



Inquiry into the Human Rights Bill 2025

Submission to the NSW
Parliament Committee on
Community Services

3 July 2026

Acknowledgement of Country

Knowmore acknowledges the Traditional Owners of the lands and waters across Australia upon which we live and work.

We pay our deep respects to Elders past and present for their ongoing leadership and advocacy.

Content note

This submission discusses experiences of trauma, including child abuse.

If you need to talk to someone, support is available.

13 YARN – 13 92 76

Blue Knot Helpline – 1300 657 380

1800 RESPECT – 1800 737 732

Lifeline – 13 11 14

Suicide Call Back Service – 1300 659 467

Knowmore provides legal help and related support for victims and survivors of child sexual abuse. You can call Knowmore on 1800 605 762.

Summary of Knowmore's submission

- As a community legal service dedicated to supporting victims and survivors of child abuse, we see every day the profound and often lifelong impacts of serious human rights violations experienced by the youngest people in our community.
- There are significant gaps in the current legal framework in all parts of Australia, including in New South Wales, that leaves children and victims and survivors of child abuse vulnerable to violations of their human rights. There is also a lack of accessible and effective remedies when their rights are breached.
- Knowmore strongly supports the enactment of a comprehensive Human Rights Act in New South Wales, which draws on the models already in operation in Victoria, Queensland and the Australian Capital Territory.
- A Human Rights Act in New South Wales should include specific protections for the rights of children and victims and survivors of crime, including victims and survivors of child abuse.

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Knowmore's submission

Knowmore's approach to the inquiry

As a community legal service dedicated to supporting victims and survivors of child abuse, we see every day the profound and often lifelong impacts of serious human rights violations experienced by the youngest people in our community.

In our view, there are significant gaps in the current legal framework in New South Wales that leaves children, victims and survivors vulnerable to human rights violations. There is also a lack of accessible and effective remedies when their rights are breached.

We welcome this inquiry and the opportunity to determine how the rights of children, victims and survivors can be better recognised, protected and enforced in New South Wales.

Knowmore strongly supports the enactment of a comprehensive Human Rights Act in New South Wales, which draws on the models already in operation in Victoria, Queensland and the Australian Capital Territory.

As a national service, we recognise the importance of nationally consistent human rights laws which ensure that the rights of everyone in our community are protected on an equal basis. We remain concerned that our clients in New South Wales are being left behind and that this has a real human impact.

We also strongly support New South Wales embracing the opportunity presented by this inquiry – to consult on and progress nation-leading laws that recognise and protect the human rights of people experiencing marginalisation, including children, victims and survivors.

Knowmore is a proud and active member of the Human Rights Act for NSW Alliance,¹ a nonpartisan alliance of more than 130 organisations who support the introduction of a comprehensive human rights framework in New South Wales. In March 2026, we joined with members of the Alliance's

¹ Human Rights Act for New South Wales Alliance, <<https://humanrightsforNSW.org/>>.

Steering Committee to welcome the decision of the NSW Parliament to conduct an inquiry into the Human Rights Bill 2025.²

Knowmore's submission draws on our experience supporting many thousands of victims and survivors of child abuse in New South Wales and around Australia. Our submission has a particular focus on how the rights of children and victims and survivors of child abuse could be better recognised, protected and enforced in New South Wales.

Our submission outlines:

- why we consider that New South Wales needs a Human Rights Act
- the inadequate protection of the human rights of children and of victims and survivors of child abuse in New South Wales
- the benefits of a Human Rights Act and the need for specific protections for children, victims and survivors.

It is clear that many people from across New South Wales are calling for change, with recent polling showing that 76% of people in New South Wales support the introduction of a comprehensive Human Rights Act.³

We urge the Committee on Community Services to recommend that the New South Wales Government enact a comprehensive Human Rights Act as a priority, which includes specific protections of the human rights of children and victims and survivors of crime, including victims and survivors of child abuse.

² Human Rights Act for New South Wales Alliance, *NSW Parliament establishes inquiry into a Human Rights Act*, 18 March 2026, <<https://humanrightsforNSW.org/news>>.

³ Amnesty International, *Three in four Australians support a Human Rights Act: New research*, 29 January 2026, <www.amnesty.org.au/three-in-four-australians-support-a-human-rights-act-new-research/>.

List of recommendations

Recommendation 1

The New South Wales Government should implement a comprehensive Human Rights Act, taking guidance from:

- existing Human Rights Acts in Victoria, Queensland and the Australian Capital Territory
- the Australian Human Rights Commission's position paper, *Free and Equal: A Human Rights Act for Australia*
- the report of the Australian Parliament's Joint Committee on Human Rights' inquiry into Australia's Human Rights Framework, including the illustrative Human Rights Bill proposed by the Committee
- the Key Principles for Legislating a Human Rights Act for NSW, developed by the Human Rights Act for NSW Alliance
- the Human Rights Bill 2025, the subject of the present inquiry.

Recommendation 2

A Human Rights Act for New South Wales should include specific, enforceable protections of the human rights of children and victims and survivors of crime, including victims and survivors of child abuse.

Part 1: Why NSW needs a Human Rights Act

The current legal landscape and the way forward

There is currently inadequate protection of the human rights of people in all parts of Australia, including in New South Wales, contributing to abuses of people's human rights and inadequate responses when this occurs.

The Australian Human Rights Commission (AHRC) has described Australia's human rights protections as 'patchy', 'forming an incomplete and piecemeal framework, with many gaps'.⁴ The AHRC noted the absence of a Human Rights Act for New South Wales as one of these gaps⁵ and summarised the significance of these gaps as follows:

*The gaps in our legal coverage of human rights mean that there is not a consistent, principled and complementary framework for protecting human rights. Decision makers are not required to consider and act in accordance with human rights. There are limited avenues to seek review of government decisions or actions that violate a person's human rights.*⁶

Of particular relevance to our clients, the AHRC noted:

The consequences of Australia's lack of legal human rights protections acutely affect people who experience disadvantage, marginalisation and discrimination. It is the most vulnerable

⁴ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, December 2022, p 46, <https://humanrights.gov.au/data/assets/file/0026/46853/Free_equal_hra_2022_-_main_report_rgb_0.pdf>.

⁵ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 57.

⁶ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 47.

*people who can fall through the cracks in the existing frameworks.*⁷

Victoria, Queensland and the Australian Capital Territory have taken significant steps to address this problem by implementing Human Rights Acts.⁸ More recently, committees of both the South Australian and federal parliaments have also recommended that a Human Rights Act be enacted in their respective jurisdictions.⁹

While Knowmore advocates to improve existing Human Rights Acts to better protect the human rights of children, victims and survivors,¹⁰ these laws nonetheless provide valuable guidance about how a Human Rights Act could be implemented in New South Wales.

We also note the valuable guidance provided by:

- the AHRC in its position paper, *Free and Equal: A Human Rights Act for Australia*, including the model Human Rights Act proposed by the AHRC¹¹
- the report of the Australian Parliament's Joint Committee on Human Rights' inquiry into Australia's Human Rights Framework, including the illustrative Human Rights Bill proposed by the Committee¹²

⁷ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 47.

⁸ *Charter of Human Rights and Responsibilities Act 2006* (Vic); *Human Rights Act 2019* (Qld); *Human Rights Act 2004* (ACT).

⁹ See Parliament of South Australia, *Inquiry into the potential for a Human Rights Act for South Australia: Forty-Ninth Report of the Social Development Committee*, 29 April 2025, recommendation 1, <<https://www.parliament.sa.gov.au/committees/sdc>>; and Australian Parliament, *Parliamentary Joint Committee on Human Rights: Inquiry into Australia's Human Rights Framework*, 30 May 2024, recommendation 1, <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report>.

¹⁰ See, for example, Knowmore, *Submission to the inquiry into youth justice reform in Queensland*, 9 January 2024, pp 30–31, <documents.parliament.qld.gov.au/com/YJRSC-6004/YJRSC-54D8/submissions/00000119.pdf>; and Knowmore, *Inquiry into Australia's Human Rights Framework — answer to Question on Notice*, 17 October 2023, <www.aph.gov.au/DocumentStore.ashx?id=e5c11b69-d922-446b-9a77-aa4dcacc7235>.

¹¹ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*.

¹² Australian Parliament, *Parliamentary Joint Committee on Human Rights: Inquiry into Australia's Human Rights Framework*, Appendix 5.

- the Key Principles for Legislating a Human Rights Act for NSW, developed by the Human Rights Act for NSW Alliance.¹³

These resources highlight the importance of Human Rights Acts in Australia and provide a strong starting point for considering what elements a Human Rights Act for New South Wales should include. While we do not propose to comment on every potential element of a Human Rights Act for New South Wales, we particularly support:

- the protection of the rights of all people in New South Wales without discrimination¹⁴
- the protection of civil, political, economic, social and cultural rights¹⁵
- specific protection of children's rights (see further discussion on pages 24–29)¹⁶
- specific protection of victims' and survivors' rights (see further discussion on pages 30–33)
- the inclusion of a participation duty and an equal access to justice duty¹⁷
- a focus on preventing human rights abuses, including through the dialogue model¹⁸

¹³ Human Rights Act for NSW Alliance, *Key Principles: Legislating a Human Rights Act for NSW*, <<https://humanrightsforNSW.org/benefits-of-a-human-rights-act>>.

¹⁴ See Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 23.

¹⁵ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 17; Human Rights Act for NSW Alliance, *Key Principles: Legislating a Human Rights Act for NSW*, p 5.

¹⁶ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, pp 110–112.

¹⁷ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 17; Human Rights Act for NSW Alliance, *Key Principles: Legislating a Human Rights Act for NSW*, p 11.

¹⁸ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 16; Human Rights Act for NSW Alliance, *Key Principles: Legislating a Human Rights Act for NSW*, p 10.

- a direct path to an accessible and effective remedy for each right protected by a Human Rights Act¹⁹
- a statutory provision for periodic reviews of a Human Rights Act.²⁰

In our view, a comprehensive Human Rights Act will significantly improve the ability of New South Wales residents to understand and realise their human rights and will also ensure that laws, policies and government decisions uphold their rights. Importantly, existing models demonstrate how this can be achieved whilst retaining parliamentary sovereignty and without contributing to a significant increase in litigation.²¹

The Human Rights Bill 2025

In October 2025, we joined members of the Human Rights Act for NSW Alliance to welcome the introduction of the Human Rights Bill 2025 (the Human Rights Bill)²² in the Legislative Assembly.²³ This is an important and ambitious Bill. We commend the New South Wales Parliament for commencing the present inquiry into the Bill.²⁴

In our view, the Human Rights Bill presents an important first step towards a Human Rights Act for New South Wales and proposes a model that reflects long-standing laws already operating in Queensland, Victoria and the Australian Capital Territory. It also seeks to address the needs of people experiencing marginalisation and proposes human rights protections which reflect more recent developments, both nationally and internationally, in human rights.

¹⁹ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 26; Human Rights Act for NSW Alliance, *Key Principles: Legislating a Human Rights Act for NSW*, pp 13–14.

²⁰ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, p 30; Human Rights Act for NSW Alliance, *Key Principles: Legislating a Human Rights Act for NSW*, p 14.

²¹ See Australian Human Rights Commission, *Ten common questions: About a Human Rights Act for Australia*, <<https://humanrights.gov.au/?a=50845>>.

²² Human Rights Bill 2025, introduced in the NSW Legislative Assembly on 23 October 2025, <<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18724>>.

²³ Human Rights Act for NSW Alliance, *100+ organisations and individuals call for inquiry into a Human Rights Act for NSW*, 22 October 2025, <<https://humanrightsfornsw.org/news>>.

²⁴ Human Rights Act for NSW Alliance, *NSW Parliament establishes inquiry into a Human Rights Act*, 18 March 2026, <<https://humanrightsfornsw.org/news>>.

As a service dedicated to supporting victims and survivors of child abuse, Knowmore particularly welcomes:

- the inclusion of specific, nation-leading protections for victims of crime – reflected in section 31 of the Bill (see further discussion on pages 33–35)
- the inclusion of specific, enforceable children’s rights – including the rights reflected in sections 18, 28 and 32 of the Bill (see further discussion on pages 29–30).

We support meaningful community consultation into the Human Rights Bill, including with individuals and communities experiencing marginalisation, to ensure that New South Wales develops a comprehensive Human Rights Act that protects and promotes the rights of everyone in our community.

Recommendation 1

The New South Wales Government should implement a comprehensive Human Rights Act, taking guidance from:

- existing Human Rights Acts in Victoria, Queensland and the Australian Capital Territory
- the Australian Human Rights Commission’s position paper, *Free and Equal: A Human Rights Act for Australia*
- the report of the Australian Parliament’s Joint Committee on Human Rights’ inquiry into Australia’s Human Rights Framework, including the illustrative Human Rights Bill proposed by the Committee
- the Key Principles for Legislating a Human Rights Act for NSW, developed by the Human Rights Act for NSW Alliance
- the Human Rights Bill 2025, the subject of the present inquiry.

The inadequate protection of children's, victims and survivors' rights

Knowmore considers that the current legal framework in New South Wales fails to adequately protect the human rights of children and of victims and survivors of crime, including victims and survivors of child abuse.

As noted above, inadequate protections contribute to abuses of people's human rights and inadequate responses when this occurs. We particularly see this in relation to 2 issues, which we discuss further below:

- the widespread, ongoing problem of child sexual abuse
- the significant barriers many victims and survivors face in seeking safety and justice.

Before discussing these issues in more detail, we wish to emphasise the importance of an intersectional approach to understanding the experiences of children, victims and survivors. An intersectional approach recognises that individuals may experience multiple forms of marginalisation and that these experiences may overlap to create additional barriers.²⁵

Many of Knowmore's clients experience intersectional marginalisation and as a result, disproportionately experience human rights abuses as well as barriers to accessing remedies when their rights are breached. For example, more than half of Knowmore's clients identify as having a disability and 2 in 5 of our clients identify as Aboriginal and/or Torres Strait Islander peoples.²⁶ However, many of our Aboriginal and/or Torres Strait Islander clients also live with disability and can face additional barriers to seeking safety, justice and support. This reinforces the importance of comprehensive human rights protections for children, victims and survivors in a Human Rights Act for New South Wales.

²⁵ See for example, United Nations Network on Racial Discrimination and Protection of Minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities*, 22 September 2022, p 3, <www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf>.

²⁶ For further information, see an overview of the clients we support on page 35 of this submission.

The widespread, ongoing problem of child sexual abuse

Every child has an inalienable right to be protected from all forms of violence and exploitation, including sexual abuse.²⁷ Child sexual abuse is therefore a severe violation of a child's human rights and the failure to protect a child from sexual abuse can lead to lifelong impacts,²⁸ including in relation to their:

- physical health
- mental health
- relationships
- connection to culture
- education
- employment
- housing
- economic security.²⁹

All of these impacts have human rights implications. In addition, when victims and survivors of child sexual abuse experience inadequate responses, this can compound the impacts of abuse, cause further harm, and have further human rights implications.

In our view, a comprehensive Human Rights Act would create clearer obligations on all public authorities to consider and protect children's human rights when making decisions that affect their lives. This in turn, fosters a more protective environment for children, supporting them to thrive and to live free from abuse.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) highlighted that child sexual abuse has been widespread in Australian institutions, affecting 'countless thousands' of children and occurring 'in almost every type of institution where children

²⁷ See for example, *Convention on the Rights of the Child*, General Assembly resolution 44/25, adopted 20 November 1989, Article 19 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

²⁸ Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), *Final report: volume 3, impacts*, December 2017, p 9, <www.childabuseroyalcommission.gov.au/impacts>.

²⁹ Royal Commission, *Final report: volume 3, impacts*, pp 73–156.

reside or attend for educational, recreational, sporting, religious or cultural activities'.³⁰ The Royal Commission also recognised that particular state government institutions represent high-risk environments for child sexual abuse, including out-of-home care and youth prisons.³¹

Almost 8,000 survivors shared their experiences with the Royal Commission in private sessions, identifying almost 3,500 institutions where child sexual abuse occurred.³² In private sessions between May 2013 and May 2017, this included 1,117 institutions in New South Wales, by far the largest proportion of institutions identified when compared with other jurisdictions.³³ In that same time period, the Royal Commission held private sessions with 723 survivors who had experienced child sexual abuse in institutions managed by the New South Wales Government, amounting to almost one third of victims and survivors nationally who disclosed abuse in government institutions during private sessions.³⁴

The Royal Commission made 409 recommendations to 'better protect children against child sexual abuse and alleviate the impact of abuse on children when it occurs'.³⁵ The majority of recommendations were directed to governments, including the New South Wales Government. Although the New South Wales Government has made considerable reforms to better protect children from child sexual abuse and improve responses for

³⁰ Royal Commission, *Final report: preface and executive summary*, December 2017, pp 1 and 5 <www.childabuseroyalcommission.gov.au/preface-and-executive-summary>.

³¹ Royal Commission, *Final report: volume 12, contemporary out-of-home care*, December 2017, <www.childabuseroyalcommission.gov.au/contemporary-out-home-care>; Royal Commission, *Final report: volume 15, contemporary detention environments*, December 2017, <www.childabuseroyalcommission.gov.au/contemporary-detention-environments>.

³² Royal Commission, *Final information update*, December 2017, p 1, <www.childabuseroyalcommission.gov.au/sites/default/files/final_information_update.pdf>.

³³ Royal Commission, *Final report: volume 2, nature and cause*, December 2017, p 279, table A.1, <www.childabuseroyalcommission.gov.au/nature-and-cause>.

³⁴ Royal Commission, *Final report: volume 2, nature and cause*, p 112, table 2.10.

³⁵ Royal Commission, *Final report recommendations*, December 2017, <www.childabuseroyalcommission.gov.au/recommendations>.

victims and survivors, it has not fully implemented the Royal Commission's recommendations.³⁶

Child sexual abuse — and how society responds — remains a widespread, ongoing problem,³⁷ with significant human rights implications.

The prevalence of child sexual abuse in New South Wales

The Royal Commission only presented a partial image of the scale of child sexual abuse across Australia, as many victims and survivors did not speak with the Royal Commission.³⁸ Further, the Royal Commission did not address non-institutional child sexual abuse — for example, child sexual abuse occurring in domestic and family environments.³⁹

A fuller image has emerged from the Australian Child Maltreatment Study, which recently reported that 28.5% of the Australian population had experienced child sexual abuse.⁴⁰ In New South Wales, this amounts to almost 2.5 million residents.⁴¹

³⁶ NSW Government, *Response to Royal Commission*, <www.nsw.gov.au/nsw-government/engage-us/response-to-royal-commission#toc-nsw-annual-report-on-progress>.

³⁷ D Haslam, B Mathews, R Pacella et al, *The prevalence and impact of child maltreatment in Australia: findings from the Australian Child Maltreatment Study: brief report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023, p 18, <www.acms.au/resources/the-prevalence-and-impact-of-child-maltreatment-in-australia-findings-from-the-australian-child-maltreatment-study-2023-brief-report/>.

³⁸ A survivor's decision about whether, when and how to disclose that they have experienced child sexual abuse is influenced by a variety of factors. Survivors often face barriers to disclosure and some survivors never disclose. See Royal Commission, *Final report: volume 4, identifying and disclosing child sexual abuse*, December 2017, pp 9–11, <www.childabuseroyalcommission.gov.au/identifying-and-disclosing-child-sexual-abuse>.

³⁹ Royal Commission, *Final report: volume 1, our inquiry*, December 2017, p 18, <www.childabuseroyalcommission.gov.au/our-inquiry>.

⁴⁰ D Haslam, B Mathews, R Pacella et al, *The prevalence and impact of child maltreatment in Australia: findings from the Australian Child Maltreatment Study: brief report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023, p 17, <www.acms.au/resources/the-prevalence-and-impact-of-child-maltreatment-in-australia-findings-from-the-australian-child-maltreatment-study-2023-brief-report/>.

⁴¹ See Australian Bureau of Statistics, *National, state and territory population*, as at December 2025, <www.abs.gov.au/statistics/people/population/national-state-and-territory-population/dec-2025#states-and-territories>.

Further, the NSW Bureau of Crime Statistics and Research reports that:

- **recorded incidents of sexual assault in New South Wales are increasing every year** – sexual assault incidents recorded by NSW Police have increased by an average of 10% each year for the last 10 years (to March 2026), however, they likely only represent a fraction of all incidents of sexual assault occurring in our community⁴²
- **children are the primary victim of more than half of all recorded sexual assault incidents** – 55% of recorded sexual assault incidents in New South Wales involve victims and survivors who were children at the time of their abuse⁴³
- **contemporary child sexual assault disproportionately impacts girls** – 82% of victims and survivors of recorded incidents of contemporary child sexual assault in New South Wales are girls.⁴⁴

Barriers victims face in seeking safety and justice

Victims and survivors of child abuse, including child sexual abuse, often experience breaches of their human rights, extending well beyond the immediate impacts of the abuse, into and across their adult life.⁴⁵ In addition to the impacts noted on page 14 above, many victims and survivors face significant barriers in seeking safety and justice.

Far too many victims and survivors of child abuse have been silenced, excluded and harmed by legal systems. As a result, many victims and

⁴² See NSW BOCSAR, *Sexual assault offences*, <<https://bocsar.nsw.gov.au/topic-areas/sexual-assault.html>> (last updated 18 June 2026). Specifically, recorded child sexual assault incidents have increased by 9% per year over the past 10 years and recorded adult sexual assault incidents have increased by 11% per year over the past 10 years.

⁴³ NSW BOCSAR, *Sexual Assault in NSW: Recorded incidents and victims, April 2016 to March 2026*, <https://bocsar.nsw.gov.au/documents/topic-areas/sexual-assault/Sexual_Assault_in_NSW_Report.pdf> (published June 2026).

⁴⁴ NSW BOCSAR, *Sexual Assault in NSW: Recorded incidents and victims, April 2016 to March 2026*, <https://bocsar.nsw.gov.au/documents/topic-areas/sexual-assault/Sexual_Assault_in_NSW_Report.pdf> (published June 2026). The Australian Child Maltreatment Study also found that girls are disproportionately impacted, finding that they are twice as likely to experience child sexual abuse, and that while the rates of child sexual abuse has declined for boys, it has not declined for girls, see B. Matthews et al, 'The prevalence of child maltreatment in Australia: findings from a national survey', 2 April 2023, <<https://onlinelibrary.wiley.com/doi/10.5694/mja2.51873>>.

⁴⁵ Royal Commission, *Final report: volume 3, impacts*, p 9.

survivors feel that these systems are retraumatising, unsafe, and weighted against them. These feelings are often reiterated by poor legal outcomes.

For example, the majority of victims and survivors of child sexual abuse will never receive justice through the criminal legal system. Further, criminal legal processes often fail to adequately recognise that a fair trial includes fairness to victims and survivors and the broader community (see further discussion on pages 30–33).⁴⁶

In addition, redress and compensation processes often fail to adequately recognise:

- the impacts of child sexual abuse on victims and survivors, including distrust of institutions and other impacts that can make it difficult for victims and survivors to disclose and seek justice for their abuse⁴⁷
- victims' and survivors' human rights, including the right to accessible and effective remedies for human rights violations (see further discussion on pages 30–33).⁴⁸

In the following sections, we elaborate on the systemic barriers experienced by victims and survivors when seeking safety and justice within the current legal framework in New South Wales. We address:

- the lack of enforceable victims' rights in New South Wales
- experiences of the New South Wales criminal legal system
- experiences of the New South Wales Victims Support Scheme.

⁴⁶ See, for example, Royal Commission, *Criminal justice report: parts III–VI*, August 2017, p 521, <www.childabuseroyalcommission.gov.au/sites/default/files/file-list/final_report_-_criminal_justice_report_-_parts_iii_to_vi.pdf>; and ACT Human Rights Commission, *Submission to the inquiry into Australia's Human Rights Framework*, 1 July 2023, p 8, <www.aph.gov.au/DocumentStore.ashx?id=fcleeb51-25b9-4b7d-9710-813238c23d5a&subId=745757>.

⁴⁷ Royal Commission, *Final report: volume 3, impacts*, pp 187–188.

⁴⁸ United Nations Human Rights Committee, *General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 26 May 2004, pp 6–8, <tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F2002%2F21%2FRev.1%2FAdd.13&Lang=en>. See also *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, 29 November 1985, <www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>.

The lack of enforceable victims' rights in New South Wales

While New South Wales has adopted a Charter of Victims' Rights,⁴⁹ it does not adequately protect the human rights of victims and survivors of crime, including victims and survivors of child abuse.

In particular, the rights recognised in the Charter are unenforceable in criminal and civil proceedings.⁵⁰ Any rights recognised in the Charter are significantly weakened while ever they remain unenforceable.

Further, victims and survivors lack appropriate and effective remedies when their rights are breached. While victims and survivors can make a complaint to the relevant government agency or in some instances, to the Commissioner of Victims' Rights, in our experience, Charter complaints are unlikely to improve a victims' experience of the legal system or the outcome of the relevant justice process.

We also remain concerned that:

- there is a lack of compliance with Charter rights by key actors within the legal system and a lack of effective monitoring of the extent to which government agencies comply with their obligations under the Charter
- many victims and survivors are not adequately informed about their Charter rights and awareness of the Charter remains low
- many victims and survivors do not have access to independent legal assistance and representation throughout their engagement with legal processes, which is critical to supporting them to understand and advocate for their rights, and to navigating their options when their rights are breached.

In Knowmore's view, it is essential that the rights of victims and survivors in New South Wales are adequately recognised and legally enforceable, including through the enactment of a comprehensive Human Rights Act that includes specific protections for victims and survivors.

⁴⁹ *Victims Rights and Support Act 2013* (NSW), part 2, division 2.

⁵⁰ *Victims Rights and Support Act 2013* (NSW), part 3.

Experiences of the New South Wales criminal legal system

When the criminal legal system fails victims and survivors, it can have devastating impacts on their ability to seek justice and begin their healing journey.⁵¹ Further, when the criminal legal system fails to hold perpetrators of child sexual abuse to account, it can have dire consequences for the safety of other children.

Victims and survivors in New South Wales face significant barriers when seeking justice through the criminal legal system. For example:

- **Victims and survivors who do report to police can feel judged, shamed or not believed** – some victims and survivors who have reported sexual assault to NSW Police report receiving a dismissive or overtly negative response, particularly where their experiences did not fit stereotypical conceptions of sexual assault.⁵² In some instances, NSW Police also displayed a lack of understanding of how trauma can impact a person's response to sexual assault, and the importance of a trauma-informed approach when working with victims and survivors.⁵³
- **Victims and survivors experience a lack of communication, consultation and agency throughout the criminal legal process** – these experiences often result in them feeling 'that they are pushed to the side in a system that was never designed with them in mind'⁵⁴ which can lead them to disengage with the process altogether.⁵⁵
- **In Knowmore's experience, some victims and survivors are hesitant to make a complaint about their interactions with NSW**

⁵¹ Royal Commission, *Final report: volume 3, impacts*, December 2017, pp 184–185.

⁵² See NSW BOCSAR, *Interview study: Exploring justice system experiences of complainants in sexual offence matters*, August 2023, at 3.2.6, <<https://bocsar.nsw.gov.au/research-evaluations/2023/ap69-interview-study-sexual-offence.html>>.

⁵³ NSW BOCSAR, *Interview study: Exploring justice system experiences of complainants in sexual offence matters*, at 3.2.7.

⁵⁴ Katie Comas, *Experiences of sexual violence victim-survivors in the justice system: report*, RMIT University, 16 August 2023, <<https://www.rmit.edu.au/news/all-news/2023/aug/sexual-assault-survivors>>.

⁵⁵ With You We Can, *What No One Told Us: How critical gaps in legal literacy shape poor responses to sexual assault in Australia, and the way forward*, November 2025, p 16, <https://irp.cdn-website.com/86042b7c/files/uploaded/WYWC_What+No+One+Told+Us_Report.pdf>.

Police – many believe the current complaints process is ineffective and unlikely to result in a positive outcome. Some victims and survivors also feel that the complaints process is intimidating, or that it could make the situation worse where their legal process remains ongoing.

- **Despite the increase in reported incidents of sexual assault,⁵⁶ only a small proportion ever result in a conviction** – in New South Wales, only eight per cent of reported contemporary child sexual assault incidents and 7 per cent of reported historic child sexual assault incidents result in the offender being found guilty (a proven charge). The overwhelming majority of cases never make it to court, with 85% of reported incidents not making it beyond the police investigation stage.⁵⁷

These experiences demonstrate how victims and survivors can be excluded and harmed by legal responses that treat them as an auxiliary to the very processes that purport to offer them “justice”. These experiences may be particularly exacerbated for people experiencing intersectional marginalisation, including Aboriginal and/or Torres Strait Islander survivors, survivors living with disability, as well as children and young people.

Through our work supporting victims and survivors to seek justice and healing, we understand that the way victims and survivors are treated while engaging with legal processes can be just as significant to their perception of fairness and justice as the outcome they receive.

However, we remain concerned that many victims and survivors experience further harm and trauma when engaging with the New South Wales criminal legal system and that the current legal framework does not adequately recognise, protect or enforce their rights throughout the process.

⁵⁶ See NSW BOCSAR, *Sexual assault offences*, <<https://bocsar.nsw.gov.au/topic-areas/sexual-assault.html>> (last updated 18 June 2026). Specifically, recorded child sexual assault incidents have increased by 9% per year over the past 10 years and recorded adult sexual assault incidents have increased by 11% per year over the past 10 years.

⁵⁷ See NSW BOCSAR, *Attrition of sexual assaults from the New South Wales criminal justice system*, Revised January 2025, <<https://bocsar.nsw.gov.au/documents/publications/bb/bb151-200/BB170-Report-Attrition-sexual-assaults.pdf>>.

Experiences of the New South Wales Victims Support Scheme

In New South Wales, eligible victims and survivors can choose to access support through the Victims Support Scheme. While similar schemes exist throughout Australia, there are significant inconsistencies, affecting almost every aspect of the support available to victims and survivors.⁵⁸

While the New South Wales Victims Support Scheme can be an important option for some victims and survivors, we remain concerned about the limitations in the scheme's design, how it currently operates in practice and the barriers faced by many victims and survivors seeking support to access safety and justice through the scheme. For example, some key limitations include:

- inadequate recognition payments that fail to reflect the seriousness of the crime or the devastating impacts on victims and survivors
- a standard of proof that is higher than the 'reasonable likelihood' standard adopted by the National Redress Scheme
- unfair legal and procedural requirements that do not reflect our understanding of violence and its impacts, and act as a barrier to victims and survivors receiving support.⁵⁹

While we welcome recent reforms, including reforms being progressed by the NSW Government to introduce an independent Victims of Crime Commissioner,⁶⁰ we remain concerned that these reforms are not

⁵⁸ See Knowmore, *Submission to the Australian Law Reform Commission: Inquiry into justice responses to sexual violence*, 7 June 2024, pp 46–50, <<https://knowmore.org.au/wp-content/uploads/2024/06/submission-justice-responses-to-sexual-violence-cth.pdf>>.

⁵⁹ See Knowmore, *Review of the Victims Rights and Support Act 2013: Submission to the NSW Department of Communities and Justice*, 11 July 2022, <<https://dcj.nsw.gov.au/documents/about-us/engage-with-us/public-consultations/review-of-the-victims-rights-and-support-act-2013-/knowmoreLegal-service-submission.pdf>>; and the submission of Domestic Violence NSW to the review of the Victims Rights and Support Act 2013, 11 July 2022, endorsed by Knowmore Legal Service, <<https://dcj.nsw.gov.au/documents/about-us/engage-with-us/public-consultations/review-of-the-victims-rights-and-support-act-2013-/joint-submission-dv-nsw.pdf>>.

⁶⁰ NSW Government media release, *NSW Government passes legislation to create independent advocate for victim survivors of crime*, 23 October 2025, <<https://dcj.nsw.gov.au/news-and-media/media-releases/2025/nsw-government-passes-legislation-to-create-independent-advocate.html>>.

sufficient to address the difficulties many victims and survivors face in seeking safety and justice through the current Victims Support Scheme.

This reinforces the critical need for a comprehensive human rights framework in New South Wales, that includes specific and enforceable protections for the rights of victims of crime, including victims and survivors of child abuse.

Part 2: The need for human rights to be better protected through a Human Rights Act

In the following sections, we address:

- the benefits of a Human Rights Act for children, victims and survivors
- the need for specific protections of the rights of victims and survivors.

Benefits of a Human Rights Act for children, victims and survivors

In Knowmore's view, a Human Rights Act has significant potential to improve human rights outcomes for children and for victims and survivors of child abuse across New South Wales.

This is demonstrated by experience internationally and in Australian jurisdictions that have implemented Human Rights Acts. For example, the Human Rights Law Centre provides an extensive database of cases where courts and tribunals have considered the human rights of children, often under Human Rights Acts, and often with positive outcomes for the human rights of children.⁶¹ These include cases from various countries, including the United Kingdom,⁶² Canada⁶³ and Ireland.⁶⁴

⁶¹ Human Rights Law Centre, *Human rights case summaries: child rights*, accessed 19 January 2024, <www.hrlc.org.au/human-rights-case-summaries/tag/Child+Rights>.

⁶² See, for example, Human Rights Law Centre, *UK High Court of Justice holds 17 year olds should be treated as children in the criminal justice system*, accessed 19 January 2024, <www.hrlc.org.au/human-rights-case-summaries/uk-high-court-of-justice-holds-17-year-olds-should-be-treated-as-children-in-the-criminal-justice-system>.

⁶³ See, for example, Human Rights Law Centre, *Children's right to the presumption of innocence and to be tried as minors*, accessed 19 January 2024, <www.hrlc.org.au/human-rights-case-summaries/r-v-db-2008-scc-25-16-may-2008>.

⁶⁴ See, for example, Human Rights Law Centre, *Failure to protect from sexual abuse constitutes violation of freedom from inhuman and degrading treatment*, accessed 19 January 2024, <www.hrlc.org.au/human-rights-case-summaries/failure-to-protect-from-

As noted above, Victoria, Queensland and the Australian Capital Territory have all implemented Human Rights Act. While many aspects of these laws provide protection of the human rights of children, we particularly note that these laws all recognise a child's right to protection⁶⁵ and children's rights in the criminal process.⁶⁶ The AHRC provides detailed case studies demonstrating the positive impacts of these laws for the human rights of children,⁶⁷ which we have extracted below. Significantly, these case studies relate to the treatment of children in the child protection system and in prison — areas of persistent concern for Knowmore given the heightened risk of child sexual abuse.

[sexual-abuse-constitutes-violation-of-freedom-from-inhuman-and-degrading-treatment>.](#)

⁶⁵ *Human Rights Act 2004* (ACT), section 11(2); *Charter of Human Rights and Responsibilities Act 2006* (Vic), section 17(2); *Human Rights Act 2019* (Qld), section 26(2).

⁶⁶ *Human Rights Act 2004* (ACT), section 20; *Charter of Human Rights and Responsibilities Act 2006* (Vic), section 23; *Human Rights Act 2019* (Qld), section 33(2).

⁶⁷ Australian Human Rights Commission, pp 82 and 90.

**Case study from the Australian Human Rights Commission:
systemic changes to protect young people in the ACT**

The ACT Human Rights Act influenced the legislative process in the development of the *Children and Young People Act 2008* (ACT). This was a comprehensive updating and codifying statute that is the primary law in the ACT providing for the protection, care and wellbeing of children and young people.

The government released an exposure draft of the legislation and the Human Rights Commissioner and the Children and Young People's Commissioner made submissions. Human rights issues were raised by practices such as therapeutic protection orders, prenatal reporting of children at risk, strip-searching of detained children, and behaviour management schemes proposed for a youth detention centre. These human rights issues were considered extensively by policy officers involved in the preparation of the legislation, with assistance from the Human Rights Unit. This is reflected in the lengthy Explanatory Statement presented with the Bill, which refers not only to provisions of the ACT Human Rights Act, but also to an array of relevant international standards, including the Convention on the Rights of the Child and United Nations principles relating to juvenile justice. It also draws on the audit reports of the ACT Human Rights Commissioner.

Extracted from the ANU five-year review of the ACT Human Rights Act.

Case study from the Australian Human Rights Commission: children in juvenile detention

After riot damage to a youth justice centre, the Victorian Government set up a new youth justice centre in a unit in the maximum security adult Barwon Prison and started transferring children as young as 15 there. The conditions in the unit were extremely harsh and children were subject to extended solitary confinement, regular handcuffing and denied proper education.

A number of First Nations children took legal action using the [Victorian] Charter and other laws to challenge their transfer to the prison. In response, the Victorian Government agreed to remove all First Nations children from the adult prison. A number of non-Indigenous children then brought a similar legal action challenging the decision to set up the unit in the adult prison and transfer children there.

When the Minister then made a fresh decision that kept the children in the adult prison, certain children brought a final challenge using the Charter and other laws. The Supreme Court again ruled that the government's actions breached the children's rights to humane treatment in detention and protection as is in their best interests. The Court ordered that the Minister stop detaining the children at the prison and all children were transferred back into existing youth justice centres. The Court also ruled that a decision approving the use of capsicum spray in the unit in the adult prison was unlawful.

Extracted from Human Rights Law Centre, 101 Charter Cases, 2022.

The Human Rights Law Centre also provides case studies, internationally and within Australia, of Human Rights Acts contributing to the protection of human rights for victims and survivors of crime.⁶⁸ This includes victims and survivors of child sexual abuse. For example:

⁶⁸ Human Rights Law Centre, *Advancing the rights of victim/survivors of crime using Victoria's Human Rights Charter: your advocacy guide*, accessed 19 January 2024, <www.hrlc.org.au/s/Your-advocacy-guide_Victims-and-survivors-of-crime.pdf>. See also Human Rights Law Centre, *Human rights case summaries: child rights*.

- a case study from Ireland shows the European Convention on Human Rights being taken into account in a court ordering an additional payment to a survivor of child sexual abuse⁶⁹
- a case study from Victoria shows the Victorian Charter of Human Rights and Responsibilities being taken into account in a court agreeing to an extension of time to allow a child victim of sexual abuse to give evidence via audio-visual recording.⁷⁰

The ACT Human Rights Commission has shared a case study in which the ACT Supreme Court considered the ACT's Human Rights Act in ordering that a child victim in a child sexual abuse case have an intermediary to assist them to communicate their best evidence. The Court recognised that:

*... the right to a fair trial involves 'a triangulation of interests' which takes into account the human rights of the accused, the human rights of the victim and their family, as well as the public interest.*⁷¹

The Queensland Human Rights Commission (QHRC) also states that it 'has applied several rights ... to the circumstances of victims of crime, including the right to fair hearing, right to privacy, and freedom of expression (including the right to receive information)'.⁷²

These examples illustrate how a Human Rights Act for New South Wales could focus attention on the human rights of victims and survivors in the creation of new laws and how decisions are made under existing laws, contributing to the improved protection of those rights.

⁶⁹ Human Rights Law Centre, *Failure to protect from sexual abuse constitutes violation of freedom from inhuman and degrading treatment*.

⁷⁰ Human Rights Law Centre, *Advancing the rights of victim/survivors of crime using Victoria's Human Rights Charter*, p 4.

⁷¹ ACT Human Rights Commission, p 8; *R v QX (No 2)* [2021] ACTSC 244 (1 October 2021) <www.courts.act.gov.au/supreme/judgments/r-v-qx-no-2>.

⁷² Queensland Human Rights Commission, *Submission to the inquiry into Australia's human rights framework*, 3 July 2023, p 50, paragraph 263, <www.aph.gov.au/DocumentStore.ashx?id=b3699ab7-9b83-4b0f-b47b-a45ba35794da&subId=745481>.

The Human Rights Bill and children's rights

Knowmore welcomes the inclusion of children's rights in the Human Rights Bill 2025, reflected in particular in:

- **section 18** – rights of children – which recognises human rights which apply to all children, without discrimination
- **section 28** – rights of children in criminal processes – which sets out the minimum standards required to uphold the rights of a child who has been accused of, charged with or convicted of a criminal offence
- **section 32** – right to dignified treatment – which recognises that children have the right to have access to supports and safeguards that prevent and protect against violence, abuse, neglect and exploitation, based on respect for the child's dignity, autonomy and self-determination.

We understand that these provisions broadly reflect rights which have long been recognised in Human Rights Acts across Australia. However, we also acknowledge that in some respects, the provisions have the potential to be nation-leading, including in relation to the protection from violence, abuse, neglect and exploitation.

From our experience supporting victims and survivors of child abuse, we know that a failure to uphold certain human rights can increase the risk of children experiencing abuse, including child sexual abuse. A failure to protect a child from sexual abuse can also have profound and lifelong impacts on the realisation of other human rights both in childhood and adulthood.⁷³

For example, a failure to uphold the right to an adequate standard of living, including the right to adequate housing,⁷⁴ can increase the risk of child abuse. Conversely, child abuse can adversely impact the ability of victims and survivors to realise their right to adequate housing. This is reflected in the fact that children experiencing homelessness are more likely to

⁷³ Royal Commission, *Final Report, Volume 3, Impacts*, see pp 9–12.

⁷⁴ Reflected in the *International Covenant on Economic, Social and Cultural Rights*, General Assembly resolution 2200A (XXI), adopted 16 December 1966, Article 11, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>>.

experience child sexual abuse and exploitation.⁷⁵ Similarly, child abuse, including child sexual abuse, is known to contribute to unaccompanied child and youth homelessness.⁷⁶

A comprehensive Human Rights Act for New South Wales, which recognises and protects rights such as housing, is critical to preventing child abuse and addressing the impacts of child abuse.

Need for specific protection of the rights of victims and survivors

While many elements of a Human Rights Act for New South Wales are likely to benefit victims and survivors, existing Human Rights Acts in Australia do not presently include specific protection of the rights of victims and survivors of crime, including victims and survivors of child abuse. This creates a significant gap in the protection of the human rights of victims and survivors, even in those jurisdictions that have taken in the important step of implementing a Human Rights Act.

The QHRC has powerfully articulated the importance of specific protection of victims' rights in a Human Rights Act or Charter:

It has been noted that promoting rights for victims is an attempt to address the persistent difficulties experienced by institutions and professionals to adequately meet the expectations of victims of crime. Having violence inflicted on them and experienced victimisation separates victims from their usual place in society. It disrupts the sense of trust and belonging people generally (though variably) have in others.⁷⁷

⁷⁵ NSW Government, Department of Education, *Homelessness in children and young people*, <<https://education.nsw.gov.au/schooling/school-community/child-protection/homelessness-in-children-and-young-people-#Indicators>> (last updated 3 June 2026); and United Nations Office of the High Commissioner for Human Rights, *Expert: Children in street situations are victims of forced labor, sexual abuse*, 5 October 2023, <<https://www.ohchr.org/en/stories/2023/10/expert-children-street-situations-are-victims-forced-labor-sexual-abuse>>.

⁷⁶ Homelessness Australia, *Fact sheet: Child and youth homelessness*, <<https://homelessnessaustralia.org.au/wp-content/uploads/2023/04/HA-Child-and-youth-homelessness-fact-sheet-4.pdf>> (accessed 1 July 2026).

⁷⁷ Queensland Human Rights Commission, p 51, paragraph 265.

Specific protection of victims' and survivors' rights aligns with recommendations from several inquiries — for example:

- the Victorian Law Reform Commission recommended that Victoria's Charter of Human Rights and Responsibilities be amended to include specific minimum guarantees for victims, namely:
 - to be acknowledged as a participant with an interest in the criminal proceedings
 - to be treated with respect at all times
 - to be protected from unnecessary trauma, intimidation and distress when giving evidence.⁷⁸
- the independent review of Queensland's Human Rights Act recommended that the Act be amended to incorporate a new right relating to victims and survivors of crime, which recognises that:
 - victims and survivors should be treated in a respectful and trauma-informed manner, which includes providing information in a timely manner that reduces the stress and trauma on victims
 - the individual characteristics and experiences of victims and survivors should be taken into account when implementing their rights under the Act
 - victims and survivors should have a complaints pathway to the Queensland Human Rights Commission for enforceability of their rights.⁷⁹
- the Queensland Women's Safety and Justice Taskforce and the Queensland Parliament's Legal Affairs and Safety Committee both recommended that the Queensland Government consider incorporating victims' rights into Queensland's Human Rights Act.⁸⁰

⁷⁸ Victorian Law Reform Commission, *Victims in the criminal trial process: report*, 22 November 2016, chapter 3, <www.lawreform.vic.gov.au/publication/the-role-of-victims-of-crime-in-the-criminal-trial-process-report-2/>.

⁷⁹ Professor Susan Harris Rimmer, *Placing People at the Heart of Policy, First independent review of the Human Rights Act 2019 (Qld) Final Report*, 30 September 2024, p 97, Recommendations 56 and 67, <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0232/5825t232.pdf>>.

⁸⁰ Queensland Government, Response to the report of the Queensland Women's Safety

Specific protection of victims' and survivors' rights is also supported by international human rights standards — for example, there is a right to accessible and effective remedies for human rights violations, arising from article 2 of the *International Covenant on Civil and Political Rights*.⁸¹ The United Nations General Assembly has also adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, which states the following key principle:

*Victims should be treated with compassion and respect for their dignity. They are entitled to access the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.*⁸²

Other international instruments also recognise rights for victims and survivors of crime, including victims and survivors of child sexual abuse.⁸³ For example, the Committee on the Rights of the Child has recognised the right of child victims and survivors to access to justice and to an effective remedy.⁸⁴

and Justice Taskforce, *Hear Her Voice — Report two: Women and girls' experienced across the criminal justice system*, 21 November 2022, p 13, <www.publications.qld.gov.au/dataset/wsjtaskforceresponse/resource/a0705c73-62bd-4263-ab2c-694e5735d058>; Queensland Government, *Inquiry into support provided to victims of crime: Queensland Government response*, 19 May 2023, accessed 4 January 2024, p 4, <documents.parliament.qld.gov.au/com/LASC-C96E/202324BE-8296/Government%20Response%20to%20LASC%20Report%20No.%2048,%20Inquiry%20into%20support%20provided%20into%20victims%20of%20crime.pdf>.

⁸¹ United Nations Human Rights Committee, *General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, pp 6–8.

⁸² Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, article 4.

⁸³ See, for example, *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, 25 May 2000, article 8, <www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>; *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, article 6, <www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

⁸⁴ United Nations Committee on the Rights of the Child, *Draft General Comment No.27 on children's right to access to justice and to an effective remedy*, CRC/C/GC/27, 1 February

As noted above on page 19, the New South Wales Charter of Victims' Rights does not adequately protect the human rights of victims and survivors in New South Wales. In Knowmore's view, the rights of victims of crime in New South Wales should be recognised, protected and enforced through a comprehensive Human Rights Act. This would better recognise that victims and survivors have rights linked to their dignity as human beings, of equal status to other human rights. We particularly support a direct path to a remedy for each right protected by a Human Rights Act.⁸⁵

Recommendation 2

A Human Rights Act for New South Wales should include specific, enforceable protections of the human rights of children and victims and survivors of crime, including victims and survivors of child abuse.

The Human Rights Bill and victims' rights

Through our work with the Human Rights Act for NSW Alliance's Steering Committee, we had the opportunity to be consulted on the development of the Human Rights Bill 2025 and the need for better recognition and protection of victims' rights in New South Wales.

Knowmore welcomes the inclusion of victims' rights in the Human Rights Bill 2025, reflected in section 31 of the Bill.

The provision draws directly on a recommendation of the Victorian Law Reform Commission, outlined above, and recognises that victims of crime have the right to:

- be acknowledged as a participant with interest in criminal proceedings
- be treated with courtesy, compassion, cultural sensitivity and respect for the victims' rights and dignity and

2024, <<https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-27-childrens-right-access>>.

⁸⁵ For further comments about a potential model of specific protection for victims' and survivors' rights, see Knowmore, *Inquiry into Australia's Human Rights Framework – answer to Question on Notice*.

- be protected from unnecessary trauma, intimidation and distress at every stage of the justice and legal process, including when giving evidence in criminal proceedings.⁸⁶

We particularly welcome the Bill's recognition that victims' rights are equal to every other right under the Bill.⁸⁷ This is critical to embedding the rights of victims and survivors in our legal systems and does not diminish the human rights of people accused of crimes, which are separately recognised by the Bill.⁸⁸

The inclusion of specific, enforceable protection of the rights of victims of crime, including victims and survivors of child abuse, would have significant benefits for victims and survivors throughout New South Wales. For example, it would:

- assist to embed a trauma-informed approach to victims and survivors across the legal system
- better recognise that the right to a fair trial includes fairness to victims and survivors
- provide direct pathways for victims and survivors to enforce their rights and seek remedies when their rights are breached
- require governments to consider the rights of victims and survivors when designing laws and policies and delivering services to victims and survivors
- increase community awareness and understanding of the rights of victims and survivors.

In our view, the provision could be further strengthened by:

- expressly acknowledging that victims and survivors have the right to adequate and prompt redress for the harm they experienced
- broadening its application beyond the criminal legal system, to other legal systems in which victims and survivors seek justice and healing, including compensation and redress processes

⁸⁶ *Human Rights Bill 2025* (NSW), section 31(1).

⁸⁷ *Human Rights Bill 2025* (NSW), section 31(2).

⁸⁸ *Human Rights Bill 2025* (NSW), sections 26–30 and 33–35.

- acknowledging the critical importance of victims and survivors having access to independent legal assistance when navigating their options for justice and healing.

We also acknowledge that the rights of victims of crime could be further strengthened by also adopting a broad approach to the equal access to justice duty. We are generally supportive of the views expressed by Women's Legal Service NSW on this issue.⁸⁹

⁸⁹ See for example, Women's Legal Service NSW, *Submission – Inquiry into Australia's Human Rights Framework*, 30 June 2023, <<https://www.aph.gov.au/DocumentStore.ashx?id=157d1df8-77b9-4960-99fc-6e16e8d6a2d2&subId=745169>>.

Appendix 1: About Knowmore

Our service

Knowmore legal service (Knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our aim is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

From 2013 to 2018, our service assisted people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). From 1 July 2018, Knowmore has delivered legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS). Knowmore also delivers financial counselling services to people participating in the NRS, and works with other services in the NRS support network to support and build their capability. Since 2022, Knowmore has assisted survivors who experienced child sexual abuse in non-institutional settings, and provided legal and financial counselling support to people engaging with the Territories Stolen Generations Redress Scheme (Territories Redress Scheme). Knowmore has also been providing legal and financial counselling support to people who have received a redress offer from the Western Australian Stolen Generations Redress Scheme, which commenced in 2025.

Knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. Knowmore has offices in Sydney, Melbourne, Brisbane, Perth, Adelaide and Darwin. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

Knowmore is funded by the Commonwealth Government, represented by the Departments of Attorney-General and Social Services and the National Indigenous Australians Agency, and the Western Australian Government.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, Knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

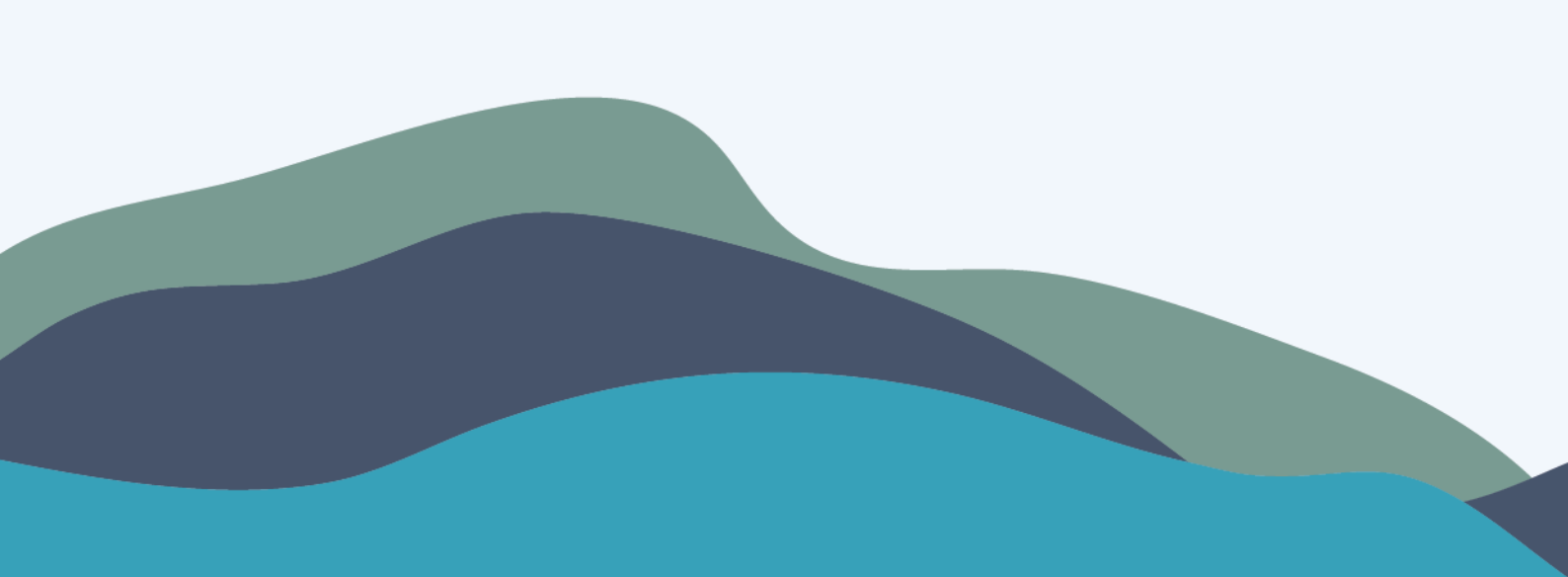
Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 May 2026, Knowmore has received 253,522 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 26,679 clients. 2 in 5 clients (40%) identify as Aboriginal and/or Torres Strait Islander peoples. About 1 in 10 clients (9%) are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.

100% of client we assist with the Territories Redress Scheme identify as Aboriginal and/or Torres Strait Islander peoples.

Our clients in New South Wales

Knowmore has a significant client base in New South Wales – 23 per cent of our clients reside in the state. We therefore have a strong interest in laws, policies and practices relevant to children and victims and survivors of child abuse in New South Wales.

For many of our clients, contributing to systemic change is an important part of their healing journey. Our clients do not want current or future generations of children to have the same experiences of abuse that they did. Advocating for systemic change to prevent child abuse is an important part of standing with our clients and honouring their experiences.



Knowmore

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