rights of adults;
- Governments must not deny or violate human rights;
- Australia, especially NSW, is behind as a society in terms of protecting human rights – we need legislative change to advance the wellbeing of everyone in our community;
- NSW law does not offer comprehensive legal protection for the human rights of its people;
- Human rights are important for young people, and we want the confidence and security that our rights are protected in law;
- Legislative protection for human rights would benefit all people in NSW;
- We do not receive enough education around our human rights in our schooling or later in our lives – everyone in NSW and Australia ought to be informed about their rights;
- With better rights protection and more education about our human rights, together we can shape a better future for our society.





In our work at the 2025 Youth Forum on Human Rights, we considered 16 human rights that Australia has promised to uphold under core United Nations treaties and which are likely to be included in a Human Rights Bill for consideration by the people of NSW and the NSW Parliament.

The rights we discussed were:

- Right to recognition and equality before the law and freedom from discrimination
- Prohibition of torture and cruel, inhuman or degrading treatment or punishment
- Protection of the child
- Protection of families
- Right to privacy and reputation
- Freedom of thought, conscience and religion
- Right to peaceful assembly and freedom of association
- Freedom of opinion and expression
- Right to participate and the right to take part in public life
- Right to liberty and security of the individual
- Rights of children in the criminal process
- Rights to culture
- Right to education
- Right to health
- Right to an adequate standard of living
- Right to a healthy environment

We call on the Parliament of NSW to pass a Human Rights Act that protects these rights and all other human rights protected in the international human rights framework.

In this Statement, we identify obstacles to the realisation of human rights and argue for stronger legislated protections.

RIGHT TO RECOGNITION AND EQUALITY BEFORE THE LAW AND FREEDOM FROM DISCRIMINATION

International Covenant on Civil and Political Rights (ICCPR), Article 26:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”

Convention on the Rights of the Child (CRC), Article 2:

“Children must be protected from all forms of discrimination.”

All human beings, including young people, should be treated equally, regardless of ethnicity, race, sex, language, religion, political or other opinions, national or social origin, property, birth, sexuality, gender, culture or other status. This right is very important for people with disability, who should receive whatever support they may require to live with dignity and free from discrimination.

By protecting everyone in NSW, including disadvantaged and disempowered groups, from discrimination, our society can promote a stronger, more cohesive and peaceful society in which everyone is respected. We can do more to teach anti-discrimination and promote equality – everyone should be aware that they are entitled to fair treatment.

The law must protect us all from discrimination. We call on the NSW Parliament to ensure comprehensive and enforceable legal protections against discrimination in a Human Rights Act for NSW.





PROTECTION FROM TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT

International Covenant on Civil and Political Rights (ICCPR), Article 7, and Convention on the Rights of Persons with Disabilities, Article 15:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Convention on the Rights of the Child (CRC), Article 37(a):

“No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”

We are aware, as young people, that these prohibited practices can disproportionately affect young people. Young people may be disempowered in situations where they face risks of abuse (for example, when they are in custody or state care). Our relative lack of awareness or capacity to advocate for our rights, including our right to freedom of expression, can heighten the risk that young people will not receive protection from torture or cruel, inhuman or degrading treatment or punishment.

We are outraged and alarmed by the disproportionate criminalisation and incarceration of First Nations people, including in NSW where First Nations young people represent 8% of young people in the state but account for 60% of children in detention. It is also shocking for us to learn that – in NSW and many other Australian jurisdictions – children as young as 10 can be prosecuted for criminal offences and imprisoned. This causes early contact with the justice system and instead of helping children or making communities safer causes children and young people to become trapped in deeply harmful cycles of repeated offending and imprisonment.

The experience of torture and cruel, inhuman and degrading treatment or punishment is deeply traumatising for people. It causes lifelong harm. Trauma will likely be compounded for groups who are marginalised, for example people with disabilities, First Nations peoples, culturally and linguistically diverse groups, and members of the LGBTQIA+ community. We call on the NSW Parliament to prohibit and protect everyone against torture and cruel, inhuman and degrading treatment or punishment.

PROTECTION OF THE CHILD

Convention on the Rights of the Child (CRC), Article 19:

“Children must be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.”

Article 3: “In all actions concerning children, the best interests of the child shall be a primary consideration.”

Convention on the Rights of Persons with Disabilities, Article 7:

Governments must ensure “the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.”

This right is focused on the best interests of the child. We observe in our society stigma and prejudice against young people, particularly teenagers, and a lack of respect towards children. We also see the normalisation of bullying. Some children suffer violent and abusive treatment and lack protection for their best interests from their families, in out-of-home care, from government agencies and within other institutions.

These special rights that specifically belong to children because they are more vulnerable than adults must be protected in law by governments. Adequate protection of children will help build a stronger and more sustainable NSW society in which all children have the best chance of developing to their full potential, living with dignity and avoiding contact with the justice system.

To promote protection of the child, the NSW government must ensure that children receive education on children’s human rights. Parents and caregivers, schools, health care settings, public entities, justice settings and all organisations performing a public function in NSW should operate in accordance with children’s rights standards. It is also crucial that respect for children be promoted in workplaces, as there is evidence of young people being exploited in employment and not having access to union membership and support in the early stages of their working lives.





PROTECTION OF FAMILIES

International Covenant on Civil and Political Rights (ICCPR), Article 23:

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

Convention on the Rights of the Child (CRC) Article 9(1):

“Children should not be separated from their parents unless it is in their best interests.”

Article 18(2): “Governments must support parents and guardians in their child-raising responsibilities.”

Article 20: “Children who cannot be looked after by their family must be given special protection and help.”

Protection of families is so important for the protection of children. Too often, we hear about people suffering in violent and abusive family situations. Children are sometimes removed from parents who were themselves traumatised by abuse. First Nations children are disproportionally removed from their families in NSW and throughout Australia.

It can be very difficult or impossible for victims to get help, as abuse is still so often hidden or unnoticed by the community. Violence impacts the physical and emotional health of children, but if they are experiencing abuse, they are less likely to access the health care they need.

When families are well protected by law and institutions, they enable young people to learn and practice their cultures and traditions. Every family is different, and different family dynamics should be respected, including kinship relationships for First Nations peoples. When children need alternative family arrangements, including foster and adoptive families, those families must also receive protection to ensure the best interests of the children.

RIGHT TO PRIVACY AND REPUTATION

International Covenant on Civil and Political Rights (ICCPR), Article 17:

“No one shall be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, nor to unlawful attacks on their honour and reputation.”

Convention on the Rights of the Child (CRC), Article 16:

“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.”

As young people, we are very aware of how exposed we are to technology.

We know the risks we face, including from cyberbullying, AI deep fakes and other online abuse. We also know that we face risks due to the increasing use of AI, automated decision-making, algorithms and the use of our personal data, including our biometrics. These technology-driven practices can damage our reputations and invade our privacy. We need laws to carefully protect our privacy and reputations to guarantee us the best chance of building our futures free from the harms inflicted in the digital world.

However, we are also digital natives, and we need to be able to participate in the digital world in order to freely express ourselves, share our ideas, access information and support, find community with other young people, participate in public life and be equipped for the future.

We see governments talking about social media bans, but we call for human rights laws that fully protect and proportionately balance our rights, and which recognise both the harms and benefits of access to online communities as technology continues to rapidly advance.

The right to privacy and reputation must also be protected in our real world. For example, families play an important role in respecting the right of children to privacy, as appropriate for their age.

Alongside that respect, we also call for education to ensure that children are aware of how to protect their privacy and reputation as they grow up, particularly because damage to reputation and privacy can follow people throughout life and limit employment and other opportunities.





FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

International Covenant on Civil and Political Rights (ICCPR), Article 18(1):

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice...”

Convention on the Rights of the Child (CRC), Article 14(1):

“States Parties shall respect the right of the child to freedom of thought, conscience and religion.”

Many factors impact freedom of thought, conscience and religion for young people. The extent to which we can express this right will be affected by our family situations, our education, gender and age. Our economic opportunities, social status and social groups also impact how we express this right. Some of us feel that our educational environments impose unfair restrictions on how freely we can express our freedom of thought or beliefs.

It is crucial that laws protect our freedom of thought, conscience and religion. This right promotes respect for other people and their beliefs. When it is protected effectively there is less discrimination in society. Freedom of thought, conscience and belief is crucial to support important debate in society, break down harmful stereotypes about other people or communities we are unfamiliar with, and build acceptance of difference. When this human right is well protected, we gain confidence to develop as individuals while also building connections with other people and contributing to a united society.



RIGHT TO PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION

International Covenant on Civil and Political Rights (ICCPR) Article 21:

“The right of peaceful assembly shall be recognised... No restrictions may be placed... other than those imposed in conformity with the law and which are necessary... in a democratic society.”

Article 22(1): “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions...”

Convention on the Rights of the Child (CRC), Article 15:

“Children have the right to meet with others and to join or set up associations, unless this interferes with the rights of others.”

As people under the age of 18, it is vital that we have protection for these rights so that we can communicate our concerns about the future, participate in public life, connect with like-minded people in the community, and explore our identities. Through peaceful assembly and freedom of association, we can build support for peaceful campaigns on issues that matter to us and ensure that our views are heard. We can express these rights in many ways, including through student representative councils, assemblies in public spaces, and through protest. These rights are especially important for our participation in our society, considering that we do not yet have the right to vote.

However, we encounter obstacles to expressing these rights in our everyday lives. Some young people are subject to strict family expectations that make it difficult to participate in peaceful assemblies or freely associate outside our homes or schools. Some young people might not know about their rights to join a union or participate in protests and other community actions, even though they are too young to vote.

Social media bans risk impacting our ability to participate in online forms of peaceful protest and assembly.

We are also worried about expressing these rights through protest, knowing that public authorities sometimes make it very difficult for planned protests to get approval, and that even children can be subject to arrest and serious criminal charges.





FREEDOM OF OPINION AND EXPRESSION

International Covenant on Civil and Political Rights (ICCPR), Article 19:

“Everyone shall have the right to hold opinions without interference...[and] the right to freedom of expression... [including] to seek, receive and impart information and ideas of all kinds...”

Convention on the Rights of the Child (CRC), Article 13:

“The child shall have the right to freedom of expression... orally, in writing or in print, in the form of art, or through any other media of the child’s choice.

Convention on the Rights of Persons with Disabilities (CRPD), Article 21:

[Governments shall ensure that] “persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice...”.

In order to exercise our freedom of opinion and expression, we need to be respected as people capable of forming and sharing our opinions. Young people are often forced to follow social norms, and some of us are constrained by an expectation that we should stay quiet or that our opinions and expressions are less worthy of protection compared to adults.

Some of us do not have good access to reliable information. Social media bans risk impacting our ability to freely express our ideas and opinions and to receive the ideas and opinions of others.

We call on the NSW Parliament to protect our freedom of opinion and expression in law. To make that protection meaningful, we ask leaders to consider how all young people can have good access to reliable information and be able to impart their ideas and participate in public discourse. We want to see our communities and governments protecting our right to participate and involving young people in discussions, protests and decision-making. We can bring fresh ideas to important debates, and we deserve a platform to contribute to changes that will have impacts on our lives.



RIGHT TO PARTICIPATE AND TAKE PART IN PUBLIC LIFE

International Covenant on Civil and Political Rights (ICCPR), Article 25:

Recognises the right of every citizen to take part in public affairs, vote, and have equal access to public services.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Article 18:

“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”

Convention on the Rights of the Child (CRC), Article 12:

Children have the right to express their own views on all matters that affect them. Their views must be given due weight according to their age and maturity.

Convention on the Rights of Persons with Disabilities (CRPD), Article 29:

Requires governments to ensure that persons with disabilities can effectively and fully participate in political and public life.

Even though children do not have the right to vote, we still have the right to express our views and be consulted on matters that affect us, have those views taken seriously, and take part in public life.

Young people make up a large part of NSW society, and decisions made during our youth not only impact us in the here and now but will also impact us for a long time. The experiences and views of young people are no less significant because of our age. We are also a diverse group of people with a wide range of individual and unique perspectives – these do not always mirror the views of our parents, elected representatives or communities.

When we do see young people in public life, we see that they are not as well respected as older people. Having visited parliament, we can see that young people are underrepresented among our political leaders. Governments can benefit from considering the views of people who have less power and influence. To better protect our right to take part in public life, we call on the NSW Government to ensure that young people have access to reliable information and are protected from misinformation.

We also call upon the NSW Government to legally protect our right to participate and ensure that we are consulted when decisions are being made that affect us. With good learning opportunities and access to decision-making processes, young people can helpfully advise on decisions and contribute more to our communities.



RIGHT TO LIBERTY AND SECURITY OF THE INDIVIDUAL

International Covenant on Civil and Political Rights (ICCPR), Article 9:

“No one shall be subjected to arbitrary arrest or detention. Everyone has the right to liberty and security of person.”

Convention on the Rights of the Child (CRC), Article 37(b):

“No child shall be deprived of liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child shall be in conformity with the law and used only as a measure of last resort and for the shortest appropriate period of time.”

It is shocking to us that children as young as ten can be arrested and detained in NSW. Children should be recognised as children before the law. The law should be evidence-based and reflect expert research about children’s development and needs. It is crucial that children receive care, protection and support for their needs, and detention is incompatible with meeting those needs.

We are very concerned about children who lose their liberty. This can happen through the criminal process or in other ways, for example, some children are subject to court-ordered custody arrangements, and this affects their liberty. When children lose their liberty, this impacts other human rights that are very important for them, particularly their right to education. Along with the psychological trauma young people experience when they are deprived of their liberty, this experience increases the risk that young people will not achieve their potential but instead will become trapped in cycles of trauma, abuse or offending.

We call on the NSW Parliament to better protect the right of young people to liberty and security of person, and to ensure related supports, including access to legal aid, diversion away from criminal justice processes and culturally appropriate trauma-informed supports.



RIGHTS OF CHILDREN IN THE CRIMINAL PROCESS

Convention on the Rights of the Child (CRC): Article 37:

“No child shall be deprived of liberty unlawfully or arbitrarily... detention shall be used only as a measure of last resort and for the shortest appropriate period of time.”

Article 40: “Children accused of offences must be treated in a manner consistent with the promotion of their sense of dignity and worth... and which takes into account their age and the desirability of promoting their reintegration.”

Childhood is a life stage of peak development. We need to maintain the distinction between adults and children in the criminal process and prioritise the safety and security of children. Children need support, protection and education, and these are compromised when they come into contact with the justice system. Trauma is inevitable for young people who are deprived of their liberty.

Considering that children may not have sufficient understanding to have criminal intent, we call on governments and authorities to prioritise support and rehabilitation over punishment of young offenders. Detention dehumanises young people and undermines their identity formation. We would like to see a focus on the factors that influence young people to offend and the development of simplified criminal processes that are accessible and give young offenders a voice. The cost of imprisonment is so high, both in monetary terms and in terms of the impacts on young people. This is particularly true for First Nations young people who are shockingly overrepresented in the NSW criminal justice system.



RIGHTS TO CULTURE

International Covenant on Civil and Political Rights (ICCPR), Article 27:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

Convention on the Rights of the Child (CRC) Article 29:

Education should be directed to the development of respect of each child’s cultural identity.

Article 30: Children from minority or Indigenous communities have the right to enjoy their own culture, practice their religion, and use their language.

Article 31: Every child has the right to participate freely in cultural life and the arts.

As young people, we feel connected to our cultures and the values of our communities. A feeling of belonging to culture is very important for our socialisation, sense of community and connection to family. Our cultural identities are tied to our individual identities and self-expression. Language and traditions are key means of expressing our cultures.

However, we see several obstacles to the free expression of cultures in NSW society. We are concerned about the oppression of First Nations peoples and cultures. Having learnt about how First Nations people suffered forced detachment from culture during the Stolen Generations, we were distressed by the rejection of the Voice to Parliament proposition in the 2023 referendum. We are aware of the trauma experienced by racialised communities when their cultures are suppressed. Some young people feel alienated from their cultures because they see a decline in the celebration of multiculturalism in our society. We call on the NSW Parliament to protect rights to culture for all people, including by celebrating diversity, protecting language rights and encouraging the representation of the widest possible range of voices in institutions and media.





RIGHT TO EDUCATION

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13:

Recognises the right of everyone to education, aiming to achieve full development of the human personality.

Convention on the Rights of the Child (CRC) Article 28:

Every child has the right to education, with primary education compulsory and available free to all.

Article 29: Education must aim to develop a child's personality, talents, abilities, and respect for human rights.

Convention on the Rights of Persons with Disabilities, Article 24:

Governments must ensure an inclusive education system at all levels and not exclude anyone from the general education system on the basis of disability.

The right to education is fundamental for young people, but we are concerned about the many obstacles that are preventing all young people from having equitable access to this right. Access to education varies for young people across urban, regional and rural locations. Decisions about where we go to school are typically made by our parents or caregivers, meaning that we have limited agency or choice in our own education. Education costs are growing, especially for families that choose private schooling. Children deprived of their liberty face significant barriers in accessing their right to education. Importantly, school systems have a long way to go in inclusively accommodating the individual needs of young people with disability or health conditions.

We call on the NSW Parliament to legislate protection for the right to education. Quality education is essential for us to build the foundations of our knowledge about the world and develop aspirations for our future lives and work. We can better exercise other human rights if we receive a quality education. Leaders and educational institutions must ensure true equity in access to quality education and work to ensure that all students' needs are being met. We also call for safe, inclusive and respectful school environments where we can be free from bullying and express our identity free from fear.

RIGHT TO HEALTH

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 12:

Recognises the right of all people to the highest attainable standard of physical and mental health.

Convention on the Rights of the Child (CRC), Article 24:

Every child has the right to enjoy the highest standard of health and access to healthcare services.

When we have the highest possible standard of physical and mental health, we have more capacity to enjoy all of our other human rights. Access to quality mental health care is a particular priority for young people because of the high rates of conditions like anxiety and depression in our age group and the risks these pose for our quality of life and capacity to learn and develop.

We call on the NSW Parliament to consider the obstacles young people experience in relation to accessing health care. For example, we often lack access to quality medical information. We may be limited in our ability to consult health professionals or protect our privacy in medical contexts. We may not be given adequate opportunities to provide free, prior and informed consent to medical treatment. Family or cultural factors may prevent us from seeking help for health issues, including mental health issues. Some schools do not provide basic health resources, including soap and feminine hygiene products. For young people living remotely, it can be especially hard to get access to health care. Children generally do not have independent funds to access health care, which is often very expensive. Governments and education authorities can do more to help us understand our health and access care when we need it.





RIGHT TO AN ADEQUATE STANDARD OF LIVING

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11(1):

“Everyone has the right to an adequate standard of living... including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

Convention on the Rights of the Child (CRC), Article 27(1):

“Every child has the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.”

An adequate standard of living is a basic standard that supports a person’s health, dignity and development. It includes things like access to adequate housing, nutrition, sanitation and social security. When young people enjoy an adequate standard of living, they are better able to access their other fundamental rights. A good standard of life limits the risk of young people experiencing violence, trauma and mental ill-health. An adequate standard of living in childhood makes it more likely for people to develop to their full potential and enjoy a full range of opportunities later in life.

But children do not get to choose the circumstances of their birth, and their standard of living is heavily influenced by the experiences of earlier generations in their families. Socio-economic factors and geographic disparities in terms of access to essential services also have a significant influence on the standard of living young people may enjoy.

We call on the NSW Parliament to protect the right of all people to an adequate standard of living and set this right as an expectation for all young people, regardless of their social and economic circumstances.





RIGHT TO A HEALTHY ENVIRONMENT

UN General Assembly Resolution 76/300 (2022):

Recognises that the right to a clean, healthy and sustainable environment impacts the enjoyment of all human rights. Also recognises that climate change and unsustainable environmental management interferes with the enjoyment of the right to a healthy environment.

The right to a healthy environment is the most recently recognised human right in the international framework, and it has recently been included in the ACT's Human Rights Act. As young people aware of the triple planetary crisis, including the climate crisis, biodiversity loss and pollution, we are mindful of how dependent we all are on the natural world and its future health. If our environment is destroyed, our human rights will no longer matter – we depend on a clean, healthy and sustainable environment for our survival.

A healthy environment supports food and water security, the survival of diverse flora and fauna and the preservation of symbiotic relationships between humans and other animals. Play is essential for young people to grow and learn, and activities in nature support our health and wellbeing. Children with health conditions can be particularly vulnerable to pollution. First Nations peoples have a spiritual connection to the land that is undermined if the health of the environment is not protected.

We call on the NSW Parliament to protect the right to a clean, healthy and sustainable environment. This protection promises many benefits, including the reduction of extreme weather events and climate impacts that harm people and communities.

Governments and public authorities can also do more to support good education for young people on caring for the environment, and do much more to listen to the advocacy of young people on environmental issues. We see how our economy and the employment market is still heavily dependent on environmental destruction – we want a different future and a NSW Parliament that prioritises a healthy environment for the future, so that we can look ahead and pursue our dreams with hope and create a society that protects many generations to come.



Our human rights matter. They are the tools we use to protect each other and build a better future based on justice, dignity, equality and fairness.

We know that Australia has made promises before the United Nations to respect, protect and promote the human rights we have come to Parliament to discuss today. We are very concerned that, unlike other states and territories, NSW has not enacted its own law to legally protect human rights.

Protecting human rights in law would send a clear message to everyone in NSW - children and adults alike - that people in positions of power care about our future, and are prepared to do the work needed to place dignity at the heart of our society.

We call on the NSW parliament to protect and articulate our human rights in a Human Rights Act for NSW.





The following schools participated in the 2025 Youth Forum at NSW Parliament:

Barker College
 Emanuel School
 Fort Street High School
 Hunter River High School
 Hunter School of the Performing Arts
 Katoomba High School
 Lambton High School
 Marrickville High School
 Merewether High School
 Mount View High School
 Northern Beaches Secondary College, Manly
 Plumpton High School
 South Sydney High School
 St Francis Xavier's College, Hamilton
 St Joseph's College, Lochinvar
 St Mary's Catholic College, Gateshead
 Swansea High School
 Tomaree High School
 Toronto High School
 West Wallsend High School
 Whitebridge High School



This Statement was drafted and adopted at a gathering of 60 students from 21 diverse high schools across the Sydney and Hunter regions of NSW on 11 September 2025. The forum participants met at NSW Parliament with several visiting MPs before convening in Ferguson Hall at St Stephen's Uniting Church to draft the Statement. The Statement reflects the lived experiences and views of the participating students. Thank you to the staff and volunteers at Ferguson Hall and Parliament for ensuring the access, safety and comfort of all participants.



The 2025 Youth Forum was coordinated by Amy Maguire, Professor of Human Rights and Director of the Centre for Law and Social Justice at the University of Newcastle, and Kerry Weste, Vice-President of Australian Lawyers for Human Rights and Chair of the Human Rights Act for NSW Alliance.



Kerry Weste and Amy Maguire would like to thank the many generous people and organisations who made this wonderful event and this Statement possible.

Thank you to Jenny Leong MP and her electorate office team for hosting forum participants at Parliament, sponsoring our venue and photography, and engaging school students in the law reform process. Thank you for everything you have done and are doing to encourage young people to participate in public life - you made the 2025 Youth Forum a very memorable experience for our participants! Professional photography by Ishbel Dunsmore and additional photos by Harrison Brennan beautifully captured the day's events.

Many thanks to our generous sponsors, including Australian Lawyers for Human Rights, the University of Newcastle School of Law and Justice, Hall and Wilcox Lawyers, Amnesty NSW, BEING - Mental Health Consumers, St Vincent de Paul Society NSW, Giancarlo de Vera and Claudia Robinson. Your support ensured free access to this experience for all participating schools and students.

University of Newcastle student Jenna Carolan contributed enormously to the success of the Forum - thank you, Jen, particularly for your excellent work on the resources that supported student learning and the design of this Statement. Thanks also to Niamh Maguire and Tessa Sobel-Read for outstanding event assistance.

Forum participants were fortunate to hear from several excellent guest speakers - we are very grateful to Daney Faddoul, Craig Foster, Sarah Marland, Timothy Roberts, Leanne Smith and Ryan Vowles for sharing their lived experiences of human rights advocacy to inspire forum participants.

Students were supported in their drafting of this Statement by table hosts from the Australian Human Rights Commission, Community Legal Centres NSW and the University of Newcastle - many thanks to Izzy Anderson, Jami Blood, Jenna Carolan, Matt Gibbs, Damiya Hayden, Sarah Marland, Kasey McLoughlin, Susan Newell and Ryan Vowles for their much-appreciated facilitation and encouragement throughout the forum.

Special thanks to the schools and teachers who accepted our invitation to participate in the 2025 Youth Forum. We appreciate the effort required to facilitate student participation in off-site events - thank you for supporting your students' right to participate in public life and elevating their voices.

Finally, but most importantly, thank you to the 60 school students who gathered at the forum in a spirit of openness, curiosity and commitment to learning. It was a privilege to see you share your experiences with each other, develop your understanding of human rights, engage with parliamentarians and advocates, and produce this School Students' Statement on Human Rights Protection for New South Wales.



**CENTRE FOR
LAW AND
SOCIAL JUSTICE**

