Violence, Harassment and Bullying: children and young people

Violence harassment and bullying can occur at home, online, at school, work, or in the broader community. It is often the extreme cases of violence that are newsworthy. However, there is strong evidence that the daily occurrence of what might seem like minor cases of violence, harassment and bullying have a significant negative impact on children and young people.[1]

Violence, harassment and bullying are unacceptable in any context and violate a range of human rights.[2]

Whilst some violence is perpetrated by strangers and is isolated and unexpected, most violence against children and young people is carried out by someone who they know well and should be able to trust. This includes parents, schoolmates and employers.[3]

1   Why are violence, harassment and bullying human rights issues?

Everyone has the right to be respected and safe,[4] regardless of their race, ethnicity, religion, gender, sexual orientation, disability or age.[5] Violence, harassment and bullying are violations of this human right.[6]

There are specific obligations that apply to children and young people. The Convention on the Rights of the Child states that children have the right to be protected from all forms of physical and mental violence, including torture or other cruel, inhuman or degrading treatment or punishment.[7]

Governments must ensure that every person under the age of 18 is protected from all forms of violence, abuse, neglect and exploitation.[8] They must pay particular attention to the specific types of abuse, neglect, violence and exploitation that affect children and young people.

Governments also need to implement special measures to protect children and young people who are more vulnerable to violence, harassment and bullying. For example, governments must act to ensure the physical, sexual and mental integrity of young people with disabilities, who are particularly vulnerable to abuse and neglect.[9]

There is often a strong public perception that young people are perpetrators of violence. In reality they are often the most vulnerable to being victims of violence, harassment and bullying. For example, young men aged 15 and over are at greater risk than any other age groups of experiencing violence.[10]

> (a)   *Experience of violence, harassment and bullying can lead to other human rights breaches (i.e. impacts)*

The UN Committee on the Rights of the Child has noted that violence, harassment and bullying are unacceptable in any context and violate a range of human rights.

> Securing and promoting children's fundamental rights to respect for their human dignity and physical and psychological integrity, through the prevention of all forms of violence, is essential for promoting the full set of child rights in the Convention.[11]

The right to life, survival and development

The government has an obligation to create and promote an environment conducive to the maximum development of the child.[12]

Violence, harassment and bullying can have a profound effect on physical and emotional wellbeing. Exposure to violence can cause immediate physical and mental damage and is associated with lifelong social, emotional, cognitive and physical problems. For example, children and young people who experience violence are more likely to have heart, lung, and liver disease, experience intimate partner violence and attempt suicide later in life.[13]

The right to health

All children and young people have the right to the highest attainable standard of health.[14]

Violence, harassment and bullying have a negative impact on a child and young person's right to enjoy the highest attainable standard of health. Violence can cause significant

physical, psychological and emotional harm and contributes to social problems for individuals, families and communities. Victims of child abuse, neglect, domestic and sexual violence have more health problems, higher health care costs and more frequent hospital emergency visits throughout their lives than those without a history of abuse.[15]

The right to education

All children have the right to education.[16]

All children and young people have the right to accessible high-quality education free from violence, harassment and bullying.[17] This includes any form of discrimination.[18] Schools should provide a supportive learning environment where all students feel safe and can reach their potential. A school which allows bullying or other violent and exclusionary practices is not meeting the requirements of the Convention on the Rights of the Child.[19]

Violence, harassment and bullying have a negative impact on children and young people's enjoyment of the right to education. Victims of violence, harassment and bullying tend to miss school more often and achieve lower academic results than other students.[20]

The right to be heard

All children have the right to form and express an opinion and to have their opinions respected in a way that is appropriate to their age.[21]

Violence, harassment and bullying diminish or remove children's ability to have their opinions taken seriously. Taking children and young people's views seriously is of central importance in the elimination of discrimination, prevention of bullying and harassment and the promotion of positive non violent relationships and approaches to discipline.[22]

The right of a child or young person's to leisure and play

All children have the right to participate in leisure activities in a safe environment.[23]

Violence, harassment and bullying often occur where children and young people play and socialise such as in school playgrounds and on social networking sites.

The right to work and fair working conditions[24]

All young people have a right to be protected from work that is likely to be hazardous or to interfere with their education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.[25]

Violence, harassment and bullying are serious workplace hazards and can have a significant impact on a young person's wellbeing. This includes not just in a young person's mental and physical health at work but also in other areas of their life.

2   About children and young people in Australia

In the 2006, there were 6.64 million people living in Australia under the age of 25. This is about one third of the population.[26] In June 2009 there were 4.19 million children under 15 years of age, almost 20% of the total population.

Children and young people in Australia are culturally and linguistically diverse, with a high proportion of Indigenous young people and one in five young people born overseas.[27] Approximately 11% of children are living in households experiencing poverty. This is higher for children from Indigenous backgrounds.[28]

3 Hidden, under-recorded and under-reported

Violence, harassment and bullying of children and young people are hidden, under recorded and under reported.[29] This makes it is difficult to know accurately the extent of the problem. There can be considerable fear and stigma associated with reporting violence and sexual abuse, in particular when appropriate and accessible support services are not available. There are also limitations to the extent of legal protection children have against physical punishment in the home.[30]

Another reason why violence, harassment and bullying may be under reported is that bullying and harassment can be seen as a 'normal' part of growing up. This may make it difficult to assess accurately the extent of violence, harassment and bullying against children and young people due to disagreement about what is considered 'acceptable.'

There is also a lack of disaggregated data showing how rates of violence, harassment and bullying vary across different populations.[31]

Despite these limitations, a range of sources including large international research projects, government statistics, independent inquiries and academic research show that violence, harassment and bullying against children and young people are major problems.[32]

4 Key statistics and how do children and young people tend to experience violence, harassment and bullying?

All types of violence, harassment and bullying are harmful and unacceptable. The Committee on the rights of the child has clearly stated that there are no exceptions to this. To emphasise this he UN Committee on the Rights of the Child[33] defines violence as including **all** forms of physical and mental violence including forms of violence that may be legal:

In Australia children and young people experience violence, harassment and bullying in a wide range of contexts and places these include:

- **Abuse and neglect** includes physical abuse, sexual abuse, emotional abuse and neglect.[34] In 2009-10 there were 31 295 substantiated reports in Australia.[35]

- **Physical assault** can occur in a range of contexts. Some reported incidences of physical assault that impact on children and young people are included in child protection statistics on abuse and neglect.[36] Girls and boys often experience physical assault differently. For example, young men are most commonly assaulted by a male stranger while young women are more likely to be assaulted by a man they know.

- **Sexual violence, abuse or assault** can occur in a variety of contexts, including sexual harassment, sexualised bullying, unwanted kissing and sexual touching,

sexual pressure and coercion, and sexual assault including rape.[37] In 2003, 7,500 children aged 0 – 14 years were reported as victims of sexual assault.[38]

- **Domestic violence** occurs when children are abused at home as well as when children are present when violence happens at home this includes sexual violence and physical assault. Exposure to violence at home can have a negative impact on children's development.[39]

- **Corporal (or physical) punishment** is any type of punishment that uses physical force and is intended to cause pain or discomfort, however light. It includes hitting ("smacking", "slapping", "spanking"), with the hand or other implement, kicking, shaking or throwing, scratching, pinching, biting, pulling hair or ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (eg washing children's mouths out with soap). Some physical punishment of children is legal making its extent difficult to measure.[40]

- **Bullying** is someone (or a group of people) with more power, repeatedly and intentionally using negative words and/or actions against someone, causing distress and risking wellbeing.[41] It can occur directly (such as hitting and teasing) or indirectly (such as spreading gossip, deliberately excluding someone or sending hurtful text messages).[42] Bullying in schools is widely recognised as a problem.[43]

- **Racism** is an overt way that migrants, refugees and Indigenous people may be 'othered' and therefore excluded from a sense of belonging at school, in public, on the sporting field and in the wider community. Young people affected may feel excluded, fearful of physical or verbal attack, and be reluctant to go to school.[44]

5 Risk factors, vulnerable groups and protective factors

The Commission has identified a range of risk factors, vulnerable groups and protective factors that can have an impact on the levels of violence, harassment and bullying experienced by children and young people. These factors may also affect the level of resilience that individuals, families, schools and communities have to tackling these issues.

(a) Risk factors

The presence of risk factors can contribute to an environment where there are violence, harassment and bullying. These are interlinked and complex[45] and include socio-economic disadvantage and social exclusion, income inequality, poor educational attainment, long term unemployment, a cultural acceptance of violence and harassment, be it in sport or in the workplace, negative attitudes to vulnerable and minority groups and exposure to media violence.[46]

Some of these factors are interlinked and may increase the likelihood of parental drug and alcohol abuse, domestic violence and poor mental health which are the most significant risk factors when abuse and neglect occur.[47] For example, alcohol misuse is estimated to be a contributing factor in half of domestic, sexual and physical violence cases against children.[48]

(b)   Vulnerable groups

Indigenous children and young people

A range of factors, including discriminatory attitudes and government policies, socio-economic disadvantage and exclusion have been contributing factors in high rates of violence, harassment and bullying experienced by Indigenous children.[49]

Indigenous children are six times more likely than non-Indigenous children to be the victim of substantial abuse or neglect and eight times more likely to be involved with the statutory child protection system than non-Indigenous children.[50] Indigenous young people are also more likely to be a victim of violence than non-indigenous youth,[51] with one third of 15 to 24 year old Indigenous people reporting that they had been a victim of physical or threatened violence over a 12 month period.[52] In NSW the number of Indigenous children in out of home and kinship care has increased by 90% since 2002.[53] There is also evidence that Indigenous children may be more vulnerable to verbal abuse at school than other students.[54]

Girls and young women

Discriminatory attitudes towards women and girls are significant factors that contribute to gender based violence, harassment and bullying. [55]

Girls and young women are much more likely to be the victim of sexual violence. In 2003, there were 12,400 reported victims of physical assault and 7,500 reported victims of sexual assault among children.[56] Three-quarters of sexual assault victims are girls. One in seven girls and young women aged 12 to 20 have experienced rape or sexual assault.[57] In 2003, 41% of all reported sexual assault victims were aged 0-14 years.[58] Report rates of sexual assault are low. It is estimated that more than 70% of cases go unreported. This is higher for Indigenous children.[59]

Other vulnerable groups include children and young people with a disability[60], children and young people experiencing socio- economic disadvantage, children and young people who experience homelessness and lesbian, gay, bisexual, trans and intersex young people.

(c)   Protective factors

Protective factors[61] can limit the likelihood of violence, harassment and bullying.

A positive home environment is one of the greatest protections against violence, harassment and bullying. This requires positive parenting practices, non violent discipline and the forming of strong relationships between children and their parents or carers. [62]

School policies and curricula that support non discriminatory and non violent behaviour can protect against violence, harassment and bullying at school.

A high level of social cohesion in the community is a protective factor even when other risk factors exist.

Equality as societies that are more equal and have less social disadvantage, exclusion and discrimination have lower rates of violence, harassment and bullying.

6   Settings

(a)   Home and family

Most violence is perpetrated against children and young people by someone they know, often in the family. Addressing family violence raises multiple challenges due to its 'private' nature and the widespread recognition that the family is the natural environment for its members and should provide physical and emotional safety.**[63]**

Children are frequently affected by intimate partner violence. 36% of people experiencing violence by a current partner and 39% of those experiencing violence by a former partner report that violence was witnessed by children in their care.[64] The impact of witnessing family violence is almost the same on children and young people as direct physical abuse. It is also recognised that children and young people from homes where family violence occurs are more vulnerable to being subject to physical abuse, emotional abuse and neglect.[65]

Children and young people are present in approximately 60% of homes where family violence occurs. In 45% of hospitalised cases for assault against young people, the perpetrator was a parent, carer or other family member.[66] On average, 25 children are killed by their parents each year.[67] About 10% of young people 18 to 24 years feel unsafe in their homes at night. Corporal punishment is still legal in the home in all states and territories.[68]

Homeless young people are particularly vulnerable to violence, abuse and sexual exploitation. This was noted by the UN Committee on the Rights of the Child who have stated that governments are required to develop policies and enact and enforce legislation that protect adolescents experiencing homelessness from violence.[69]

Violence, harassment and bullying in the home and family have long term consequences and can violate a number of human rights including the right to life, survival and development.

(b)   Schools and education settings

Bullying in Australian schools is a serious problem, with over 20% of males and 15% of females aged 8 to 18 years reporting being bullied at least once a week.[70] Corporal punishment is still lawful in private educational institutions in some states and territories. Concerns about this have been raised by the UN.[71] International students have increasingly faced safety and welfare concerns in the face of higher rates of racially motivated violence.[72] Concerns have also been raised by the UN about the security of international students due to racially motivated attacks.[73]

Violence, harassment and bullying in school and education settings violate a number of human rights including the right to education.[74]

(c)   Care

Out of home care encompasses kinship/relative, foster and residential care.[75] In 2008 there were 31,166 children in out of home care.[76] This includes children and young people in both voluntary and involuntary placements as a consequence of having contact with child protection authorities. Children in out of home care have some of the worst health,

educational and employment outcomes in Australia. As well as the high likelihood of experiences of abuse and neglect as one cause of their initial removal from their family, children continue to be vulnerable while in care and even after leaving care as young adults.

Research shows almost half of those leaving care; experience homelessness, almost half attempt or think of attempting suicide, more than half having committed criminal offences, and almost one third of young women fell pregnant or had a child soon after leaving care.[77]

Children and young people in out of home care are likely to have had many of their rights violated in the lead up to being taken into care, including the right to be free from violence, the right to life, survival and development, the right to the highest attainable standard of health and the right to education. These violations continue in the poor long term outcomes that many children have as a result of being in out of home care.

(d) Justice

There are established links between child abuse and neglect, homelessness and children in juvenile justice settings.[78] In Australia there were 9540 young people who experienced some type of juvenile justice supervision in 2007-08. This excludes NSW which did not provide data. The number of young people in juvenile detention has increased by 17% from 2004-05 to 2007-08.[79]

There is a significant increase in the numbers of unsentenced young people in detention. In 2004-05 one third of the daily detention population were unsentenced and in 2007-08 over half were unsentenced. Approximately 60% unsentenced young people in detention were Indigenous.[80] An Indigenous young person was 30 times more likely to be in detention than a non Indigenous young person.

As discussed above, young people in juvenile justice settings are likely to have experienced multiple human rights violations both prior to being detained and while in detention .

(e) Children in immigration detention

There are over 1000 children (aged under 18 years) in immigration detention facilities.[81] Children in immigration detention are particularly vulnerable to violence, harassment and bullying. Because of a lack of transparent monitoring of levels of violence, harassment and bullying in detention facilities it is difficult to know the extent of their prevalence.

Australia has an obligation under International human rights standards, to take 'all appropriate legislative, administrative, social and educational measures' to ensure that children are protected from all types of violence, abuse or neglect. This means that the Government must take positive steps to ensure that children are protected from physical or mental violence, abuse or neglect in detention.

The Commission has raised concerns about the lack of coordination between the Department of Immigration and Citizenship and state child welfare authorities regarding responsibilities for the welfare and protection of children in immigration detention.[82]

Children and young people in immigration detention experience multiple human rights violations including the right to be free from violence and the right to life, survival and development.

(f) *Work*

Young people enter the workforce in large numbers while at secondary school.[83] Many of those young people will experience violence, harassment and bullying in the workplace. This can include verbal abuse, threats, demeaning comments, assault, initiation ceremonies or sexual harassment. Young workers are at particular risk because they lack experience, are generally unfamiliar with workplace procedures, are unsure of their rights and are less likely to belong to a union.[84]

For example, it is estimated that in the fast food industry up to 35% of young people experience some form of workplace violence or bullying and almost 20% report experiencing some form of discrimination in the workplace.[85] Large numbers of young men and women report experiencing sexual harassment in the workplace.[86] The true extent of workplace bullying and harassment is difficult to measure as young people are less likely to make reports because of the difficulties of making claims and because of concerns about the impact of reporting on their job.

Violence, harassment and bullying in the workplace can have a serious impact on the right of young people to work and to just and favourable conditions. An unhealthy, violent or threatening workplace may also result in the violation of other rights, such as the right to a private life and to the highest attainable standard of physical and mental health.

(g) *Community*

Three quarters of men aged 18 to 24 years who were assaulted were attacked by a stranger, often in licensed premises or in the open. About one quarter of young people aged 18 to 24 years state that they feel unsafe or very unsafe when walking alone in their local area after dark. [87] The ABS 2006 General Social Survey shows that young people aged 18-24 living with disability are also more likely to feel unsafe at home at night.[88]

Violence, harassment and bullying of children and young people in public places violate a number of fundamental human rights, including the right to participate in public life, the right to freedom of expression and the right to security of the person.

(h) *Media*

The UN Committee on the Rights of the Child, in its report on Australia's compliance with the Convention on the Rights of the Child, explained the importance of protecting children and young people from exposure to violence, racism and pornography through mobile phones and other technologies, including the internet.[89]

(i) *New technology*

In Australia cyberbullying affects at least one in ten students.[90] Cyberbullying can be detrimental to mental and physical health.[91] Victims can experience significant social isolation and feel unsafe.[92] It can lead to emotional and physical harm,[93] loss of self-esteem, feelings of shame and anxiety, concentration and learning difficulties. Incidents of young people committing suicide have also occurred.

Cyberbullying and using new technologies to engage in other threatening and antisocial behaviour can seriously impact on the rights of others.

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[1] UNGA, *UN Secretary General's Study on violence against children, Main Findings* (2006). At http://www.unicef.org/violencestudy/mainfindings.html (viewed 25 February 2011).

[2] Committee on the Rights of the Child, *General Comment no. 13- Article 19: The right of the child to freedom form all forms of violence*,UN Doc CRC/C/GC/13 (2011) para 12.

[3] Ibid

[4] *Universal Declaration of Human Rights (UDHR),* 1948, art 5; *International Covenant on Economic Civil and Political Rights (ICESCR),* art 7; *Convention on the Rights of the Child (CRC)*,1989 art 19.

[5] *UDHR,* 1948, art 2; *International Covenant on Civil and Political Rights (ICCPR*), 1966, art 2; *ICESCR,* 1966, art 2.

[6] Convention on the Rights of the Child (CRC), 1989, art 19.

[7] *CRC*,1989, art 37; para 18; Committee on the Rights of the Child, *General Comment No.8 - The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*, UN Doc CRC/C/GC/8 (2006). arts. 19; 28, para. 2; and 37, inter alia. At http://tb.ohchr.org/default.aspx?Symbol=CRC/C/GC/8 (viewed 8 September 2010).

[8] Under CRC art 19, government must 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".

9 Committee on the Rights of the Child, *General Comment No. 4 Adolescent health and development in the context of the Convention on the Rights of the Child,* UN Doc CRC/GC/2003/4 (2003), para 34.

[10] ABS, *Australian Social Trends, Canberra Catalogue: 4102.0*; (2007); UN Secretary General's Study on Violence Against Children (2006) An End to Violence Against Children Chapter 1, para 71, At http://www.unicef.org/violencestudy/reports.html   (viewed 26 August 2010).

[11] Committee on the Rights of the Child, *General Comment no. 13- Article 19: The right of the child to freedom form all forms of violence*, UN Doc CRC/C/GC/13 (2011) para 12.

[12] *CRC,*1989,Guiding Principles

[13] UNGA, *UN Secretary General's Study on violence against children,* UN Doc A/61/299 (2006) p 12. At <http://www.unicef.org/violencestudy/reports.html (viewed 26 August 2010).

[14] *CRC,* 1989,art 24.

[15] World Health Organisation, *World Report on Violence and Health* (2002) pg 8. At http://www.who.int/violence_injury_prevention/violence/world_report/en/ (viewed 22 February 2011).

[16] *CRC,*1989, arts 28 - 30.

[17] Committee on the Rights of the Child, *General Comment no. 1- The Aims of Education*, (2001) art 29 (1) para 19.

[18] Ministerial Council on Education, Employment, Training and Youth Affairs, *Melbourne Declaration: The Educational Goals for Young Australians* (2008). At http://www.mceecdya.edu.au/mceecdya/melbourne_declaration,25979.html (viewed 22 February 2011).

[19] Committee on the Rights of the Child, *General Comment no. 1 The Aims of Education* (2001) Art 29 (1), para 19

[20] AIHW, *A Picture of Australia's Young People,* (2009) p107, 109; *UNGA, Report of the Independent expert of the United Nations study on violence against children* (2006)*.*

[21] *CRC,*1989, art 12.

[22] Committee on the Rights of the Child, *General Comment no.12 - The right to be heard,* UN Doc CRC/C/GC/12, 20 July 2009, para 120. At http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc (viewed 10 September 2010).

[23] CRC*,* 1989,art 31.

[24] UDHR, 1948, art 23; ICCPR Articles 6 and 7

[25] *Convention on the Rights of the Child (CRC),*1989. art 32.

[26] ABS 2006 *Census of Population and Housing*

[27]DEEWR, *State of Australia's Young People* (2009) p 32 At http://www.deewr.gov.au/Youth/OfficeForYouth/Pages/Links.aspx (3 March 2011)

[28] Measuring poverty is complex. This rating is based on 50% of the median household income. It needs to be taken into consideration with other factors such as social exclusion. See Australian Research Alliance for Child and Youth, *Report Card: The Wellbeing of Young Australians* (2008). At http://www.aracy.org.au/index.cfm?pageName=search (viewed 26 August 2010).

[29] UNGA, *UN Secretary General's Study on violence against children,* UN Doc A/61/299 (2006) paras 25 - 27. At http://www.unicef.org/violencestudy/reports.html (viewed 26 August 2010).

[30] Prue Holzer, Alister Lamont, *Corporal punishment: Key Issues*, National Child Protection Clearinghouse, Australian Institute of Family Studies (2010) p 3. At http://www.aifs.gov.au/nch/pubs/sheets/rs19/rs19.html (viewed 9 September 2010).

[31] For example see AIHW, p113.

[32] See for example AIHW (2009) *A Picture of Australia's Young People, UNGA Report of the Independent expert of the United Nations study on violence against children.*

[33] Committee on the Rights of the Child, *General Comment no. 13- Article 19: The right of the child to freedom form all forms of violence,*UN Doc CRC/C/GC/13 (2011) para 16.

[34] DEECD, *The State of Victoria's Young People: a report on how Victorian young people aged 12-24 are faring,* Victorian Government Department of Education and Early Childhood Development and the Department of Planning and Community Development (2008). At http://www.eduweb.vic.gov.au/edulibrary/public/govrel/Policy/children/sovcreport07.pdf (viewed 22 February 2010).

[35] Australian Institute of Health and Welfare, *Child Protection in Australia 2009-10,* Child Welfare Series Number 51, January 2011.

[36] See for example Australian Institute of Health and Welfare, *Child Protection in Australia 2009-10,* Child Welfare Series Number 51, January 2011.

[37] Australian Institute of Family Studies, Australian Centre for the Study of Sexual Assault, ACSSA Wrap No.6 *Responding to young people disclosing sexual assault: A resource for schools.* (2008).

[38] Australian Institute for Health and Welfare (AIHW)

[39] Domestic Violence and its Impact on Children's Development, an edited version of a presentation at the Department of Community Services' Fourth Domestic Violence Forum, NSW Parenting Centre, Old Bidura House Ballroom, Glebe, 24 September 2002.

[40] Prue Holzer, Alister Lamont, *Corporal punishment: Key Issues*, National Child Protection Clearinghouse, Australian Institute of Family Studies (2010), p 3 http://www.aifs.gov.au/nch/pubs/sheets/rs19/rs19.html (viewed 9 September 2010).

[41] Drawn from Australian Communications and Media Authority (ACMA), *Teens Tips and Advice, Cyberbullying.* At http://www.cybersmart.gov.au/Teens/Tips%20and%20advice/Cyberbullying.aspx (viewed 8 February 2011); Drawn from definition on the National Centre Against Bullying website. At http://www.ncab.org.au/bullying (viewed December 2010).

[42] DEST 2007, Cyber bullying. www.auburnsthps.vic.edu.au/NewContent/StudentWelfare

[43] AIHW, *A Picture of Australia's Children* (2009) p 107.

[44] Mansouri, F.,Jenkins, L., Morgan, L & Taouk, M., *The impact of racism upon the health and wellbeing of young Australians,* The Foundation for Young Australians (2009).

[45] HREOC, *Social Justice Report* (2007) p 17.

[46] Standing Committee on Family, Community, Housing and Youth, I*nquiry into the impact of violence on young Australians*, Chapter 3, Understanding youth violence, p 44-47

[47] COAG (2009) *Protecting Children is Everyone's Business: National Framework For Protecting Australia's Children 2009 -2020.* p 21. At http://www.coag.gov.au/coag_meeting_outcomes/2009-04-30/index.cfm#tabs(viewed 26 August 2010).

[48] It is important to note that the impact of substance misuse needs to be taken into consideration with other contributing factors such as socio economic disadvantage, social isolation and mental health see James Wood, (*Report of the Commission of Inquiry into Child Protection Services in NSW*, Volume 1 , (arts. 19; 28, para. 2; and 37, inter alia (2008) pp 98 – 103 The World Health Organisation (WHO) has identified strong links between child abuse and neglect and misuse of alcohol: WHO, *Facts on Interpersonal Violence and Alcohol. Child Maltreatment.* At http://www.who.int/violence_injury_prevention/violence/world_report/factsheets/en/index.html (viewed 24 January 2010).

[49] HREOC, *Social Justice Report* (2007) p 17.

[50] Indigenous People's Organisation's Network of Australia, *Submission to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people – Australian mission*, August 2009, At http://www.humanrights.gov.au/social_justice/publications/srip_2009/index.html. (viewed 22 February 2011).

[51] ABS, 'Education of Aboriginal and Torres Strait Islander children and young people', in *Australian Social Trends*,Catalogue No.412.0 ABS (2006).

[52] In 2007-08 Indigenous children aged 0 to 12 were the subject of a substantiation of a child protection notification at eight times the rate of other children, and were also on care and protection orders at eight times the rate of other children see ABS (2002), *National Aboriginal and Torres Strait Islander Social Survey* Catalogue No4717.0, ABS, Canberra in State of Australian's Young People

[53] James Wood (2008), *Report of the Commission of Inquiry into Child Protection Services in NSW*, 'Volume 2', p 597 <www.dpc.nsw.gov.au/publications/news/stories/special_commission_of_i nquiry_into_child_protection_services_in_new_south_wales> at 26 August, 2010.

[54] Rigby, Ken, Addressing Bullying in Schools: Theory and Practice *Trends and Issues in Crime and Criminal Justice,* No. 259. Australian Institute of Criminology (2003); UN Study on Violence against Children, p 3.

[55] See for example COAG, *National plan to reduce violence against women and chil*dren (2011).

[56] AIHW

[57] National Crime Prevention 2001

[58] ABS 2004 *Sexual Assault in Australia: A Statistical Overview,* ABS Cat. No 4523.0. Canberra: ABS

[59] COAG (2009) *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009 -2020.* p 31.

[60] For example, young people with a disability aged 15 to 24 years are significantly more likely to be the victim of a violent crime. (HILDA).

[61] Para 34 UN Secretary General's Study on Violence Against Children (2006) An End to Violence Against Children, Chapter 1, At http://www.unicef.org/violencestudy/reports.html (viewed 26 August 2010).

[62] Committee on the Rights of the Child, *General Comment no.12 - The right to be heard,* UN Doc CRC/C/GC/12, 20 July 2009, paras 90,120..

[63] The Preamble of the Convention on the Rights of the Child states that the family is the natural environment for its members. See para 38, UNGA, *UN Secretary General's Study on violence against children,* UN Doc A/61/299 (2006). At http://www.unicef.org/violencestudy/reports.html (viewed 26 August 2010).

[64] ABS, 2006

[65] COAG (2009) *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009 -2020*

[66] AIHW (2009) *A Picture of Australia's Young People,* p 105.

[67] Dearden J., & Jones W., (2008) *Homicide in Australia: 2006-07* National Homicide Monitoring Program Annual Report, Australian Institute of Criminology

[68] UN Committee on the Rights of the Child (2005) Fortieth session Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Australia, UN Doc CRC/C/15/Add.268 20 October 2005, para 35,

[69] Committee on the Rights of the Child, *General Comment No. 4 Adolescent health and development in the context of the Convention on the Rights of the Child,* UN Doc CRC/GC/2003/4 (2003), para 36.

[70] Rigby K., & Slee P, *The nature of school bullying: Australia* (1999)

71 UN Committee on the Rights of the Child. (2005) Fortieth session Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding observations: Australia, para 35, UN Doc CRC/C/15/Add.268 20 October 2005.

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