



Fact Sheet CSS – Understanding Children and Young People’s Rights

Human rights and the ACT Child Safe Standards

The ACT Child Safe Standards (the Standards) require organisations to create environments where children and young people’s rights, safety, and wellbeing are at the centre of thought, values, and actions. Human rights-based approaches provide a useful conceptual framework for applying the Standards.

Children and young people (those under 18 years) are entitled to all human rights, but due to the additional vulnerability that comes with being a child, they have a set of additional rights enshrined by the [United Nations Convention on the Rights of the Child 1989](#) (CRC).

The CRC defines children as anyone under the age of 18 years. This document uses children to describe those up to the age of 12 years, and young people to describe those who are over 12 years but not yet 18 years. This is in line with ACT definitions.

More often than not, we refer collectively to children and young people.

The CRC articulates a wide range of survival, developmental, participation, and protection rights. It is the most widely ratified human rights document in the world, and maintains a crucial idea about children and childhood:

“...that children are not just objects who belong to their parents and for whom decisions are made, or adults in training. Rather, they are human beings and individuals with their own rights.” (Unicef)

The CRC affirms that all rights are equally important and has four guiding principles:

- The best interests of the child
- The right to survival and development
- The right of children to express their views on matters that affect them
- The right of all children to enjoy their rights without discrimination.

The dual notions that children and young people are both capable rights-holders and require additional protection is at the heart of the ACT Child Safe Standards.

How do human rights support the Child Safe Standards?

Convention on the Rights of the Child

Like the [National Principals for Child Safe Organisations](#), the ACT Child Safe Standards are informed by children's rights. Organisations must apply the Standards in a manner that is culturally safe and inclusive for all children and young people. Using the *Human Rights Act 2004* (ACT) and the Convention on the Rights of the Child as your guides to implement the Standards requires you to:

- Act in the best interests of children and young people
- Support their right to have a say on matters that affect them
- Ensure programs are delivered without discrimination.

The Convention also requires power dynamics between rights-holders and duty-bearers to be acknowledged and addressed to the extent possible. Similarly, the Standards require organisations to address attitudes and behaviours that create barriers for children, young people, and families with diverse needs. This is at the core of being a child safe organisation.

ACT Human Rights Act 2004

Human rights in the ACT are enshrined in the *Human Rights Act 2004*. Children and young people are entitled to all the rights within the Act but are also specifically protected by Section 11 (2), which states:

Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.

The Act is not intended to be exhaustive, and therefore states that individuals in the ACT may have rights as reflected in other international human rights instruments, which includes the Convention on the Rights of the Child.

The Preamble of the Act also states:

This Act encourages individuals to see themselves, and each other, as the holders of rights, and as responsible for upholding the human rights of others.

Therefore, individuals working with children and young people in the ACT have a clear responsibility to uphold children and young people's rights.

Because human rights are largely the responsibility of government, some non-government organisations working with children and young people may not have considered it necessary to define their role within the context of upholding children and young people's rights. However, a human rights based approach can be a useful guide to support your organisation's engagement with, and implementation of, the Standards.

What is a human rights-based approach?

Human-rights based approaches aim to address inequalities, discrimination, and power imbalances through the promotion and protection of human rights. They are based on international human rights instruments, such as the Convention on the Rights of the Child.

As the ultimate duty-bearer, it is the role of governments to promote, protect, and realise human rights, but non-government actors or civil society, such as non-government and community organisations, can use human rights-based approaches to:

- Hold governments to account
- Support rights-holders to claim their rights
- Address gaps and violations of human rights within communities where the government is unable or unwilling to do so.

All adults are duty-bearers when working with children and young people, and the CRC highlights the primary role of parents and carers for raising them. Part of implementing a *child* rights based approach is to ensure we enable children and young people and their families/carers to hold us accountable for the work we do and how we do it.

In the context of Child Safe Organisations, the Australian Human Rights Commission states that a child rights based approach

“...focuses on genuine engagement with children and young people and taking action to promote their right to safety and their right to have their views heard.”

This means that to achieve a child safe organisation, we must:

- Recognise children and young people as the experts in their own lives
- Facilitate opportunities for them to share their views and perspectives in spaces and modalities that suit them
- Listen to what they tell us through their words and their actions
- Act on what they have shared
- Involve them in implementing strategies to increase their safety.

Children and young people must be informed about their rights, supported to engage in decisions that affect them, and be genuinely able to hold adults to account if actions are not taken, or something is going wrong.

Like the CRC, this frames children and young people as rights-holders who have agency in their own safety. It therefore requires us to work *with* children and young people, rather than simply *for* them.

“It is not simply about supporting young people to have their voices heard. It is about a continued engagement with a process through which they explore their own knowledge, experiences, strengths, and capabilities and recognise how to use these to build their messages and demands, as well as their own advocacy plans and strategies, if they wish.” ([Consortium for Street Children](#)).

Where can I get more information?

If you are interested in knowing more about human rights, or children's rights more specifically, the following resources/links may be of interest:

- Balslev, et al. *Getting it right for children: [A practitioners guide to child rights programming](#)*, 2007, Save the Children.
A comprehensive guide to using child rights-based approaches to community development.
- CRIN, [Children's rights 101](#). Child Rights International Network (website)
A brief introduction to children's rights, with links to more information and resources.
- CYPC, [Your rights, in your words: A guide to the ACT Human rights Act 2004](#), CYPC 2024 (website).
Resources explaining the ACT Human Rights Act in child and youth friendly ways.
- OCHR, [What are human rights?](#), United Nations Office for the High Commissioner for Human Rights (website).
An overview of key human rights concepts, with links to specific human rights instruments and mechanisms.
- OCHR, [Committee on the Rights of the Child](#) (website).
The website for the Committee, which houses decisions, general comments and latest news on international monitoring of children's rights.
- Youth for Human Rights, [Bringing Human Rights to Life](#), Youth for Human Rights International, 2005 (website and videos).
The videos trace the origins of human rights and explore the Universal Declaration of Human Rights. The website has a range of resources for learning and teaching about human rights.