



Our **Mission** is to prevent child sexual assault in our society.
Our **Vision** is to make Australia the safest place in the world to raise a child.

26th November 2018

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane, Qld 4000
E-mail: LACSC@parliament.qld.gov.au

Submission to the Human Rights Bill 2018

Dear Committee,

Bravehearts congratulates the Queensland Government, and those who have actively lobbied for the introduction of a Human Rights Bill in this State, for their work towards the draft Bill. We welcome the opportunity to provide feedback.

As an agency that is focussed on advocating for appropriate and effective responses to child sexual assault, our submission to the *Human Rights Bill 2018* will be focussed more on the rights of children to be safe from harm and specifically to their rights to prevention, early therapeutic intervention and support.

We fully support the protection of the rights of children and young people to be safe from harm and we note the broad inclusion of these rights in s26(2) (that “*Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child’s best interests, because of being a child.*”). However, we would advocate that the rights should be more explicitly set out, in line with the rights defined within the Convention on the Rights of the Child, and that the rights of victims in justice processes be included.

It is Bravehearts position that children and young people are particularly vulnerable and that their rights to be safe from sexual, physical and psychological abuse, and neglect requires greater articulation in the current Bill.

In 1997, Dr Bill Glaser spoke about child sexual assault at an Australian Institute of Criminology conference on paedophilia, describing it as an epidemic:

Imagine a society afflicted by a scourge which struck down a quarter of its daughters and up to one in eight of its sons.

Imagine also that this plague, while not immediately fatal, lurked in the bodies and minds of these young children for decades, making them up to sixteen times more likely to experience its disastrous long-term effects.

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Finally, imagine the nature of these effects: life-threatening starvation, suicide, persistent nightmares, drug and alcohol abuse and a whole host of intractable psychiatric disorders requiring life-long treatment. What would the society's response be?

The scourge that we are speaking of is child sexual abuse. It has accounted for probably more misery and suffering than any of the great plagues of history, including the bubonic plague, tuberculosis and syphilis. Its effects are certainly more devastating and widespread than those of the modern-day epidemics which currently take up so much community attention and resources: motor vehicle accidents, heart disease and, now, AIDS. Yet the public response to child sexual abuse, even now, is fragmented, poorly co-ordinated and generally ill-informed.

Sadly little has changed in the more than 20 years since this conference. Children and young people are still being subjected to child sexual assault and exploitation at rates that demand a human rights response. Statistics continue to show that on average one in five children will be sexually assaulted before the age of 18. An Australian birth cohort study found that at age 21 years, child sexual abuse was self-reported by 19.3% of males and 30.6% of females (Mills, Kisely, Alati, Strathearn & Najman, 2016).

As noted in the Explanatory Notes to the current Bill, as a signatory to the Convention on the Rights of the Child the Australian government is obligated to comply with the Articles set out by the Convention to ensure the **best interests of the child**, however the rights set out in the Convention need to be incorporated into legislation.

The following articles are particularly relevant to this current submission:

Article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement

Article 34:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 39:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

It is Bravehearts position that **the rights of children and young people to be free from any form of sexual assault or sexual exploitation, or any form of abuse and neglect should be clearly articulated in the Queensland Human Rights Bill.**

The impact of child sexual assault on children and young people and on adult survivors is well documented and understood in the research. **Yet the rights of children to be safe and to have access to prevention programs, and for victims to have access to early therapeutic intervention and support programs are rights that are not being actively protected or promoted in Australia.**

In addition, we note that the rights of accused in justice proceedings are covered by clauses 15 and 31 through 35 of the current Bill, yet the rights of victims are not included in the Bill. **While we acknowledge that Queensland does have The Charter of Victims' Rights, we would like to see some of key principles included in this Bill,** for example:

- The rights of victims to be treated with courtesy, compassion, sensitivity and dignity.
- The rights of all victims to effective and timely responses through all levels of the justice system and that this system be transparent and accountable.
- The rights of all victims to have a voice in matters relating to their experiences.

We thank you for the opportunity to provide this submission. Please contact us on [REDACTED] or 07 5552 3000 if any further information is required.

Kind Regards,



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