



Australian
Human Rights
Commission

Measuring What Matters

Australian Human Rights Commission

Submission to the Australian Government Treasury Department

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1 Introduction

1. The Australian Human Rights Commission (the Commission) welcomes the opportunity to make this submission to the Department of Treasury (Treasury) for the Measuring What Matters consultation.
2. The Commission commends Treasury for taking the first steps towards developing a wellbeing framework and a process for community dialogue to contribute to its formulation. The eventual framework should be an explicit statement of prioritising the wellbeing and human rights of all Australians with a range of indicators to connect human rights and wellbeing to policy decisions.
3. The Commission strongly agrees that Australia would benefit from implementing a national framework or centralised set of indicators on wellbeing, and urges that this adopt a human rights-based approach.
4. This submission focuses on some key considerations when developing a human rights-based approach to wellbeing, rather than an individual critique on each indicator or suggestions for additional ones, and provides an introduction to engage in further discussion with Treasury.
5. The Commission recommends the following approaches to a wellbeing framework underpinning the budget:
 - 5.1 A human rights-based approach underpinning all aspects of wellbeing domains.
 - 5.2 Including specific child wellbeing indicators incorporating the child perspective and grounded in our obligations under the *UN Convention on the Rights of the Child*.
 - 5.3 Data disaggregation in the indicators to create a more nuanced picture.
 - 5.4 Investment in data practices that are integrated, culturally safe and respectful of data sovereignty.
 - 5.5 Utilising participatory methods of data collection, including qualitative data collection, to ensure that the right questions are being asked and to inform data conclusions.
6. The Commission would be pleased to engage in further discussion with Treasury on any aspect of the submission.

2 Human rights and wellbeing

7. For the purposes of this submission, 'human rights' are defined as all human rights obligations recognised in international law, and are not limited to those rights that are currently reflected in Australian law.
8. Human rights reflect basic values such as equality, dignity, and freedom. We are all born with human rights, regardless of where we are born, our gender, race, socio-economic background or other characteristic. Human rights have been recognised through law and practice over many centuries. In modern times, governments of the world have agreed to a set of common standards for human rights through the 'international Bill of Rights', which comprises three documents:
 - Universal Declaration of Human Rights (UDHR), finalised in 1948, is based on a recognition of the inherent dignity of humans, and the equal and inalienable rights that extend to every individual¹
 - International Covenant on Economic, Social and Cultural Rights (ICESCR), which Australia agreed to in 1975²
 - International Covenant on Civil and Political Rights (ICCPR), which Australia agreed to in 1980.³
9. The health and wellbeing of people in Australia is directly related to the extent to which we meet our responsibility to protect and promote the full range of human rights. We must, therefore, continue to ensure respect for the full spectrum of human rights in order to create the supportive and enabling environment necessary for every individual to live a dignified life.
10. The Commission encourages the use of a human rights framework to strengthen policy and action to improve the wellbeing of all people in Australia.
11. Human rights have an important contribution to make across all areas of law, policy, and practice. Building human rights into all aspects of policy and decision making is referred to as taking a human rights-based approach. Embedding this approach into a national indicator framework supports a positive future for all Australians.

3 A human rights-based approach

12. While human rights law, principles and standards look at what should be done to achieve freedom and dignity for all, a human rights-based approach considers *how* this is to be achieved.⁴ Human rights-based

approaches are about turning human rights into effective policies, practices, and practical realities.

13. Most commonly, a human rights-based approach is described using the PANEL principles: Participation, Accountability, Non-Discrimination, Empowerment and Legality.
 - a. **Participation** means that everyone has the right to participate in decisions which affect them, and the voices of people affected by government action are heard and contribute to identifying solutions.
 - b. **Accountability** requires effective monitoring of compliance with human rights standards and achievement of human rights goals, by putting into place measurements to track progress, requiring the development and use of appropriate indicators.
 - c. **Non-discrimination and equality** in a human rights-based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented, and eliminated. It also means that priority should be given to people in the most marginalised or vulnerable situations who face the greatest barriers.
 - d. **Empowerment** means that everyone is entitled to claim and exercise their rights and freedoms. Individuals and communities need to be able to understand their rights, and to participate fully in the development of policy and practices which affect their lives.
 - e. **Legality** requires that the law recognises human rights and freedoms as legally enforceable entitlements, and the law itself is consistent with human rights principles.
14. A human rights-based approach would ensure transparency in government decision making, promote a forward-looking approach, and build capacity across the community and support community-driven action.⁵

4 Existing frameworks

15. The Commission notes that Australia currently does not have a robust system for prioritising human rights issues at the national level, nor for being held accountable for progress in advancing and protecting human rights. For example, we do not have a National Action Plan on Human Rights, nor a national human rights indicator framework and do not respond publicly or comprehensively to the concluding observations of United Nations human rights treaty body committees. Reviews of Australia's performance by United Nations human rights treaty

committees and engagement in the Universal Periodic Review provides some internationally based and focused processes to review progress. However, these are not a substitute for domestic, government-led processes for identifying priorities and measuring progress in advancing and protecting human rights.

16. Australia does have a number of national frameworks and inter-governmental agreements in place that prioritise action on certain issues. Some examples include: the National Framework for Protecting Australia's Children; the National Plan to End Violence against Women and Children; the National Action Plan to Combat Human Trafficking and Slavery; the Australian National Action Plan on Women, Peace and Security, and Australia's National Action Plan for Health Security, and the National Disability Strategy.
17. The Commission has found mixed views on how effective these frameworks are, in particular as to whether they are sufficiently rigorous in terms of the measurement of outcomes (vs outputs), whether they are resourced appropriately to achieve their purpose, have sufficient community engagement in design and implementation, and are rigorously monitored.⁶
18. Identifying the limitations of these frameworks is important when considering how we can better measure what matters.
19. Australia has previously committed to introducing a comprehensive plan for implementing human rights in Australia. However there have been significant gaps of time where no national action plan on human rights has been in place, as various past plans have fallen into disuse. There has been a lack of evaluation of the effectiveness of such plans and on the barriers to their success. The Commission has advised consideration to be given to whether the deficiencies of past plans were the result of poor implementation by the government, or whether it is the concept of a national action plan that is challenging, and subsequently whether a national action plan is an effective model.⁷

5 Free and Equal project

20. On 14 December 2018, the Commission's President, Emeritus Professor Rosalind Croucher AM, announced that the Commission would conduct a national conversation on human rights. This multi-year project addresses the question: What makes an effective system of human rights protection for 21st century Australia, and what steps does Australia need to get there?⁸

21. To date, the Commission has released an Issues Paper and 3 Discussion Papers, and conducted a national conference, a series of technical workshops (including one on benchmarking and accountability for human rights), and 3 rounds of national consultations (1 general, 1 on discrimination law reform, and 1 on a Human Rights Act). One of the Discussion Papers was focused on accountability: *Ensuring Effective National Accountability for Human Rights* (October 2019). The Commission also released a Position Paper in December 2021: *Free and Equal: A Reform Agenda for Federal Discrimination Laws* and, in March 2023, will release a second Position Paper: *A Human Rights Act for Australia*.
22. The final capstone report of the project will be formally furnished to the Attorney-General later in 2023. The final report will propose a consolidated human rights reform agenda at the federal level. Among other issues, it will include identifying the key elements of a national human rights indicator framework, to better track progress and emerging priorities on human rights over time.
23. The final report will contain a series of process recommendations for how to achieve this reform. Supplemented with the detailed proposals and analysis in the 2 Position Papers (on federal discrimination law and a federal Human Rights Act), this will provide a 'launching pad' for the government to develop a revamped Australian Human Rights Framework.
24. The Commission proposes further engagement with Treasury on how the work of this project might align with or contribute to the development of a wellbeing framework.

6 Indicator frameworks

25. There is extensive international guidance on what makes an effective human rights indicator framework. Indicators can be used alongside baseline studies and national action plans on human rights to build a full picture of implementation and necessary future actions.
26. We can look to Australia's international human rights obligations to develop indicators, but must also be mindful of the things that Australians see as important to help them live the lives they want.
27. Common critiques of indicator frameworks focus on the nature of power dynamics in the creation of frameworks. Power-based critiques focus on who is involved in the construction of indicators and decisions about what measures are used. Indicator frameworks appear to present technical and objective measures and often fail to highlight the political nature of the

decisions behind their construction. Decisions to include one measure over another, or to leave out particular indicators, are political decisions. The focus on technical measurement can also disguise how political factors shape the realisation of rights in the first place.⁹

28. There should be a clear underpinning purpose to the indicator and target framework – what freedom, capability or inequality is being measured?
29. There is also a need to ensure that any work already done in implementing, benchmarking, and monitoring human rights is acknowledged and/or integrated in any new plan. This will avoid duplication and ensure that resources are prioritised appropriately. Australia's unique federal system of government also means that work may already be underway at different levels of government and by other governments at the state and territory level.
30. This underlines the importance of early and comprehensive engagement and consultation by state and federal governments with each other and with civil society for ensuring resources are effectively deployed. This will also ensure that important issues are not missed because they are measured at a state or local level.
31. The Free and Equal Discussion Paper, *Ensuring Effective National Accountability for Human Rights*, laid out the existing processes to monitor and hold Australia to account for progress in realising human rights. It has outlined how a comprehensive domestic monitoring process could help increase accountability for human rights outcomes and what the key considerations would be for developing such a process.¹⁰

7 Beyond indicators - accountability frameworks and national action plans

32. Accountability frameworks and national action plans can also be built alongside measurement frameworks to ensure that results are acted upon.
33. Such plans should be able to turn the information presented through a measurement framework into practical policy goals. Ideally, it would set achievable targets so there can be a collective commitment to reach goals, enable realistic prioritisation and action-orientated planning for implementation. Adequate financial and administrative resources would need to be committed to ensuring implementation was effective.¹¹
34. A key consideration is whether there should be a mix of government and independent led monitoring processes. For example, the

UK Equality Reporting framework is conducted by the independent UK Equality and Human Rights Commission. Properly resourced national human rights institutions (NHRIs) can act as important independent monitors of national wellbeing indicators aligned to human rights obligations. Appropriate resourcing of NHRIs is itself an identified indicator of the standards set out in the *Paris Principles*.¹²

35. Under a human rights-based approach, accountability requires building in transparent assessment and reporting, to help to ensure that the framework moves beyond words to practical decision making and policy design. Measurement should combine reporting with independent oversight.¹³
36. National action plans and other national frameworks can be useful tools for driving change, but they must do more than describe the current state of affairs and must include a commitment to serious action. These documents will only have the effect of advancing rights if they include clear and measurable indicators, which are adequately funded, monitored on an ongoing basis, and there is strong political, bureaucratic, and community commitment to the implementation of their goals.
37. The Commission strongly agrees that measurement must be a means rather than an end. The purpose of the framework should be to improve human rights and wellbeing outcomes for people in Australia, rather than measurement for measurements sake. While considering the most appropriate indicators for the Australian context, we urge strong consideration of translating measurement into policy action.
38. As the Centre for Policy Development has observed, 'The purpose of wellbeing frameworks is to optimise wellbeing, not the practice of measuring wellbeing'.¹⁴
39. Once goals have been determined, budget processes should align closely with them, so that the policies and actions that aim to deliver on the outcomes of the wellbeing framework are properly resourced.¹⁵

8 Integrating wellbeing measurement into government action and priorities

40. Measuring wellbeing is an important first step in what should be an integrated and comprehensive framework for addressing wellbeing generally.
41. The Centre for Policy Development identified four elements that emerge from wellbeing approaches around the world, that need to be integrated

into a wellbeing approach in Australia to increase the likelihood that lasting and meaningful change can occur: effective measurement; integration into policy analysis processes; embedding the concepts across institutions; and creating accountability and transparency.¹⁶ This can be considered with the following example of child wellbeing and rights.

42. New Zealand is one of the first countries not only to include wellbeing measurement, but to integrate this into its budget and policy-making processes. This integration is especially evident with regard to child wellbeing. New Zealand's first Child and Youth Wellbeing Strategy, in 2019, has six wellbeing outcomes, and indicators for measuring progress that are embedded into the core work of government agencies. It is underpinned by the *Child Poverty Reduction Act 2018* and amendments to the *Children's Act 2014*. Accompanying the Strategy is a Programme of Action, which sets out the Government's policies and actions, including significant new investments from its first 'Wellbeing Budget' in 2019, to help achieve the vision and outcomes. An annual Child Poverty Budget report, released alongside the May 2020 Budget, provides a summary of the initiatives taken by the Government to reduce child poverty and mitigate the impacts of socio-economic disadvantage.
43. In Australia, any set of indicators for measuring child wellbeing should be integrated or aligned with an overarching Child Rights and Wellbeing Strategy or Framework that encompasses all the currently separate and 'siloed' strategies relating to children and their families. This Child Wellbeing Strategy needs to span across departments and jurisdictions, make accountabilities clear, and build on the Child Wellbeing Data Asset currently under development.¹⁷
44. In addition, there should be systematic assessment of the impact of existing and new policies on child health, development, learning, and wellbeing through Child Rights Impact Assessments, and an annual system of tracking and analysing how resources are allocated for child wellbeing, through a 'Children's Budget Analysis'. This tracking of the impact of economic measures on child wellbeing was recommended by the UN Committee on the Rights of the Child in its 2019 Concluding Observations on Australia's progress under the Convention on the Rights of the Child.¹⁸

9 Data collection practices

45. From March 2021 to April 2022, the Commission consulted with the public, peak and community organisations, experts, service providers, human rights agencies, and government at all levels on the scope and

vision for a National Anti-Racism Framework (NARF). A scoping report setting out the community responses to this proposed national framework was released in late 2022. The Commission found that there is an urgent need for comprehensive, national data on the prevalence, nature, and impacts of racism and racial inequalities.¹⁹

46. Consultations with data experts during this initial scoping phase highlighted the importance of strengthening data infrastructure and cultural safety in data collection.
47. The gap in comprehensive data infrastructure becomes apparent when comparing Australia to other jurisdictions. For example, Canada invested C\$6.2 million into increasing the collection of reliable and comparable data for anti-racism work,²⁰ and established the Canadian Race Relations Foundation to facilitate long-term race-based data collection and research.²¹ New Zealand's Integrated Data Infrastructure consolidates existing data from government agencies and provides public access to de-identified, individual-level data that enables analysis of racial disparity on various issues.²²
48. This lack of consolidated data infrastructure, particularly that of integration mechanisms²³ necessary for data to be shared and compared,²⁴ has led to the underrepresentation of certain communities in current data. First Nations communities,²⁵ people from refugee and migrant backgrounds,²⁶ and children,²⁷ are underrepresented in current data.
49. Inadequate cultural safety and accessibility protections in current data collection practices also prevent the full representation of people who are negatively racialised in data, as people are reluctant or discouraged from participating in data collection exercises due to privacy and confidentiality concerns, and low English literacy and numeracy in some groups.²⁸
50. Participants in the NARF consultations advocated for mandated national reporting on data on racial or cultural backgrounds by government service providers, departments, and agencies to ensure national consistency, completeness, and comparability.
51. The Federation of Ethnic Communities' Councils of Australia (FECCA) argues that current Australian data collection and reporting on cultural, ethnic, and linguistic diversity, particularly in relation to human services planning and delivery (including health, mental health, aged care, disability, and social services), is inadequate. This is seen in the areas of administrative data (reporting on service delivery), survey data, as well as social and medical research.²⁹

52. FECCA recommends the application of the FAIR (Findable, Accessible, Interoperable, Reusable) Data Principles, which have received worldwide recognition as a useful framework for maximising use and re-use of data (Recommendation 7),³⁰ as well as a robust oversight mechanism for implementation and reporting.³¹

10 Data sovereignty

53. In addition to considerations in relation to data collection, the Commission notes the urgent need for regulatory or legislative protections to ensure First Nations communities' data sovereignty.

54. For Aboriginal and Torres Strait Islander participants in the NARF scoping project, mechanisms to ensure data sovereignty were considered vital.³²

55. Indigenous data refers to any information or knowledge that concerns, and may affect, Aboriginal and Torres Strait Islander peoples.³³ Indigenous data sovereignty affirms the right of Aboriginal and Torres Strait Islander peoples, communities, and organisations to access, retain control over, protect, develop, and use this data as it relates to them, as well as their self-determined priorities and practices.³⁴ These principles of Indigenous data sovereignty that centre on self-determination can provide broader guidance on the creation of data sovereignty frameworks for migrant, refugee, and faith-based communities.

56. Experts advised the Commission that mechanisms to ensure data sovereignty would avoid the perpetuation of systemic racism that occurs when communities are studied and reported on in a way that focuses on 'First Nations peoples' disadvantage, disparity, and deprivation', reinforcing the pathologisation of communities, and ignores 'Indigenous sovereignty, cultural diversity,' and self-determination.³⁵ Data sovereignty also enables the collection of data and measurement of racism and inequities in a way that is meaningful to communities.

57. Sovereignty over data is activated through strong Indigenous data governance, which upholds Indigenous autonomy throughout the research process. The research process is further guided by Indigenous Data Sovereignty Principles, which recognise First Nations peoples' right to exercise control over the data ecosystem, as well as rights to accountable data structures and data that is contextualised, disaggregated, relevant, and supportive of sustainable self-determination and their individual and collective interests.³⁶

58. Data sovereignty is a corollary of the broader right of Aboriginal and Torres Strait Islander peoples to exercise autonomy over their cultural

heritage, traditional knowledges, and traditional cultural expressions, which are rights affirmed by the United Nations Declaration on the Rights of Indigenous Peoples.³⁷

59. For example, the National Agreement of Closing the Gap, developed in partnership between Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations, includes as Priority Reform Four: 'Shared Access to Data and Information at a Regional Level'.³⁸
60. This seeks to ensure that Aboriginal and Torres Strait Islander peoples have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities, and drive their own development. This Priority Reform rests upon a recognition of data sovereignty and culturally-appropriate data management as crucial elements to close the gap.³⁹ This includes support for the ability of Aboriginal and Torres Strait Islander communities to explore themselves what data sovereignty means at a local and regional level.
61. Under Priority Reform Four, Commonwealth, state, and territory governments have committed to implementing the data and information elements, including to:
 - a. share available, disaggregated regional data and information with Aboriginal and Torres Strait Islander organisations and communities
 - b. establish partnerships between Aboriginal and Torres Strait Islander peoples and government agencies to improve collection, access, management, and use of data
 - c. make their data more transparent by telling Aboriginal and Torres Strait Islander peoples what data they have and how it can be accessed
 - d. build capacity of Aboriginal and Torres Strait Islander organisations and communities to collect and use data.

11 Longitudinal data

62. Participants in consultations on a national anti-racism framework, and those who made submissions, emphasised the need for diverse forms of data that effectively capture the breadth and nuance of racism and its impacts. Experts working on research on racial inequality in health, in particular, noted the importance of longitudinal data to better determine the impacts of racism over time.
63. Longitudinal data is data collected from the same individuals or entities (such as businesses) repeatedly over time, providing an evidence base for

how and why certain circumstances, actions, events, policies, and other causal factors can yield particular long-term outcomes.⁴⁰ Studies drawing upon this data thus possess a 'breadth and depth of perspective' that is required for the analysis of complex and entrenched problems, such as those surrounding racial discrimination.⁴¹

64. By following the trajectories of individuals over time, longitudinal data has been able to demonstrate that racial discrimination – including internalised, interpersonal, and systemic racism – is a fundamental determinant of ill health and health inequalities,⁴² particularly for Aboriginal and Torres Strait Islander peoples and communities.⁴³ This has been shown to occur through several pathways, including restricted access to social resources such as employment and education, exposure to risk factors such as unnecessary contact with the justice system, and direct physical injury caused by racist violence.⁴⁴
65. Other longitudinal studies conducted in Australia include *Building a New Life in Australia (BNLA): The Longitudinal Study of Humanitarian Migrants* conducted by the Department of Social Services, examining how humanitarian migrants settle into life in Australia;⁴⁵ *Growing Up in Australia: The Longitudinal Study of Australian Children*, which follows the development of 10,000 young people and their families from all parts of Australia;⁴⁶ the *Household, Income and Labour Dynamics in Australia Survey*, which collects information about economic and personal wellbeing, labour market dynamics, and family life;⁴⁷ the *Longitudinal Study of Immigrants to Australia*, which sought to collect information on recently-arrived migrants, measure how they settled in Australia, and provide reliable data to monitor and evaluate immigration settlement policies, programs, and services;⁴⁸ and *Mayi Kuwayu: The National Study of Aboriginal and Torres Strait Islander Wellbeing*, which looks at how Aboriginal and Torres Strait Islander wellbeing is linked to connection to Country, cultural practices, spirituality, language use, and other factors.⁴⁹
66. *Footprints in Time: The Longitudinal Study of Indigenous Children*, the first large-scale longitudinal survey to focus on the development of Aboriginal and Torres Strait Islander children, aimed to identify what helps them 'grow up strong' in their communities.⁵⁰ From 1,239 Indigenous children aged 5–10 who participated in the survey, 40% of primary carers, 45% of families and 14% of Aboriginal and Torres Strait Islander children aged 5–10 years reported experiencing racial discrimination at some point in time, with 28–40% experiencing it persistently. Repeated data collection over the life course of participants identified that cumulative experiences of racial discrimination were linked to the development of sleep difficulties, obesity, asthma, and mental health problems.⁵¹ Another

longitudinal study found differences in the prevalence of racial discrimination experienced by children aged 10–11 of various groups, including children of Anglo/European background (8%), visible minority background (18%), and Indigenous background (25%), and identified a correlation between these early experiences and the worsening of socio-emotional difficulties and an increased risk of obesity over time.⁵²

12 The need for qualitative data

67. Data quality is a critical issue in developing any indicator framework. Some critiques focus on the overwhelming use of quantitative data and question its ability to capture complex social realities.⁵³
68. Quantitative data can provide a decontextualised picture of their subject matter, while qualitative data articulates embodied experiences by giving a voice to those who have lived the experiences. For example, for people experiencing racial discrimination and violence, a focus on statistics and aggregated numbers is insufficient in conveying the full meaning of experiences of racism, let alone in informing a policy framework that serves their needs, interests, and priorities.⁵⁴
69. This is not to say that there is no role for quantitative data, but rather to acknowledge that ‘accepting numerical reality is not the same as accepting the validity of the picture they represent or the policy settings that invariably emerge from these statistics’.⁵⁵
70. Quantitative data have been described as being ‘weaponised’ against Aboriginal and Torres Strait Islander peoples, and have tended to paint those who are negatively racialised, and Aboriginal and Torres Strait Islander communities in particular, ‘into a bleak corner of humanity’.⁵⁶ A qualitative methodology can address this by centring on the words and experiences of those communities. As such, qualitative data can and should be used to shape quantitative studies.
71. The Commission’s recently launched scoping report for a National Anti-Racism Framework found that participants in the scoping process highlighted the importance of qualitative data to better understand experiences of racism, their gravity, and importantly, to give a voice to experiences that are routinely silenced.⁵⁷ The Commission also heard about how qualitative studies might help understand changing experiences or understandings of racism over time.
72. The Commission was advised in the consultation process, and through submissions, that the lack of such data has been a main challenge in health equity.

13 Using the right indicators

73. Consideration should be given to ensuring the right indicators have been used.
74. In *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, the Commission notes that collection of data on the prevalence, nature, and reporting of sexual harassment, and measuring the effectiveness of responses to it, is essential to better understand and address it.⁵⁸
75. The report recommends that, in consultation with the Workplace Sexual Harassment Council, the Commission develop a set of good practice indicators and methods for measuring and monitoring sexual harassment prevalence, prevention, and response.⁵⁹
76. The report also recommends that the Australian Government amend the *Workplace Gender Equality Act 2012* to require public sector organisations to report to the Workplace Gender Equality Agency (WGEA) on its gender equality indicators.⁶⁰ Currently, private sector businesses with 100 or more employees across Australia are required to make annual reports to the WGEA on key gender equality indicators.
77. External reporting of this kind can create an incentive for employers to improve their performance in relation to the data sets being measured, to be recognised as a leading employer or employer of choice. However, to leverage this mechanism to reduce sexual harassment, it is vital that careful consideration be given to what data and metrics are being reported to external agencies. There is a risk that reporting some measures may have unintended and undesirable consequences, driving counterproductive behaviour in reporting organisations, in an effort to appear to be ‘performing well’ in relation to these measures.⁶¹
78. For example, while a reporting organisation may report to WGEA on whether or not it has a gender equality policy or strategy, or training program in place, this measurement alone does not provide any indication of the effectiveness of the policy, strategy, or training.
79. Organisations that report that they do have such policies or strategies in place may assume that they have ‘performed well’ on this front – without further consideration of the content of their policy, strategy, or training, or whether it has been effective in meeting its stated goals of improving gender equality and behaviour in the workplace.

80. In these circumstances, measuring these matters may provide reporting organisations with false confidence about the rigour and effectiveness of their approach to gender equality.
81. Similarly, if reporting organisations report only on the number of reports of sexual harassment made by workers in their organisations, this may create an incentive for organisations to engage in behaviour designed to reduce the number of reports in their business, for example by deterring workers from making complaints, or encouraging them to settle complaints confidentially. In such circumstances, requiring organisations to report on this measure could have the perverse outcome of allowing sexual harassment to continue with impunity and contributing to a culture where it is not addressed in a transparent manner.
82. The set of indicators that the Commission has recommended be developed together with the good practices identified in the *Respect@Work* report should be considered, to facilitate new and more valuable measures of good practice in addressing sexual harassment in Australian workplaces.

14 Adequate participation

83. For the development of a wellbeing framework, the Commission encourages the use of a human rights-based approach to ensure recognition of the knowledge and experiences of diverse groups such as First Nations peoples, people with disability, and children and young people, and ensuring their input in contributing to the vision, outcomes, and strategies for the framework.
84. The principle of participation requires that everyone has the right to participate in decisions which affect their rights and wellbeing. Participation must be active, free, and meaningful, and give attention to issues of accessibility, including access to information in a form and a language which can be understood.
85. There must be adequate public involvement in the development of the framework and suite of indicators, especially for marginalised groups and those whose wellbeing needs particular attention.

15 OECD indicators analysis

86. Careful consideration of the OECD indicators is required to align with the Australian context. For example, often the indicators are an average aggregation, which does not accurately reflect the experiences of certain

groups, such as women, First Nations peoples, people with disability, and children and young people.

87. For example, OECD ranks Australia highly on many economic wellbeing measures relative to other countries. While Australia as a whole ranks highly, there are significant inequalities in the enjoyment of economic benefits among Australian communities. There are also significant disparities in access to services between urban, regional, and remote areas.⁶²
88. Reviewing the proposed OECD Framework Indicators through a rights-based lens would not only identify gaps in the breadth of data collected, but also the depth through data disaggregation. This is important if we are to understand the intersectional nature of both discrimination and wellbeing.
89. Currently, OECD indicators put forward from Treasury do not specifically incorporate data disaggregation. This differs from a rights-based approach underpinning the Sustainable Development Goal indicators, where there is an overarching principle of data disaggregation by 'income, sex, age, race, ethnicity, migratory status, disability and geographic location in accordance with the Fundamental Principles of Official Statistics'.⁶³
90. For example, economic indicators relating to employment (including underutilisation rates and the share of the adult population in gainful employment) do not currently provide any insights into unemployment rates with young people under 25 years of age, nor do they with respect to older people or people with disability, on both of which the Commission has significant focus through projects including ['What's age got to do with it?'](#)⁶⁴ and [IncludeAbility](#).⁶⁵
91. Another challenge is ensuring that the indicators are relevant and complete. For example, in the OECD framework, social indicators relating to gender safety use the measure, 'percentage of women who do not feel safe compared to men when walking alone at night'. Such a narrow question relating to a very specific instance of physical safety is not a complete indicator of physical, emotional, or cultural safety that people experience in their homes, places of work, or our institutions. However, through projects such as [Respect@Work](#), [Racism. It Stops With Me](#), and [Wiyi Yani U Thangani](#), the Commission has heard very clearly from communities with lived experience the nuances in the concept of 'safety'. These projects have either put forward key indicators to measure impact ([Respect@Work](#)) or are developing indicators through co-design with communities ([Racism. It Stops With Me](#) and [Wiyi Yani U Thangani](#)).

92. The OECD indicators highlight the practical problems with including indicators for which data is either unavailable or cannot be compared over time or across jurisdictions. It is critical that indicators only be developed where there is guarantee of consistent and viable corresponding data.
93. However, the Commission has highlighted the lack of data for child rights and wellbeing, in particular the lack of available data disaggregated by age groups, gender, indigeneity, disability and social outcomes, among other areas.⁶⁶ The AIHW's work on enhancing measurement of child wellbeing will further progress on this issue.⁶⁷ We have recommended that children and young people be consulted on the definition of 'wellbeing' and the indicators.

16 Indicators of child rights and wellbeing

94. The UN Convention on the Rights of the Child (CRC) is the most comprehensive human rights treaty agreed to by Australia, incorporating a wide spectrum of economic, social and political rights. It also includes rights unique to children, and fundamental to protecting children's interests, such as the right to participation (article 12), and the right to have their best interests considered (article 3), among others.⁶⁸
95. The CRC offers the most comprehensive, and internationally agreed on, set of standards for assessing the wellbeing of children. It is the only human rights treaty that has almost universal ratification, meaning that these norms and standards are universally accepted.
96. While it may prove impractical to include indicators of wellbeing that correspond to each article, the CRC is undoubtedly a primary source of guidance for establishing broad dimensions, or domains, of wellbeing, under which key indicators relevant to the articles could sit. Existing child wellbeing frameworks often include domains or dimensions that closely correlate with child rights, with positive outcomes measured using positive or negative indicators.
97. For example, UNICEF Innocenti's Positive Indicators of Child Well-being.⁶⁹ In New Zealand, the Child and Youth Wellbeing Strategy includes six wellbeing outcomes, and a range of indicators for measuring progress.⁷⁰
98. Measuring and reporting on child wellbeing should be a core component of any wellbeing monitoring and measuring framework. Currently, in Australia, 'child wellbeing' is not a national policy priority and is not systematically measured.

99. As pointed out in Budget Paper No 1, Australia has a number of processes and reporting frameworks aimed at informing progress related outcomes that include both economic and non-economic measures that could be seen as 'wellbeing' measures. There are also a variety of frameworks and strategies relevant to children specifically, at both the state and territory and national level, that require monitoring and reporting on progress on wellbeing outcomes.
100. The National Children's Commissioner highlights in her work with children and families facing disadvantage that these frameworks and strategies and programs, across all levels of government, are fragmented and often fail to be integrated into overarching budget and priority setting processes. A central set of indicators for measuring progress on Australia's key wellbeing priorities, linked to national policy processes, would help to drive accountability across governments and ultimately improve the wellbeing of children and adults in Australia.
101. When developing an Australian set of indicators, there should be a particular focus on including measures of childhood health, development, learning and safety, and other domains of child wellbeing.
102. While some of the indicators in the OECD Framework for Measuring Wellbeing and Progress are relevant to child wellbeing, many do not include children's wellbeing in their measurements, and there are also many indicators relevant to policy priorities for children that are missing.
103. For example, the OECD measurement of perceptions of safety, in relation to the gender gap, does not include children's perceptions of safety, despite child safety being a key concern for child wellbeing across all governments in Australia.
104. Further, the social measure on 'having a say in what government does' appears not to consider whether children and young people feel that they can have a say. However, all evidence points to the importance to child wellbeing of ensuring their participation rights. Article 12 of the CRC sets out children's right to have a say and have their views taken into account, and is one of the CRC's four Guiding Principles.⁷¹
105. Other child-specific 'gaps' in the OECD measurement of wellbeing include child and adolescent mental health, and opportunities for rest and play. While the OECD indicators include the 'negative affect balance', the survey instrument suggested includes children aged 15 and older only. For rest and play, the indicators for leisure measure adult 'time off' from work, not children's experiences. Child mental health has emerged as a significant issue in Australia,⁷² and child-specific indicators will assist in addressing the issue.

106. Further, the OECD measurement does not take account of the importance of experiences of inequality, discrimination, and marginalisation for the wellbeing of First Nations children, significant in the Australian context. The overrepresentation of First Nations children and young people in the child protection system, youth justice, and family and domestic violence numbers is of central policy concern for all governments in Australia. The Closing the Gap targets and indicators, that relate to these child rights concerns, should be considered in the development of Australian wellbeing measurement.
107. The lack of child-specific measurement of wellbeing is concerning in light of the ever-increasing evidence that what happens in childhood impacts on wellbeing throughout the life course. It is now well understood that experiences of childhood adversity can have long-term intergenerational impacts. These include such adversities as poverty, abuse (including sexual abuse), mental illness, family violence, drug and alcohol abuse, and trauma, and, for Aboriginal and Torres Strait Islander children and families especially, the intergenerational effects of dispossession, colonisation, and discrimination.
108. Measuring and addressing child wellbeing is not only important for ensuring children can enjoy their rights to health, safety, and wellbeing now, but also for the wellbeing of the whole society into the future.
109. In order to ensure that the indicators most relevant to, and prioritised by, children and young people are included in any framework, children and young people's views and experiences should inform the development of these measures.

¹ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948).

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³ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

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