



Attention Mr Rio Hada  
OHCHR  
United Nations Office at Geneva  
CH 1211 Geneva 10  
E-mail: [registry@ohchr.org](mailto:registry@ohchr.org)  
[rhada@ohchr.org](mailto:rhada@ohchr.org)

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Dear OHCHR

I am writing to you on behalf of the Australian Human Rights Commission (the Commission), in response to the request for information on young people and the right to work. I welcome this opportunity to provide information for an analytical report on the relationship between the right to work and the enjoyment of all human rights by young people, authorized by the Human Rights Council under resolution 37/16.

This letter covers two issues arising from our work at the Commission, relevant to your report.

### **The Australian Human Rights Commission and the right to work**

The Commission is an 'A status' national human rights institution established and operating in full compliance with the Paris Principles. The Commission has a statutory power to promote and protect human rights under the *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act). Human rights are defined in the AHRC Act with reference to the international instruments scheduled to or declared under the AHRC Act.

The right to work is primarily set out in the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). The Commission's legislation (the AHRC Act) does not expressly include ICESCR within the definition of 'human rights.' Despite this, the Commission can exercise its functions in relation to economic, social and cultural rights that are included within other treaties scheduled to our legislation: *Convention on the Elimination of all forms of Discrimination against Women* (CEDAW), *Convention on the Rights of Persons with Disability* (CRPD), *Convention on the Rights of the Child* (CRC), *Convention on the Elimination of Racial*

*Discrimination* (CERD) and in relation to the functions of the Social Justice Commissioner and the National Children’s Commissioner.

In a submission to the UN Committee on Economic, Social and Cultural Rights on 8 May 2017, the Commission recommended that the Australian Government include ICESCR within the definition of human rights in the AHRC Act.<sup>1</sup>

## **Young parents and the right to work**

As National Children’s Commissioner, I promote discussion and awareness of the human rights of children in Australia, undertake research or educational programs for promoting the enjoyment of these rights, and examine existing and proposed laws to ascertain whether they recognise and protect these rights. Each year since my commencement in 2013, I have prepared a *Children’s Rights Report* on the rights of children in Australia, including recommendations for action.

My most recent *Children’s Rights Report 2017* includes the results of a project examining the needs and rights of young parents and their children in Australia.<sup>2</sup> Barriers to employment and secure income were key issues raised with me in consultations for the project.

I found that young parents and their children are particularly vulnerable to breaches of their rights to health, education and care, and are at risk of long - term disadvantage and welfare dependency. Young parents and their children face distinct socio-economic challenges, including:

- Young mothers tend to be the most socio-economically disadvantaged of all mothers.<sup>3</sup>This is associated with poor educational qualifications, pre-existing socio-economic circumstances, and the impact of raising children as young mothers.<sup>4</sup>
- Young mothers have a higher likelihood of welfare dependence throughout their lifetime.<sup>5</sup>Teenage mothers make up approximately one per cent of all single mothers in Australia but are overrepresented (at 3%) among recipients of Australia’s Parenting Payment.<sup>6</sup>
- The partners of teenage mothers are more likely to be unemployed and poorly educated than partners of older mothers.<sup>7</sup>
- Young mothers have lower levels of educational attainment than other mothers and childless women, resulting in lower levels of labour market participation and employment outcomes.<sup>8</sup>
- Homelessness or having poor living conditions is common for young mothers — either prior to or during pregnancy or with a young child.<sup>9</sup>

Very few of the young mothers I spoke with in face-to-face consultations had full or part time jobs. Some of the young fathers had jobs. It was particularly hard

for young mothers with preschool-aged children and no private transport to be working, because they were focused on caring for their children, addressing their own physical and mental health issues, and securing stable housing. Young parents told me:

I lost my job when they found out I was pregnant, I was only six weeks. They asked if I was pregnant or just putting on weight. I got a text message saying I'd lost my job after they found out.<sup>10</sup>

It's hard to get a job because I don't have formal qualifications or experience.<sup>11</sup>

In the Report, I made a number of recommendations for action relevant to the right of young parents to work, including improved research and data collection. I recommended that the Australian Government should commission research into the distinct needs and characteristics of young parents that present barriers to employment pathways, and the kinds of targeted interventions that are most likely to assist in overcoming these (Recommendation 5).<sup>12</sup>

I hope this information assists your analysis.

Please feel free to contact Susan Newell, Senior Policy Officer, by email for further information: [Susan.Newell@humanrights.gov.au](mailto:Susan.Newell@humanrights.gov.au).

Yours sincerely,



Megan Mitchell  
**National Children's Commissioner**

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<sup>1</sup> Australian Human Rights Commission, Information concerning Australia's compliance with the International Covenant on Economic, Social and Cultural Rights (8 May 2017). At <https://www.humanrights.gov.au/submissions/information-concerning-australia-s-compliance-international-covenant-economic-social-and>.

<sup>2</sup> Australian Human Rights Commission, Children's Rights Report 2011 (2017). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2017>.

<sup>3</sup> Guyonne Kalb, Trinh Le and Felix Leung, 'Outcomes for Teenage Mothers in the first Years after Birth' (2015) 18(3) Australian Journal of Labour Economics 255, 264; Bruce Bradbury, 'Disadvantage among Australian Young Mothers' (2006) 9(2) Australian Journal of Labour Economics 147, 147.

<sup>4</sup> Ruth Weston, Grace Soriano and Lixia Qu, Australian Institute of Family Services, 'Starting early, starting late: Socio-demographic characteristics and parenting of new mothers of different ages' (2006) 73 Family Matters 52, 57.

<sup>5</sup> Sung-Hee Jeon, Guyonne Kalb and Ha Vu, 'The Dynamics of Welfare Participation among Women Who Experienced Teenage Motherhood in Australia' (2011) 87(277) The Economic Record 235, 246.

<sup>6</sup> Sung-Hee Jeon, Guyonne Kalb and Ha Vu, 'The Dynamics of Welfare Participation among Women Who Experienced Teenage Motherhood in Australia' (2011) 87(277) The Economic Record 235, 236; Alison Morehead and Grace Soriano, 'Teenage mothers: Constructing Family: what are the Supports, Pressures and Additional labour that shape Decisions Teenage Mothers Make about Family Life?' (2005) 72 Family Matters 64, 65.

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<sup>7</sup> John Ermisch, David Pevalin, 'Early Motherhood and Later Partnerships' (2005) 18(3) *Journal of Population Economics* 469 cited in Guyonne Kalb, Trinh Le, Felix Leung, 'Outcomes for Teenage Mothers in the First Years after Birth' (2015) 18(3) *Australian Journal of Labour Economics* 255, 257; Bruce Bradbury, 'Disadvantage among Australian Young Mothers' (2006) 9(2) *Australian Journal of Labour Economics* 147, 169.

<sup>8</sup> Guyonne Kalb, Trinh Le and Felix Leung, 'Outcomes for Teenage Mothers in the First Years after Birth' (2015) 18(3) *Australian Journal of Labour Economics* 255, 270; Bruce Bradbury, 'Disadvantage among Australian Young Mothers' (2006) 9(2) *Australian Journal of Labour Economics* 147, 169.

<sup>9</sup> Morag McArthur and Gail Winkworth, 'The Hopes and Dreams of Australian Young Mothers in Receipt of Income Support' (2013) 7(1) *Communities, Children and Families Australia* 47, 58.

<sup>10</sup> Australian Human Rights Commission, Summary - Children's Rights Report 2011 (2017) 145. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2017>.

<sup>11</sup> Australian Human Rights Commission, Summary - Children's Rights Report 2011 (2017) 145. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2017>.

<sup>12</sup> Australian Human Rights Commission, Summary - Children's Rights Report 2011 (2017) 107. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2017>.