

# Making children's rights real

Human rights legislation

Awareness of child rights

Complaints

Cultural rights



# A child rights approach would:

Establish a comprehensive Children’s Plan for Queensland, which should outline specific strategies and actions to promote and protect children’s rights across various sectors. Ensure that the plan is adequately resourced and developed in consultation with children and young people and relevant stakeholders.

Recognise the progress made through the *Human Rights Act 2019* and enact comprehensive child rights legislation in Queensland that fully incorporates the principles of the UNCRC and provides clear guidelines for its consistent and direct application.

Introduce regular child rights impact assessments across the Queensland Government to evaluate the potential effects of policies, legislation, and programs on children and young people.

Implement a systematic monitoring mechanism to track and analyse the allocation of budgetary resources dedicated to children’s rights and wellbeing in Queensland.<sup>xxviii</sup>

Implement Child Safe Standards across Queensland and explicitly require the consideration of children and young people’s views in decision-making processes that affect them.

Recognise and address barriers that hinder effective complaints from children and young people, including advocating for the Australian Government to ratify the 3rd Optional Protocol to the UNCRC. This would enable children and young people to directly bring complaints to the UN Committee.

Celebrate the Queensland Government’s positive commitment to First Nations people through the enactment of the *Path to Treaty Act 2023* and ensure that Aboriginal and Torres Strait Islander children, young people, and their communities have meaningful participation in the planning, implementation and evaluation of the legislation and the policies that concern them.

Develop and implement targeted awareness programs to educate children and young people about their rights. These programs should be age-appropriate, engaging and accessible, empowering children to understand and assert their rights effectively.

Ensure that data collected on children’s rights cover all areas of the UNCRC and are shared across government to inform the formulation, monitoring and evaluation of policies, programs and projects aimed at implementing the UNCRC.

xxviii Refer to General comment No. 19 (2016) on public budgeting for the realization of children’s rights (art. 4). <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting>

**Article 4 of the UNCRC says that governments need to do everything in their power to ensure the rights of children and young people are realised in practice. Governments are responsible for ensuring that children and young people know their rights and that adults understand how to respect these rights (Article 42, UNCRC).**

## Human rights legislation

The UNCRC was ratified by Australia on 17 December 1990. Under international law, Australia must comply with the provisions of the UNCRC and embed them into domestic law.

At a federal level, Australia lacks a comprehensive legal framework for safeguarding human rights. This has been noted by UN Treaty bodies, which have stated that the incorporation of treaties into Australia's legal system has been inadequate.<sup>139</sup> The Australian Parliament is currently conducting an inquiry into the country's human rights framework, which includes deliberations on the need for an Australian Human Rights Act. The Parliamentary Joint Committee on Human Rights is expected to present its findings by March 2024.<sup>140</sup>

On 1 January 2020, Queensland's *Human Rights Act 2019* commenced substantive operation, joining the Australian Capital Territory and Victoria as Australia's third human rights jurisdiction. Like its predecessors, the Queensland Act is based on a dialogue model of human rights, creating obligations on the three arms of government to consider, promote and protect human rights, namely:

- on Parliament, to ensure all new laws are scrutinised for compatibility with human rights
- on Ministers, departments and public entities, to act compatibly with human rights and give proper consideration to human rights when making decisions
- on courts and tribunals, to interpret laws compatibly with human rights.

The Queensland *Human Rights Act 2019* forms part of the administrative law obligations and oversight mechanisms that hold government to account. Its primary objectives are to safeguard and advance human rights, cultivate a public sector culture that values and advocates for human rights, and encourage discussions on the essence, interpretation and extent of human rights. It outlines protected human rights in 23 sections for everyone in the state and mandates Parliament to consider human rights when making laws.<sup>141</sup> These rights have been primarily drawn from the *International Covenant on Civil and Political Rights*, as well as two rights from the *International Covenant on Economic, Social and Cultural Rights* (right to education and right to health services) and one right from the *Universal Declaration of Human Rights* (property rights).

Almost all rights identified by the UNCRC are given express or implicit protection under the *Human Rights Act 2019*. For example, the Act protects recognition and equality before the law (section 15), the right to life (section 16), the right the protection of families as a fundamental group unit of society (section 26(1)), and the right to be free from unlawful or arbitrary interference with a person's privacy, family or home (section 25).

Additionally, section 26(2) of the Act protects the right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. Section 48(3) of the Act also confirms that rights can be interpreted with reference to international law and the judgments of domestic, foreign and international courts and tribunals.

In Queensland, there is a legislated obligation on government to a human-rights based approach to law making, policy making and decision making, including prioritising the human rights of children. It provides people with a mechanism to complain if their rights have been unjustly limited or breached. The Act protects the rights of everyone, including children and young people. However, we believe that Queensland's legal protections for children's rights could be strengthened by explicitly requiring that a child or young person's views be taken into account in all decision-making processes that affect them. Article 4 of the UNCRC advocates for fully incorporating the UNCRC into Queensland (and Australian) legislation.

The Human Rights Act clarifies that the rights protected under it are supplementary to other laws and international treaties, including the UNCRC and the *Convention on the Rights of Persons with Disabilities*. In its first review of the Act, the Queensland Attorney-General must consider the inclusion of additional human rights, including these two international conventions.

The QFCC is the state's Children's Commission under the *Family and Child Commission Act 2014*. We not only have obligations as a public entity, but we also have a commitment and responsibility to promote and protect the rights of children and young people in Queensland. The QFCC's role is to advocate for children and young people's rights and hold systems accountable when children's rights are not upheld, or the balance of rights is not in the child's best interests. This includes the consistent and accurate application of the Act across all government departments and services that interact in the lives of children, young people and their families.

In Queensland, the *Anti-Discrimination Act 1991* prohibits unlawful discriminatory behaviour, including unjust discrimination, sexual harassment, vilification and victimisation. It outlines protected characteristics and areas where discrimination is unlawful, such as

schools, workplaces and the delivery of state laws and programs. The Queensland Human Rights Commission receives complaints about any violation of the Anti-Discrimination Act. National anti-discrimination laws in Australia also exist, relating to discrimination about gender, ethnicity, disability and age.<sup>142</sup>

In May 2021, the Queensland Attorney-General requested that the Queensland Human Rights Commission conduct a review of the Anti-Discrimination Act. This was the first comprehensive review of the Act and an opportunity to ensure that the law remains relevant in our changing society. The final report *Building Belonging 2022* proposes reforms to enhance the effectiveness of the law in safeguarding people from discrimination and sexual harassment. It suggested five main reforms:<sup>143</sup>

- Create a new Act that prioritises the right to equality and endeavours to eliminate discrimination and sexual harassment.
- Refine the legal tests for discrimination to ensure they address problems effectively and are easy to understand and apply.
- Focus on prevention by promoting compliance and preventing discrimination and sexual harassment before they occur.
- Improve the complaints system to make it more accessible, flexible and efficient, and improve access to justice.
- Extend protection to all individuals who require it and broaden the law's scope to cover all contexts and settings where unfair discrimination occurs, with reasonable exceptions.

The Queensland Government has given preliminary approval to all 122 recommendations outlined in the *Building Belonging 2022* report. It has committed to creating new anti-discrimination legislation that meets the needs of a contemporary Queensland, with increased protections to combat sexual harassment and discrimination in communities and in the workplace.<sup>144</sup>

## Awareness of child rights

The UN Committee has recommended that governments strengthen their activities to raise awareness of the UNCRC, including by engaging the media and promoting the active involvement of children in public outreach activities. The UN Committee also recommended mandatory modules on human rights and the UNCRC in school curriculums and training programs for all professionals working with (or for) children. This includes all law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions, as well as state and local government officials.<sup>145</sup>

### Existing examples of awareness initiatives:

- Children’s Rights Queensland’s *the Right to Be Me* is a storybook about rights, targeted at children aged 5 to 10 years.
- *Know your Rights* cards were developed by the Queensland Aboriginal and Torres Strait Islander Child Protection Peak to inform Aboriginal and Torres Strait Islander families about their rights in the child protection system.
- Queensland Advocacy for Inclusion has developed a *suite of resources* aimed at building awareness of an individual’s rights relating to Optional Protocol Against Torture and Cruel, Inhuman and Degrading Treatment and Punishment (OPCAT) monitoring.
- The *Create Foundation* in partnership with Child Safety have developed *Kid’s Rights*, a colouring in book aimed at younger children and *My Journey in Care*, a guide to being in care in Queensland with useful tips from young people who have been in care.

Although certain agencies and organisations are making strides in promoting awareness and advocating for children’s rights in Queensland, there is a clear absence of a comprehensive strategy aimed at increasing public knowledge and understanding of children’s human rights. This gap in policy not only neglects the rights of children and young people but also fails to ensure their protection and wellbeing. It is crucial that the government takes steps to prioritise the rights of children and implement a comprehensive strategy to increase awareness and education of children’s rights in the state.

“ One of the biggest challenges adolescents face right now is the education system. Not due to it being ‘boring’, but because many of us don’t understand why we learn certain things as a mandatory program, while other more important life skills are often skimmed over or ignored completely. An example of this would be... laws for the country or even human rights, as many students don’t know these things.

Female, 17 years,  
Growing Up in Queensland

### Community perceptions of child rights

The QFCC conducts an annual survey to collect information from Queensland adults about their perceptions of the child protection and family support system.<sup>146</sup> In 2022, the survey included new measures aimed at assessing participants' understanding of the UNCRC, their perceptions of discrimination experienced by children and young people, and whether decisions were being made in children's best interests.

Out of 2506 adults surveyed, only 35 per cent claimed to have a good working understanding of the UNCRC. Females, people under 40 years of age, people with responsibility for a child under 18 years of age, and Aboriginal and Torres Strait Islander people, were more likely than average to have a good understanding of the UNCRC.

Participants were asked to what extent they agreed that various Queensland systems, such as health, education, disability services, mental health, child protection and family support, youth justice, and public housing, made decisions in the best interests

of children and young people. Most participants (73 per cent) agreed that the health system made decisions in children's best interests, while the youth justice system (40 per cent) and public housing system (35 per cent) had the lowest levels of agreement.

Regarding the perception that systems listen to and value children and young people's views, the highest level of agreement was for the health system (55 per cent), followed by disability services (49 per cent) and the education system (47 per cent). The youth justice system (37 per cent) and public housing system (31 per cent) had the lowest levels of agreement.

Participants were also asked about their perception of discrimination experienced by different cohorts of children and young people. The survey revealed that discrimination was perceived across all cohorts examined, but it was lowest for children and young people in contact with the youth justice system (see Table 4.1).

**Table 4.1.** Percentage of adults surveyed who believed children and young people experienced discrimination, by certain cohorts (Queensland, 2022)

Do you feel that children and young people from any of the following groups experience discrimination in terms of having their rights upheld?	Percentage of sometimes/often/always
Experiencing poverty	75%
With a disability	71%
Aboriginal and Torres Strait Islander	70%
Culturally and linguistically diverse backgrounds	70%
Refugees or asylum seekers	68%
LGBTQIA+	66%
Living in rural and remote areas	65%
In contact with the child protection system	62%
In contact with the youth justice system	62%

Source: Queensland Family and Child Commission, Community Survey report 2022.

### Frontline perceptions of child rights

The QFCC conducts annual surveys to collect information from child protection and family support frontline workers.<sup>147</sup> The 2022 survey of 431 frontline workers in child protection and family support found that 82 per cent of participants agreed they had a good understanding of the UNCRC. Most participants also indicated that their organisation prioritises the wellbeing of children and young people. Specifically, 87 per cent agreed that children and young people are not discriminated against and are supported to survive and develop in the best possible way. Additionally, 84 per cent agreed that decisions within their organisation are made in the best interests of children and young people, while 80 per cent agreed that the views of children and young people are heard and valued. Compared to the general population, frontline workers held higher perceptions of discrimination faced by children and young people, especially within the youth justice system (see Table 4.2).

### Youth justice and the media

The QFCC commissioned an independent media analyst to examine the media reporting on youth justice in Queensland.<sup>148</sup> Their analysis revealed that, during the period October 2019 to March 2020

(ahead of the Queensland state election on 31 October 2020), media coverage of topics related to the youth justice system increased significantly compared with the period from April to September 2019. Despite the increased media coverage, formal contact between police and children aged 10–17 years decreased in 2019 compared with 2018. The analysis also noted that nearly 50 per cent of the coverage in both six-month periods was negative towards the Queensland youth justice system. This negative coverage was often fuelled by the views of spokespeople who believed the system was failing and was ‘not tough enough’.

The findings of the media analysis suggest a need for more positive news stories and greater reliance on the latest evidence in reporting. The negative coverage generates fear and mistrust in the community, which is counterproductive to the youth justice system’s goal of shifting towards prevention, rights and wellbeing, which have been proven to make a difference. The QFCC coordinates regular media analyses as part of our data collection processes and monitoring function. One preliminary media analysis found limited mention of child rights in the media, highlighting a potential gap in coverage that may contribute to the negative portrayal of the youth justice system.

**Table 4.2.** Percentage of child protection and family support frontline workers surveyed who believed children and young people experienced discrimination, by certain cohorts (Queensland, 2022)

Do you feel that children and young people from any of the following groups experience discrimination in terms of having their rights upheld?	Percentage of sometimes/often/always
In contact with the youth justice system	89%
In contact with the child protection system	88%
Culturally and linguistically diverse backgrounds	88%
LGBTQIA+	86%
Experiencing poverty	86%
Refugees or asylum seekers	86%
Aboriginal and Torres Strait Islander	85%
Living in rural and remote areas	85%
With a disability	83%

Source: Queensland Family and Child Commission, Workforce Survey report 2022.

## Complaints

Children and young people are significant users of government services. They attend school, require healthcare, may encounter police and may interact with the child protection or youth justice systems. They may also have a First Nations background, live with disability or experience disadvantage. Navigating the complex service environment can be difficult. Given their age and lack of experience, children and young people often require support and guidance to ensure their rights and best interests are protected.

The QFCC is acutely aware and concerned about those children and young people who are not afforded equitable access to supports and services they are entitled to. It can have a profound impact on their wellbeing and development and, ultimately, full enjoyment of their rights.

It is crucial that government and non-government agencies take steps to ensure that children and young people's voices are heard and their needs are met. Children should be provided with clear information about their rights and the services available to them. They should also be empowered to speak up when they have a problem, concern or complaint, and they should have access to a range of supportive adults who can help them navigate these situations.

The *Royal Commission into Institutional Responses to Child Sexual Abuse*<sup>149</sup> explored the practice of complaint management involving children in institutions. The 2017 final report recommended the implementation of child safe standards to ensure:

- all children have access to information, support and complaints processes
- institutions have a child-focused complaint handling system that is understood by children, staff, volunteers and families
- institutions analyse complaints to identify causes and systemic failures to inform continuous improvement.<sup>150</sup>

The National Principles for Child Safe Organisations 2019 stipulate that information should be clear, accessible and easily understood by children and their support networks. Children should know who to talk to and what will happen when they speak up, and they should receive timely feedback when raising a complaint or concern.<sup>151</sup>

Queensland has a three-tiered approach to managing complaints:

1. Internal complaints mechanisms of each agency responsible for delivering services.
2. External oversight by an independent agency, for example the Queensland Human Rights Commission, Queensland Ombudsman, or the Office of the Public Guardian (Community Visitor Program and Child Advocates).
3. Judicial oversight mechanisms, for example the Queensland Civil and Administrative Tribunal and the Children's Court.

The QFCC has previously identified that very few complaints are made by (or on behalf of) children and young people.<sup>152</sup> The lack of such complaints does not mean children do not have concerns. Rather, children and young people experience significant barriers to making complaints, including fear of not being listened to, taken seriously or believed, and feeling like the complaints system is not child-friendly, overwhelming or unresponsive. There is no central agency responsible for receiving complaints from children and young people. Each agency has its own complaints process which must be exhausted before other oversight agencies can step in.<sup>153</sup>



## Complaints mechanisms and bodies

### Queensland Human Rights Commission

The Queensland Human Rights Commission handles complaints under the *Anti-Discrimination Act 1991*<sup>xxix</sup> and the *Human Rights Act 2019*.<sup>xxx</sup> Complaints made under the *Anti-Discrimination Act 1991* against public entities may also ‘piggy back’ allegations of breaches of the *Human Rights Act 2019*.

The Queensland Human Rights Commission only receives a small number of complaints from or on behalf of children and young people each year.<sup>xxxi</sup> In 2021–22, seven complaints from, or on behalf of, children or young people were accepted and finalised. Six of the seven complaints were against public entities and alleged breaches of the *Human Rights Act 2019*. In relation to complaints that raised human rights specific to children (whether or not made by children), the Queensland Human Rights Commission accepted and finalised 26 complaints regarding the protection of families and children and 18 complaints about the right to education. In relation to complaints about sectors most likely to be working with children and young people, the Queensland Human Rights Commission accepted and finalised eight complaints concerning child safety, and 13 complaints concerning public education.<sup>154</sup>

### Queensland Ombudsman

Under the *Ombudsman Act 2001*, the Queensland Ombudsman investigates complaints about the actions and decisions of Queensland state government departments, local councils, public universities and government authorities. The Ombudsman does not record ages of complainants; however their annual report does list the number of complaints received by government departments most likely to be working with children and young people. For example, in 2021–22 the Ombudsman received 519 complaints about the Department of Children, Youth Justice and Multicultural Affairs (former) and 410 complaints about the Department of Education.<sup>155</sup>

### Office of the Public Guardian

The Office of the Public Guardian gives an independent voice to children and young people. Community visitors are appointed under the *Public Guardian Act 2014*, providing them with a level of independence from government when performing specific visiting functions under the Act. Community visitors inspect and report on the appropriateness of accommodation in visitable homes (such as kinship and foster care homes) and visitable sites (such as residential care facilities, youth detention centres, authorised mental health services and disability services). They advocate for issues or complaints affecting the rights of children and young people. Community visitors monitor these matters to ensure they are resolved in a timely manner.

In 2021–22, 10,622 children and young people were visited by community visitors who raised 15,159 issues on their behalf. Over this period, community visitors raised 30 individual complaints on behalf of children and young people who experienced prolonged stays in watchhouses. Community visitors also identified 256 instances over a six-month period of children and young people experiencing prolonged stays in watchhouses. This included instances where young people were detained in watchhouses for up to two weeks.<sup>156</sup> In response, the QFCC has initiated a rapid review of the drivers that cause children to enter and remain in Queensland watchhouses. This work is currently underway.

Under the *Public Guardian Act 2014*, child advocates provide independent advocacy to support individual children and young people’s participation in decision-making that affects them. Child advocates often advocate in court and tribunal proceedings. In 2021–22, 266 children and young people (39 per cent Aboriginal and Torres Strait Islander) were supported by child advocates.<sup>157</sup>

xxix Complaints under the *Anti-Discrimination Act 1991* relate to unlawful discrimination, sexual harassment, vilification, or another contravention of the Act.

xxx Complaints under the *Human Rights Act 2019* relate to rights that have been unjustifiably limited or not properly considered by a Queensland public entity.

xxxi Information about the Queensland Human Rights Commission’s complaints process can be found here, <https://www.qhrc.qld.gov.au/complaints>.

## Cultural rights

Article 30 of the UNCRC makes it clear that First Nations children and young people have the right to speak their own language and follow their family's way of life. This article exists to make clear that children and young people from minority groups must not be overlooked by decision makers and must be protected from practices that are likely to cause them harm.

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) is an international human rights instrument that outlines the rights of Indigenous peoples worldwide. It was adopted by the United Nations General Assembly in 2007 and later endorsed by Australia in 2009. The UNDRIP recognises the inherent rights of First Nations peoples to self-determination, culture, language, education, health and land. It also prohibits discrimination against First Nations peoples and requires states to obtain their informed consent before undertaking any activities that may affect their lands or resources.<sup>158</sup>

The UNDRIP and UNCRC share common principles and objectives and they work together to promote the rights and wellbeing of Aboriginal and Torres Strait Islander children and young people.

The cultural rights of Aboriginal peoples and Torres Strait Islander peoples are given specific acknowledgement and protection by the preamble and section 28 of the *Human Rights Act 2019*. The right is drawn from specific articles of UNDRIP as well as Article 27 of the *International Covenant on Civil and Political Rights*.

### Traditional adoption

The *Meriba Omaker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* is an important piece of legislation in Queensland that protects cultural practices and the rights of Torres Strait Islander people.<sup>159</sup> The Act acknowledges the importance of Torres Strait Islander traditional child rearing practices and recognises them as a fundamental aspect of Torres Strait Islander

culture. Ailan Kastom is an important part of Torres Strait Islander customary law that gives a sense of stability and societal order. This practice involves the permanent transfer of parentage from the biological (birth) parents to another couple (the cultural parents) within their extended family. Recognition of this practice ensures that the legal identity of a child raised in accordance with the practice will reflect their cultural identity.

The Act also provides a framework for government agencies and other organisations to work collaboratively with Torres Strait Islander communities to support the continuation of traditional child-rearing practices. It requires government agencies to consult with Torres Strait Islander communities and ensure that policies and programs respect and support the cultural practices of Torres Strait Islander people.<sup>160</sup>

### Aboriginal and Torres Strait Islander languages

Aboriginal and Torres Strait Islander languages are integral to First Nation peoples' cultural heritage, identities, knowledge systems and traditions. The preservation and revitalisation of these languages are crucial for recognising and exercising First Nation peoples' rights. Language is also a human right recognised in international law, including within Article 30 of the UNCRC and UNDRIP. Its loss can result in significant barriers to accessing essential services. Language revitalisation can also help to address historical injustices and promote reconciliation between First Nations and non-Indigenous peoples.<sup>161</sup>

The *National Agreement on Closing the Gap* aims to strengthen and increase the number of Aboriginal and Torres Strait Islander languages being spoken by 2031.<sup>162</sup> Currently, there are five Commonwealth-funded Indigenous Language Centres in Queensland (all Aboriginal and Torres Strait Islander community-controlled). In 2021–22, Indigenous Languages Centres in Queensland were accessed 6406 times, a significant increase from 3910 in 2020–21.<sup>163</sup>

In Queensland, eight per cent of Aboriginal and Torres Strait Islander people spoke an Indigenous language in 2021, an increase from seven per cent in 2016.<sup>xxxii</sup> Yumplatok (Torres Strait Creole) was the most commonly spoken Aboriginal and Torres Strait Islander language in 2021, with 7596 speakers. The languages with the highest proportion of children aged 0–14 years using language were Yumplatok (32.8 per cent) and Cape York Peninsula languages (31.4 per cent). Family members were the primary source of Aboriginal and Torres Strait Islander language learning.<sup>164</sup>

### **The environment and climate change**

There is growing recognition of child rights within the context of environmental issues and climate change. Beyond being a matter of ecological importance, climate change has increasingly been recognised as a human rights issue, which is intimately linked to our collective wellbeing and the rights of present and future generations. The space within which these challenges unfold is dynamic, presenting both unprecedented threats and valuable opportunities. While it is impossible to cover all of this complex landscape in this report, it is crucial to highlight the inspiring and impactful youth-led movements, which have sparked positive developments and galvanized global attention towards environmental sustainability. Efforts are being made by First Nations communities to ensure that children are not only protected from the impacts of environmental degradation and climate change but also actively engaged in shaping a sustainable and equitable future.

Article 24 of the UNCRC recognises the right of children to the enjoyment of the highest attainable standard of health, including protection from environmental pollution.

**“ Being worried that there won’t be a future for us due to climate change and the over exhaustion of the planet’s resources.**

Gender diverse, 18 years,  
Growing Up in Queensland

**“ Being a young person today means you have no choice but to be very aware and conscious of what we consume, how we consume and how we act as a collective.**

Female, 17 years,  
Growing Up in Queensland

**“ Our planet’s climate, although it’s not all ours to do, the older generations helped create the problem, let’s all help fix it.**

Male, 18 years,  
Growing Up in Queensland

**“ Many animals died and bush fire burned so many trees. I felt sad when I heard about bush fires. We have to prevent bush fires and raise money.**

Female, 6 years,  
Growing Up in Queensland

The UN Committee’s General Comment No. 26 highlights the importance of safeguarding children’s rights in relation to environmental issues, specifically climate change. The General Comment was adopted by the UN Committee in May 2023. It acknowledges that climate change significantly affects the rights of children, such as their right to health, education, and a clean and sustainable safe environment. It stresses the need for governments to take action to mitigate the impact of climate change on children and include them in decision-making.

xxxii Across Australia, there were over 150 Aboriginal or Torres Strait Islander languages in the Australian Standard Classification of Languages that were actively spoken (i.e. had one or more users) in 2021, and 50 languages with no reported users. There were 78 Aboriginal and Torres Strait Islander languages not spoken by children aged 0–14 years.

The latest UN General Comment also acknowledges the importance of traditional practices in promoting environmental sustainability and protecting the rights of children. It emphasises the need for governments to recognise and respect the rights of First Nations and local communities, including their right to maintain and transmit traditional knowledge and practices, and participate in decision-making processes that affect their lands and resources.<sup>165</sup>

Aboriginal and Torres Strait Islander people have a unique and significant connection to the environment, as it is central to their culture and identity. Their traditional knowledge and practices can also be valuable in addressing environmental issues and the impacts of climate change.

First Nations youth-led networks such as *Seed* play an important role in climate activism by bringing attention to the intersectionality of First Nations rights and climate justice. *Seed* is a network of Aboriginal and Torres Strait Islander youth in Australia that focuses on climate activism and aims to empower young people to take action on climate change. Their campaigns involve educating communities on the impacts of climate change on Aboriginal and Torres Strait Islander people and advocating for climate justice.<sup>166</sup>

Campaigns such as *Our Island Our Home* led by Torres Strait Islander peoples have highlighted the importance of community-led solutions and centring the voices and perspectives of those most impacted by climate change. The campaign involves raising awareness of the issue and advocating for government action to address rising sea levels and other effects of climate change on Torres Strait Islands.

On 23 September 2022, eight Torres Strait Islanders achieved a significant legal milestone by winning a verdict from the United Nations Human Rights

Committee that the Australian Government was in breach of its human rights responsibilities to the Torres Strait Islanders by neglecting to address climate change. This landmark ruling mandates that the government must take any necessary actions to guarantee the safety and survival of the Torres Strait Islands. It also sets an example for First Nations communities across the globe.<sup>167</sup>

The Queensland legal case of *Waratah Coal Pty Ltd v Youth Verdict Ltd 2022* also emphasises the importance of youth-led activism and the need for companies to be accountable for the environmental impact of their actions. The case involved a challenge by a group of young people against a coal mining project that they argued would have significant negative impacts on the environment and contribute to climate change. The Land Court of Queensland recommended against granting a mining lease and environmental authority for a coal mine located in the Galilee Basin of Queensland. The court's findings included the failure to demonstrate a justifiable limitation on human rights resulting from climate change.

Although the government is not legally obligated to follow the court's recommendation, the decision holds significant importance regarding the application of the Human Rights Act to climate change and resource projects.<sup>168</sup> The case raised important questions about the role of young people in environmental decision-making and the legal responsibilities of companies to protect the environment.<sup>169</sup> The case also has significant implications for Aboriginal and Torres Strait Islander people, as it reinforced their rights to participate in environmental decision-making processes and have their voices heard. It highlighted the importance of On Country testimony and First Nation people's knowledge about the land and its ecosystems.