

Committee Secretary
Legal Affairs and Community Safety Committee Parliament House
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25th November 2018

Dear Committee

Thank you for all the progress that has been made to introduce the long awaited and needed Queensland Human Rights Bill. State and federal human rights acts have long been recognized as necessary to endorse and enable human rights education. We have six issues to raise.

Issue 1: The Draft Queensland Human Rights Bill 2018 does not include any mention of the right to know human rights under Right to Education as defined in the UN Convention on the Rights of the Child (Art 42)

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Without such inclusion, knowledge and enactment of the human rights defined in the Bill are reliant only on those who are required to know the legislation as part of their professional practice. Human rights are everyone's right and responsibility.

In 1993, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights affirmed that "States are duty-bound...to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms [and that] this should be integrated into the educational policies at the nations as well as international levels" (UN General Assembly, 1993, Part I, para 33).

Recommendation 1: We thus argue that there needs to be a statement under clause 36 Right to Education that states:

Every person has the right to education of human rights as defined in the United Nations Human Rights instruments.

Issue 2: Clause 36 does not include early childhood education. Every child benefits from high quality early childhood education. Queensland State Government already has in place the Universal access to early childhood education program ensuring all children in Queensland have access to quality inclusive early childhood education. The OECD (Organisation for Economic Cooperation and Development) recommends universal access for all children from 3 years of age to quality early childhood education. The UN Sustainable Development Goals state:

- By 2030, ensure that all girls and boys have access to quality early childhood development, care and preprimary education so that they are ready for primary education

Recommendation 2: Amend clause 36 to include early childhood and read as

Every child has the right to have access to early childhood, primary and secondary education appropriate to their needs.

Issue 3: It is also dangerous to exclude private schools from recognition as public entities, and thereby exempting them from being compatible with human rights. This is particularly relevant to Clause 36

Every child has the right to have access to primary and secondary education appropriate to their needs.

Every child and their family have the right to choose the school that they see best serves their child's educational needs. Excluding private schools, will enable these schools to deny children's access to early childhood, primary and/or secondary education, perhaps based on ability, sexual orientation and identity, race, or ethnicity.

Recommendation 3: That private schools be included as public entities.

Issue 4: The Queensland Strengthening Discipline in State Schools Act 2013 enhanced school capacity to exclude children's access to education on the grounds of 'disobedience' and 'misbehaviour' – both subjective assessments. "Disadvantaged children, children with a disability, Indigenous children and children in out-of-home care are all significantly overrepresented in school suspension statistics" (Graham, 2018 -see <https://theconversation.com/expanding-suspension-powers-for-schools-is-harmful-and-ineffective-106525>). The children who most need the benefits of stable continuous education are being denied access to education.

Recommendation 4: That an additional statement be added to Clause 36 that protects children from the excessive exclusion from education that the Queensland Strengthening Discipline in State Schools Act 2013 enabled. The wording could be:

Every child has the right to not be excluded from education and to fair treatment administered in a manner consistent with the child's human dignity (See UNCRC Art 28)

Issue 5: At present, there is not adequate legislation to protect children from punishment. Corporal punishment is still permissible in private schools, as it is for parents to inflict on their children.

Recommendation 5: Article 37 of the UN Convention on the Rights of the Child needs to be explicitly included in the Queensland Human Rights Bill.

a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

Issue 6: Clause 33 does not adequately protect detained youth human rights. Horrific abuses of youth continue without such protection and limits life outcomes.

Recommendation 6: All 3 points and sub-points of Article 40 of UNCRC need to be included in Queensland Human Rights Bill to protect children in the penal system.

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COUNCIL FOR HUMAN RIGHTS EDUCATION (SA) Inc

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I am writing on behalf of our Council, to applaud the Queensland Government for having tabled the Human Rights Bill in Queensland's parliament on the 31 October this year and for the move to form a Human Rights Commission.

Here in South Australia the process of moving towards the development of a Human Rights Charter is in the early consultative stages, but it is already clear that communities recognise that the time has come for Australia to adopt a national charter of rights. Australia is the only democratic nation in the world without such a national law.

We are observing with much interest the progress of the Queensland Human Rights Bill as it reaches the completion stage. It appears that the Bill is an improvement on the Victorian Charter of Human Rights and Responsibilities Act 2006, on which the Bill is modelled on.

There are a number of issues concerning child abuse that have been ongoing and reported in the media which, from an educational perspective, remain of some concern but could be addressed by ensuring the Queensland Human Rights Bill reflects the following points below. We are supportive of the work of Dr Louise Phillips from the School of Education, Faculty of Humanities & Social Sciences, University of Queensland - Brisbane, in drawing attention to the following:

1. *That the right to know these human rights (UNCRC Art 42) is included – so that everyone collectively undertakes responsibility for protecting and promoting human rights*
2. *That private schools are recognized as public entities and are held accountable for ensuring the rights of children in their care*
3. *That there is wording to protect children from the exclusion of education (that the Queensland Strengthening Discipline Bill enhances school capacity to do) and from corporal punishment in private schools (UNCRC Art 2)*

An inclusion of the above points in progressing the Human Rights Bill would mean that public and private educational authorities would need to take into account the human rights (in particular children's rights) when delivering services and making decisions.

We would like to congratulate the Committee on a significant achievement in the development of a Human Rights Bill and look forward to reading the final formulation and passing of the Human Rights Bill in the Queensland Government.

Yours sincerely

Vincenzo Andreacchio
 Chair
 Council for Human Rights Education (SA) Inc