

SUBMISSION ON THE *HUMAN RIGHTS BILL 2025*

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Building Futures.

Submission on the *Human Rights Bill 2025* (NSW)

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Introduction

YWCA Australia ('YWCA') welcomes the opportunity to provide a submission to the Committee on Community Services inquiry and report on the *Human Rights Bill 2025*. YWCA is a member of the Human Rights Act for NSW Alliance, and a supporter of a Human Rights Act for NSW.

YWCA recommends, and calls for, the enactment of a comprehensive Human Rights Act in New South Wales.

We note that the enactment of state and territory-based Human Rights Act across Victoria, Queensland and the Australian Capital Territory. Those models have served to strengthen the dignity and human rights of residents and enhance the work of government whilst retaining parliamentary sovereignty.

YWCA thanks the young women and gender-diverse members of the Digital Activist Community for their significant contribution to the themes of this submission. The value of a Human Rights Act for young women and gender-diverse people in NSW cannot be overstated.

In the words of a young YWCA Digital Activist Community member and resident of NSW,

“When it comes to the Human Rights Act within NSW, it is very important that it would send a very powerful message that **equality, dignity and human rights are shared values that deserve legal protection.**”

Passing a Human Rights Act in response to community advocacy would demonstrate that the Government is willing to work collaboratively with young people to strengthen protections for current and future governments.”

- YWCA Australia Digital Activist Community member

About YWCA Australia

YWCA is working towards a future where gender equality is a reality.

A gender-equal future depends on protecting the fundamental right to safe, secure and affordable housing. YWCA exists to ensure young women, women and gender-diverse people experience greater safety, security and wellbeing in their homes and communities.

To achieve this future, civic and participatory rights are fundamental. YWCA champions pathways for the voices of young women and gender-diverse people to lead policy and systems change on housing and gender justice.

YWCA is the only national women's community housing provider in Australia. Across the country, we provide more than 500 safe and affordable homes for women and gender-diverse people, alongside specialist homelessness and family and domestic violence support services. Across NSW, we deliver a diverse array of tailored services aimed at combating housing insecurity, homelessness and domestic and family violence for women, young parents, youth and children.

In addition to our role as a community housing and specialist service provider, YWCA drives advocacy and research supporting our vision for a future where gender equality is a reality in Australia, and our purpose to make young women's leadership and women's housing our priority for gender equity in Australia.

YWCA plays a distinctive role in advancing the voices of young women and gender-diverse people within civic life. Through our Young Women's Council, Digital Activist Community and Amplifying Voices program, we create structured pathways for young women and gender-diverse people, and those with lived experience. These pathways enable young women and gender-diverse leaders and lived experience leaders to shape policy, engage decision-makers, and influence reform on the issues that most affect their lives, particularly housing insecurity and safety.

These initiatives led by YWCA respect lived experience as expertise. They foster confident contributors to public debate and bring grounded insight into policy design. In doing so, they help shift systems upstream, strengthen prevention, and ensure reform is informed by those navigating its consequences every day.

YWCA advocates for initiatives and policies that take an intersectional and gender responsive approach to housing, homelessness, and associated support systems. Drawing on frontline service delivery, research, and the lived experience of young women and gender-diverse people, tenants, and clients, YWCA brings credible, solutions focused insights to governments to support better policy, smarter investment, and more equitable outcomes.

A. A Discussion on Rights for a Human Rights Act in New South Wales

I. Right to adequate standard of living and housing

What is the impact of enshrining a right to housing as a human right in NSW?

Recognising a right to housing is important.

As stated by Professor Jessie Hohmann in her report, *The Right to Housing in Australia*,

“Recognising a right to housing acknowledges and protects the importance of housing to safety, dignity, privacy and autonomy. It recognises housing’s role in providing the material goods that make these things possible, and its inclusion in our laws can lead to a fairer and more equal Australia now and into the future.”

Professor Hohmann defines the human right to housing as “the right to each person to a place to live in peace, dignity and security. It is more than a right to mere shelter – it is a right to adequate housing and reflects an aspect of the broader right to an adequate standard of living.”² The right to housing is an international right drawn from Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights*:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions ...

It is important to note the interaction between Australia and this right at an international and domestic level. Australia championed the inclusion of the human right to an adequate standard of living in the ICESCR, has ratified and is a State Party to the treaty. Australia already grounds its housing functions through its obligations in Article 11 of the ICESCR through the external affairs power. Now is the opportunity for New South Wales to ensure every person can realise their fundamental human right to safe, secure and affordable housing.

Recommendation: Enshrine the Right to an Adequate Standard of Living and Housing

YWCA calls for the enactment of a Human Rights Act which protects the human right to an adequate standard of living and housing.

¹ Professor Hohmann, *The Right to Housing in Australia*, report commissioned by the Human Rights Law Centre (2025) 2.

² Ibid 3.

The Act should at minimum specify the immediate realisation of fundamental aspects of the right to an adequate standard of living and housing.

In considering the nature of the right to an adequate standard of living and housing, the Act should specify that the type of limitation for that right includes retrogressive measures, not satisfying minimum core obligations and not ensuring the right is enjoyed without discrimination.

An immediately realisable right to housing

The proposed drafting sets forth immediately realisable aspects of the right to adequate standard of living and housing. We recommend that this is the minimum standard included in the drafting (*Human Rights Bill 2025* [NSW] proposed section 40(2), as drafted:

- (2) Immediately realisable aspects of this right include the following—
 - (a) every individual is entitled to enjoy this right without discrimination,
 - (b) no individual may be unlawfully or arbitrarily evicted from the individual's home,
 - (c) no individual may have an essential utility service to the individual's home unlawfully or arbitrarily withdrawn,
 - (d) every individual is entitled to have access to the minimum essential amount of clean water that is sufficient and safe for personal and domestic uses, including to prevent disease.

In September 2025, the Australian Capital Territory amended its Human Rights Act to include the right to housing. The proposed wording in s 40(2) of the Human Rights Bill for NSW mirrors drafting from the ACT amendment. Specifically, the NSW Bill also seeks to enact the right to housing to have immediately realisable aspects protecting from discrimination, unlawful eviction and unlawful withdrawing of an essential utility service. We re-iterate our support for at minimum the protections provided in this provision as drafted. The NSW Government has the opportunity to join the ACT in recognising the right to housing. At a minimum, this should include core elements that are immediately realisable, while establishing a pathways towards the progressive realisation and full enjoyment of that right.

The conditions are ripe in NSW for the enshrining of a right to an adequate standard of living and housing, with aspects of that right which are immediately realisable. In May 2025, the NSW Government banned no-grounds evictions. Since this landmark reform, renters in NSW are experiencing greater security and stronger protections in the rental market. Enshrining this right in a Human Rights Act would bolster and provide a legacy of protection to the positive steps taken by the NSW Government to protect renters.

Realising all aspects of the right to housing

Hohmann identifies seven essential elements of the right to adequate housing. The first and cornerstone element of the right to housing is legal security of tenure. This aspect of the right has been appropriately drafted in the Bill as

immediately realisable and aligns with the measures implemented by the NSW Government to ban no grounds evictions.

The second essential element which is also drafted as immediately realisable is the availability of essential services, materials, facilities and infrastructure. That is reflected in the proposed protections around essential utilities and clean water.

The third to seventh essential elements are affordability, habitability, accessibility, location and cultural adequacy. The element of accessibility is linked to the requirement of non-discrimination in the enjoyment of human rights, which is rightly specifically listed as an immediately realisable right.³

It is imperative that all seven essential elements of the right to housing be realised in NSW.

As noted by Hohmann, the option of progressive realisation “was not intended to defer full enjoyment of the right in advanced economies like Australia, which have the financial and logistical power to fully realise the right.”⁴ The option of progressive realisation was made available in international legal frameworks for the right of housing in the context of our international charters being developed in the rebuilding phase after World War II. For countries emerging as independent, this enabled the flexibility to meet minimum core elements of the right, and then to take steps to progressively realise the right.

With this context, Hohmann calls for the full enjoyment of the right in Australia. “...the immediate obligations for the right to housing in Australia are all obligations that the government can afford to fulfil within its substantial available resources, which include the budget, financial policy, and human and technological resources.”⁵

For the above-stated reasons, the current drafting of the right to an adequate standard of living and housing is the minimum standard that should be enacted in a NSW Human Rights Act.

The Act could take even stronger strides to explicitly reference a greater proportion or all seven essential elements of the right as immediately realisable. Regardless, it is important that the NSW Government heeds the expertise of Hoffman that the immediate obligations for the right to housing as all obligations that can be afforded within our substantial available resources across budget, financial policy and human and technological resources. A human rights lens centres the right to housing within the decision-making of the government of the day to fulfil the right to housing for its constituents. The seven essential elements, such as affordability, serve to steer the NSW Government in their commitment to progressively realise the full right to housing as a human right.

³ As a practical example, this aligns with the efforts of the NSW Government to significantly expand accessible housing options for people with disability drawing from the silver level Liveable Housing Design Guidelines.

⁴ Ibid 5.

⁵ Ibid.

Upholding and protecting the right to housing

We note that section 12(3) in the Bill specifies retrogressive measures as a type of limitation on a set of rights, including the right to an adequate standard of living and housing. This provision upholds the Government's obligation to not take backwards steps by erasing or diminishing the existing level of protection of recognised rights. These rights attract minimum core obligations and need to be enjoyed without discrimination.

The effect of this important provision (s 12(3)) is to ensure that individuals in NSW, particularly the most vulnerable cohorts, are protected from the erasure or diminishing of their most fundamental rights regardless of the political pressures or government of the day. This provides the platform and certainty towards the progressive and full realisation of the seven essential elements of the right to adequate housing.

What the right to housing is not

It is important when deliberating on what a Human Rights Act and a right to housing would look like in NSW, to be cognisant of what the right to housing is not. The right to housing is not the right of everyone to be given a housing by the state, it is not a right to home ownership, it is not a right to take another person's home, and it is not a right to invest in or make money out of housing. The right provides the immediate and long-term obligations "which aim to improve peoples' living conditions in connection with their housing."⁶

How the right to housing can fill current human rights gaps in NSW

Protections, such as Anti-Discrimination Law, exist to protect individuals in NSW but do not provide the breadth that would be supplemented with a Human Rights Act. For example, anti-discrimination laws apply to community housing providers to ensure that everyone has access to accommodation on equal terms.

Anti-discrimination law protects a person when they are discriminated against on a prohibited ground, such as sex. However, outside of those prohibited grounds it does not provide a general protection for others who are disadvantaged, as long as everyone is treated the same.

Protections, such as tenancy legislation and the provision of social housing, also exist. The distinction with these protections, however, is that they provide essentially discretionary housing rights, as opposed to binding obligations in a right to housing. As stated by Hohmann, "housing legislation has not been strong enough to ensure the right to housing in Australia."⁷

The implementation of human rights charters in other States and Territories, shows the dignifying impact that a Human Rights Act can have for individuals in NSW.

⁶ Ibid 9.

⁷ Ibid 12.

[Case Study: Domestic violence survivor avoids eviction to homelessness](#)

Tenants Queensland used the Queensland *Human Rights Act* to help a single mother who had experienced domestic violence to avoid eviction. The tenant's housing provider had sought to terminate her lease for serious breaches caused by her ex-partner who refused to leave the premises. Tenants Queensland assisted the mother to draft a letter of complaint under the *Human Rights Act* and submissions in response to the application for termination. The tribunal granted an adjournment which allowed the parties to negotiate a transfer of tenancy. The housing provider then withdrew the application for termination.⁸

[Case Study: 96-year-old woman protected from eviction and homelessness](#)

A 96-year-old woman was given a 60 day notice to vacate the home she had lived in for 21 years. She was unable to find alternative accommodation in this period of time. An advocate helped her to contest the notice to vacate in a tribunal. The advocate argued that it was a breach of *Victorian Charter* rights. As a consequence, she was given an additional 30 days and was assisted in finding appropriate accommodation.⁹

The above examples show pragmatic ways a human rights charter has been utilised to fill gaps in individual protections in Queensland and Victoria. These are reasonable cases which meet the expectations of fairness from the public.

How the right to housing can help to realise other human rights for individuals, as well as economic savings for the NSW Government

Housing is a fundamental right for the realisation of other human rights. At YWCA, we know that safe housing is the starting point for equal futures for women, gender-diverse people and children.

Young women and gender-diverse people are facing housing inequity, which is intergenerational, intersectional and gendered. By enacting a Human Rights Act with a right to housing, the NSW Government would demonstrate a commitment to addressing this inequity for young people and future generations.

Not only is there a social and moral imperative to implementing housing as a human right, but an economic one. Creating the conditions for ongoing growth in commitments to social and affordable housing is economically sage.

Our recent report with Per Capita Centre for Equitable Housing, *Housing that Pays Back*, demonstrates that investment into women's housing generates measurable returns across government of value equal to or higher than major

⁸ The First Annual Report on the Operation of Queensland's *Human Rights Act* 2019-20, p.112 in Human Rights Law Centre, *Submission to the Select Committee on Intergenerational Housing Inequity*, 2026. The full 101 cases can be viewed at <https://humanrightsact.org.au/101-cases>

⁹ Hanover Welfare Services, *Submission to the Review of the Victorian Charter*, 2011 in Human Rights Law Centre, *Submission to the Select Committee on Intergenerational Housing Inequity*, 2026. The full 101 cases can be viewed at <https://humanrightsact.org.au/101-cases>

infrastructure projects like roads, rail and flood mitigation.¹⁰ YWCA's housing average benefit-cost ratio using conservative assumptions alone is \$2.02 per \$1 invested, this rises to \$4.66 for a reunification scenario. Using the most conservative estimates, the benefit-cost ratio is the floor not the ceiling for returns on investment.

These significant financial returns are generated by preventing emergency healthcare usage, reducing strain on the justice and police systems, reduced child protection involvement, and decreased reliance on crisis accommodation. The report reframes social housing from pure social welfare into essential, cost-effective infrastructure that saves the government millions of dollars annually. In summation, housing is both a pathway for the realisation of rights for individuals and the realisation of economic savings for government.

¹⁰ YWCA Australia and Per Capita, *Housing that Pays Back: Why investing in housing for women and families delivers measurable economic returns* (2026) available at: <https://www.ywca.org.au/wp-content/uploads/2026/05/YWCA-Housing-That-Pays-Back-Final.pdf>. See also Australians Investing in Women and Per Capita, *Closing the Gender Gap in Housing: A roadmap for change* (2026) available at: https://percapita.org.au/our_work/closing-the-gender-gap-in-housing-a-roadmap-for-change/

II. Positive procedural duty creating participation rights

YWCA strongly supports the inclusion of a positive procedural duty on public authorities creating participation rights.

The participation duty is an essential element of a Human Rights Act. The participation duty requires public authorities to ensure the participation of certain groups and individuals in policies and decisions that directly or disproportionately affect their rights. This addresses the fundamental problem of inadequate engagement with the groups and individuals most affected by the decisions being made.

We recommend the proposed participation measures in the Bill in accordance with international law to require the participation of First Nations peoples, children and persons with disability in decisions that affect them.¹¹

We also recommend the proposed obligation on public authorities to ensure the participation of certain groups to give consideration to a human right in making a decision (proposed section 49(4)(c)). We support the inclusion of the groups and individuals, including First Nations peoples, children, people with disability, women and girls, older people, LGBTQIA+ people, and victim survivors in decisions that directly or disproportionately impact their respective groups.

We recommend that after s 49(4)(c)(iv) 'women and girls' and before s 49(4)(c)(v) 'older people' that a provision is inserted to reference "young people in decisions that directly or disproportionately affect young people and future generations" (the more expansive option) or "young people in decisions that directly or disproportionately affect young people."

We are encouraged that a youth forum in NSW Parliament was held to provide young people in NSW the opportunity to share their insights for a NSW Human Rights Act. We note that the participatory duties proposed in this Bill are drawn directly from the recommendations of those young people as follows:

"We also call upon the NSW Government to protect our right to participate in law and ensure that we are consulted when decisions are being made that affect us. With good learning opportunities and access to decision-making processes, young people can helpfully advise on decisions and contribute more to our communities."

In YWCA's consultation with young members of our Digital Activist Community, the same call to action was independently shared to ensure that young people are consulted when decisions are being made that affect them. Furthermore, that it is essential that the human rights of young people are made accessible to young people in a way that they can understand and exercise their rights.

¹¹ *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); Convention on the Rights of the Child (UNCRC); and Convention on the Rights of Persons with Disabilities (UNCRPD). See discussion in Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia*, 2022.*

Despite this recommendation coming directly from young people, young people have been left out from the list. It is essential that the Bill is amended to explicitly reference the need to ensure the participation of *young people in decisions that directly or disproportionately affect young people*.

The government could be even more proactive in explicitly referencing the protection of participation of young people in decisions that directly or disproportionately affect young people, as well as *future generations*. Human rights law does not limit itself to present generations. As asserted in the *Maastricht Principles on the Human Rights of Future Generations*, the human rights of future generations form an essential dimension of the duty to uphold the inherent dignity, equality and inalienable rights of all. Children and youth are closest in time to future generations and as such have a unique position and important role to play in long-term thinking and human rights protections.

At a minimum, the Act must reference “*young people in decisions that directly or disproportionately affect young people*.” Young people in NSW and Australia are facing the brunt of a polycrisis; from the cost-of-living crisis to the housing crisis, the crisis of gender-based violence, the climate crisis and more. Young people have inherited these crises through no fault of their own but bear the responsibility of living through the crisis and becoming the leaders to resolve these crises. They are impacted by these issues which are intergenerational, intersectional and gendered.

Young people are acutely aware of the issues they are facing. They are also proponents for stronger civic engagement, and the opportunity to put forward solutions. So often, young people are on the margins and excluded from being involved in policies and decisions that directly and disproportionately affect them. There is no logic to excluding young people from these conversations as the cohort inheriting these decisions, being most affected by them, and being ready and willing to contribute towards better and more practical policy design and decision-making.

The NSW Government has a duty to ensure that there is a positive procedural duty which creates participation rights for young people in this Human Rights Act. Excluding young people from this protection would be an oversight for the realisation of human rights for young people and an oversight through the unrealised potential of youth engagement by the government.

[Towards Intergenerational Fairness:¹² The importance of a right to adequate housing and a positive procedural duty creating participatory rights for young people in decisions that directly or disproportionately affect young people](#)

The importance of a right to adequate housing for young people

Australia's housing crisis is increasingly intergenerational and gendered. While homelessness among older women remains a critical issue, younger women and gender-diverse people are now among those at greatest risk. Rates of homelessness among women aged 12 to 24 rose sharply between the 2016 and 2021 Censuses. At the same time, a growing number of older women are remaining housed only by absorbing deep financial stress. More than three-quarters of single women renters in retirement experience poverty, with housing costs consuming a disproportionate share of income.

Polling conducted by YWCA alongside Essential Research shows that more than 80 per cent of young women have considered the risk of homelessness for themselves.¹³

These fears are well-founded. Young adults aged 25 to 34 are already the largest cohort experiencing homelessness, and without reform, today's young women risk becoming tomorrow's older women living in housing stress or homelessness. LGBTQIA+SB people are overrepresented among those who have experienced homelessness in Australia. Research shows that one in three trans and gender-diverse Australians have experienced homelessness. Homelessness was a shared experience among young trans and gender-diverse participants of YWCA's polling with Essential Research. This homelessness is often tied to discrimination, family rejection and abuse, and systemic and structural barriers to support.

For women and gender-diverse people, rental insecurity is not a temporary inconvenience. It disrupts employment, education, family stability, and access to services, increases exposure to violence and exploitation, and accelerates pathways into homelessness. YWCA's report, *'We've Been Robbed: Young Women and Gender Diverse People's Housing Experiences and Solutions'*,¹⁴ with Swinburne University confirms the reality that many young women and gender-diverse people in Australia are living in substandard housing with issues like mould, structural damage, and unsafe environments, which put their health and safety at risk. A weak rental system shifts costs onto homelessness, health, and welfare systems, reducing overall public value.

¹² For further information, see: YWCA Australia, *Policy Platform: Safe Homes Equal Futures* (2026), available at: <https://www.ywca.org.au/wp-content/uploads/2026/03/YWCA-Policy-Platform-2026-final-screen-singles.pdf> and Select Committee on Intergenerational Housing Inequity (2026) submission 51, YWCA, available at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Intergenerational_Housing_Inequity/HousingInequity/Submissions

¹³ Polling conducted by Essential Research and commissioned by YWCA Australia (2025) *Polling Snapshot & Explainer: What young women and gender-diverse people say about housing ahead of the 2025 Federal Election*, available at: <https://www.ywca.org.au/wp-content/uploads/2025/04/Polling-Snapshot-Key-Findings-Final-17-April-25.pdf>

¹⁴ Stone, W., Clark, S., Goodall, Z., & Hartung, C. (2024) *'We've been robbed': Young women and gender diverse people's housing experiences and solutions'*. Swinburne University of Technology, commissioned by YWCA Australia: <https://doi.org/10.25916/sut.27108301>

The importance of participatory rights for young people in decisions that directly or disproportionately affect young people – and future generations

YWCA is a champion for young women and gender-diverse people leading policy and systems change for effective housing pathways and social supports in NSW and federally.

Young women and gender-diverse people are among those most affected by Australia's housing crisis, yet they remain structurally underrepresented in housing policy design, funding decisions, and system governance. This disconnect weakens policy effectiveness and undermines long-term system sustainability.

Housing insecurity in early adulthood has lifelong consequences. It disrupts education, limits workforce participation, delays family formation, erodes financial security, and increases exposure to violence and homelessness. For many young women and gender-diverse people, insecure housing establishes patterns of disadvantage that persist across decades.

YWCA research and national polling demonstrate that housing security is the defining issue shaping young people's futures. The majority of young Australians identify safe and affordable housing as foundational to equality, wellbeing, and opportunity, and strongly support formal mechanisms for youth participation in housing policy.

YWCA and Swinburne University's *'We've Been Robbed'* research report confirms that young women and gender-diverse people experience housing insecurity at disproportionately high rates, driven by low wages, insecure work, rising rents, and limited access to affordable supply.¹⁵ These pressures force many into unsafe, unstable, or exploitative housing arrangements, with long-term impacts on mental health, economic independence, and civic participation.

Despite this, young people's insights are rarely embedded in formal decision-making structures. Policy is often developed without systematic engagement with those most affected, leading to misaligned investments, ineffective programs, and repeated system failure.

Embedding the participatory rights of young people is not symbolic – it is essential. As part of this process, it is essential to embed the participatory rights of young women and gender-diverse people from diverse backgrounds. This is because issues like housing, are not only intergenerational but also gendered and intersectional.

When the gendered and intersectional voices of young people are integrated into participatory practices for policy design and decision-making, policy and systems become more responsive, inclusive, and resilient. This strengthens intergenerational equity and ensures housing and other systems evolve with social and economic change.

¹⁵ Ibid.

III. Right to recognition and equality before the law and freedom from discrimination

We support and recommend the inclusion of a right to recognition and equality before the law and freedom from discrimination. The discrimination for the purposes of this provision means discrimination against an individual on a ground set out in the *Anti-Discrimination Act 1977*, Parts 2 – 4G. We note that the Act is currently undergoing a comprehensive review by the NSW Law Reform Commission under the direction of the Attorney-General to modernise laws and better reflect community standards.

We note the need for the Anti-Discrimination Act to be modernised to protect gender-diverse, non-binary and intersex people and bisexual and asexual people against discrimination and vilification. It is important in the application of a Human Rights Act in NSW that the government does not apply a narrow view to human rights of these groups, but an inclusive approach which protects the rights of all LGBTQIA+SB people.

It is important that national and global far-right pressures are not emboldened or accepted within the government of NSW. When giving effect to the separate obligation on public authorities to ensuring the participation of LGBTQIA+ people in decisions that directly or disproportionately affect their community, the principle must be applied inclusively and with dignity to the full spectrum of gender identities and sexualities.

IV. Rights of victims and survivors

We support and recommend the inclusion of specific protection of victims' and survivors' rights as proposed in the Bill. Protection of victims' and survivors' rights is consistent with protection of the right to accessible and effective remedies for human rights violations under international human rights law.¹⁶

We specifically support the minimum guarantees in proposed section 31 for victims to be acknowledged as a participant with an interest in the criminal proceedings; to be treated with respect at all times; and to be protected from unnecessary trauma, intimidation and distress when giving evidence.

We also support the right in proposed section 32 to dignified treatment for children and adults at risk of abuse to access supports and safeguards to prevent and protect against abuse.

¹⁶ ICCPR, Article 2 and the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (United Nations General Assembly resolution 40/34, 29 November 1985).

B. The Importance of a Human Rights Act in New South Wales from the Voices of Young Women and Gender-Diverse People

YWCA consulted with young women from our Digital Activist Community on their views on a Human Rights Act for NSW. YWCA's Digital Activist Community is a core mechanism to achieve our strategic outcome for young women and gender-diverse people to lead policy and systems change for gender equity, with a focus on housing and gender justice.

YWCA's Digital Activist Community is a national group of more than 200 advocates, with the greatest representation being young women and gender-diverse people in NSW. The consultation for this submission was led by two young women and gender-diverse emerging leaders in our Digital Activist Community amongst a group of young women advocates who are currently in high school, University, or early in their careers in government and public service.

I. Advocacy Priorities for Young Women

The priorities for advocacy of the young women consulted were as follows:

- *Victim-survivor rights:*
 - Safety and freedom from gender-based domestic violence and coercive control,
- *The right to an adequate standard of living and housing:*
 - Equitable access to housing, health care and education – particularly for women, gender-diverse people and vulnerable communities,
- *The right to participatory and civic engagement and the access to education to support that engagement:*
 - Women and gender-diverse people having representation in policy-making decisions,
 - The rights of young people to be engaged on policies and decisions that impact them, and the particular rights of young women and gender-diverse people being engaged for intergenerational, intersectional and gendered fairness,
 - Women and gender-diverse people having equal access to leadership and to taking part in public life,
 - Access to education, including rights based education for young people to participate in human rights discussions and decisions that directly or disproportionately impact them.
- *The rights to culture, non-discrimination and freedom from slavery:*
 - The rights of migrants and refugees,
 - The right to racial equality,

- The right to freedom from slavery, servitude and forced labour and the responsibility to end modern slavery.

Partnering with our Digital Activist Community leaders, we consulted with these young women on the following core themes:

- The concerns of young women with the absence of a Human Rights Act in NSW, and the rights and values that are important for young women to have protected in a Human Rights Act for NSW, and
- The importance and value of the NSW Government listening to the calls of young women and gender-diverse people to enact a Human Rights Act for NSW.

II. The Need for a Human Rights Act from the Perspective of Young Women

From YWCA's consultation with members of the Digital Activist Community, it was clear that young women are concerned about the implications of the absence of a Human Rights Act for NSW. In turn, they are calling for the NSW Government to enact a Human Rights Act which protects the rights and principles important to young women.

The consequences of not having a Human Rights Act in New South Wales are not theoretical for young women and gender-diverse people. Participants recognised that the presence, or absence, of legal human rights protections can shape their everyday experiences of school, housing, public transport, government services and interactions with police. Examples raised during the consultation included whether a school would be required to respect a young person's affirmed name and pronouns, and whether housing providers would be empowered to respond appropriately to women and gender-diverse people seeking to escape an abusive partner.

Improving belonging and the realisation of rights:

Young women and gender-diverse people are calling for a Human Rights Act in NSW to ensure their rights are realised and protected. A core theme expressed by the group consulted was that a Human Rights Act would improve the sense of understanding of the experiences of young people, women and gender-diverse people and as a follow on effect their sense of belonging in community. The Act would address sentiments of isolation in the experiences of young people, women and gender-diverse people and provide the agency to have their rights protected and enforced.

Importantly, young women and gender-diverse people recognise a Human Rights Act as an opportunity to provide language to the breaches experienced against their human rights and to close the gap in legal protections for their human rights.

The recognition afforded by a Human Rights Act is important to young women and gender-diverse people in the context of growing far right extremism globally. In the words of a young woman member of YWCA's Digital Activist Community:

"I think a Human Rights Act would be important to me because especially in the current global climate, not even just in Australia, we know human rights are universal. We know they're important, but more and more, I feel that they're being treated as optional. And a lot of the time, the human rights of women and gender diverse people alongside minority groups and of the vulnerable groups are the first to go out the window when funding needs to be cut, when there's a political agenda.

So, I think that having a Human Rights Act in the New South Wales and also Australia-wide or any other state would mean that it is still important for us in Australia to respect human rights and to actually champion them.

It's a recommitment and a practical measure as well to ensure that these human rights remain universal and aren't treated as optional."

The Human Rights Act also plays an important role in providing language to universal rights, which can be built upon as a foundation to meet the needs of particular groups and communities. Young women and gender-diverse people encourage their representatives within the NSW Government to not shy away from the challenge of engaging with diverse voices to establish a universal baseline of human rights and adequate protection: *"doing that work and trying to boil that down to something that can be agreed on and create some mechanism for that diversity to be reflected and protected and still respected is important."*

Several members of YWCA Australia's Digital Activist Community now work in government and public service roles. They see a Human Rights Act as an important framework for supporting better public decision making and ensuring they can serve their communities with fairness, dignity and accountability. These young women and gender-diverse people aspire to use a Human Rights Act not only as a safeguard against human rights breaches, but also as a positive framework that guides governments to actively promote, protect and progressively realise the human rights of all people in New South Wales.

One young woman valued the balancing of both providing specific group protections to ensure that in developing a policy or service that there is not a negative impact, but also that there are considerations to ensure that the impact is positive:

"As a policy maker, I'm particularly interested in how it acts as a test for us to think about (all the human rights considerations) every time we develop a policy and especially a service to make sure that it's serving the right

people and it's not limiting anyone in the wrong way. That we continue to factor it in all the decisions that government makes."

A practical example that was discussed was ensuring that anti-discrimination laws were upheld so that a policy or service is not discriminatory. Separate and additional to that would be the positive obligation to support freedoms in expressing religious or multicultural differences. Overall, this is important for the protection and welcoming of culture in a multicultural society like Australia. As one young woman shared, *"Legislating that right and having that be accessible, clear and with accountability frameworks that are well known to the communities who want to engage in these practises would be really crucial to seeing this go from another Bill that tries to add on to non-discrimination to a Bill that gives people a voice and a space to exist."*

Similar to the young people who engaged in the youth forum in NSW Parliament, the young women engaged in YWCA's consultation called for participatory rights for communities for decisions that affect them. Community consultation is a core value in the development of policies and the decision-making by government for young women and gender-diverse people.

As put by one member of YWCA's Digital Activist Community: *"If you're going to be legislating about people's rights, you actually need to be talking to those people."* Moreover, the process of participatory practice needs to be embedded in a Human Rights Act: *"There needs to be a written requirement that before something is passed, you need to actually go out to those communities and ask for those opinions, especially with First Nations peoples."*

Improving civic participation and rights enforcement, and ensuring the success of a Human Rights Act in NSW

A Human Rights Act is viewed by young women and gender-diverse people as a core means to improve pathways for civic participation and rights enforcement. Parallel to this is the obligation of the NSW Government to ensure that steps are taken so that the Human Rights Act is accessible to all people and communities in NSW. This requires intentionality, resourcing and funding.

It is important to young women and gender-diverse people that the Human Rights Act in NSW is accessible. In the words of one young woman,

"Access to education about what the rights actually are and how you might be able to access them, would be really important, especially to women and gender diverse people from marginalised or minority backgrounds... It would be important for this to be available in different languages and also to different levels of education... It's important for the act to consider how these concepts are going to reach everyone across Australia and not just a targeted group of people."

One young woman in high school expressed the importance of human rights being taught comprehensively in schools. She noted the importance of comprehensive education being provided to all young people to equal value across public and private schools in NSW – with equality of education around human rights being essential for young people being able to engage with and realise their rights.

An important discussion by the young people consulted with was around the rights of non-citizens in NSW. The group was concerned with the issue of temporary migrants being “very overlooked because they’re not part of the actual voting population.” Human rights are not restricted to citizens. The Bill could be amended to explicitly state that reference to all “individuals” includes non-citizens in NSW. It is essential that in the roll-out of a Human Rights Act that there is an educative piece informing migrants of their rights under the Human Rights Act. This will require collaboration with local communities and leaders, and funding for trusted migrant and multicultural organisations in NSW.

A separate matter raised by the young women consulted, is the need for funding for the realisation of the rights enacted in a Human Rights Act for NSW: “If we are creating a Human Rights Act, there needs to be allocated funding.” Important areas of funding were around: (i) Investment into resources and education around supports, and (ii) Funding housing and social supports tied to housing to ensure the safety of women and children.

The importance and value of the NSW Government listening to the calls of young women and gender-diverse people to enact a Human Rights Act for NSW.

Young women and gender-diverse people see enormous importance in the NSW Government listening to their calls for a Human Rights Act.

One young woman member of the Digital Activist Community noted the importance of a Human Rights Act in addressing the gendered issues for young women and gender-diverse people of socioeconomic inequality, homelessness and the housing crisis, and domestic and family violence. She notes that having a Human Rights Act can “*build trust with the government system*” and “*create a significant impact in the future where trust is built and we can allow our government system to be more accountable and allow young people and women to engage with the government.*”

Another young person reflects on her experience growing up in Sydney as an immigrant and the important values of inclusion in a Human Rights Act:

“I definitely think growing up in Sydney as like, as an immigrant, I’ve seen, you know, a variety of discrimination and inequality, but seeing it made me value the legal protection to that ensures everyone is treated with the dignity regardless of their race, gender or cultural background. So I think a Human Rights Act would definitely send a strong message that diversity is valued and that everyone’s rights deserve that protection. And it would ensure that rights of all communities, not just the majority, are taken into consideration when making decisions within the government.”

Returning to our opening words of a young woman and Digital Activist Community member who we consulted with,

*“When it comes to the Human Rights Act within NSW, it is very important that it would send a very powerful message that **equality, dignity and human rights are shared values that deserve legal protection.**”*

Passing a Human Rights Act in response to community advocacy would demonstrate that the Government is willing to work collaboratively with young people to strengthen protections for current and future governments.”

C. YWCA Australia's Recommendations

- i. YWCA Australia recommends the enactment of a comprehensive Human Rights Act in New South Wales.
- ii. A Human Rights Act for NSW should articulate and protect the civil and political rights, economic, social and cultural rights that Australia has already promised to uphold under international law.
- iii. A Human Rights Act for NSW should specify that the human rights protected under the Act be subject only to reasonable limitations that are demonstrably justifiable in a free and democratic society, based on human dignity, equality and freedom.
- iv. A Human Rights Act for NSW must include a right to an adequate standard of living and housing.

The Act should at minimum specify the immediate realisation of fundamental aspects of the right to an adequate standard of living and housing.

In considering the nature of the right to an adequate standard of living and housing, the Act should at minimum specify the type of limitation includes retrogressive measures, not satisfying minimum core obligations and not ensuring the right is enjoyed without discrimination.

All seven essential elements to the right to housing as detailed by Hofmann, including affordability, serve to steer the NSW Government in their commitment to progressively realise the full right to housing as a human right.

- v. A Human Rights Act for NSW should impose specific duties on NSW public authorities.

These duties should include a positive duty to act compatibly with the human rights protected in the Act in the exercise of all public functions, and to consider these rights when making decisions.

The Human Rights Bill 2025 offers NSW an opportunity to lead rather than lag behind other jurisdictions by adopting the recommendations of the Australian Human Rights Commission and the Federal Parliamentary joint Committee on Human Rights to include a procedural duty to engage in participation processes where a decision disproportionately affects a specific group or groups.

Such a duty reflects Australia's international legal obligations under instruments like the *Convention on the Rights of the Child*, the *Convention on the Rights of Persons with Disabilities* and the *United Nations Declaration on the Rights of Indigenous Peoples*.

- vi. A Human Rights Act for NSW should include a positive procedural duty creating participation rights, including for young people.

The current drafted list (proposed section 49(4)(c) 'Obligations on public authorities') should retain the listed cohorts with the addition to include *“young people in decisions that directly or disproportionately affect young people and future generations.”*

Embedding the participatory rights of young people is not symbolic – it is essential. As part of this process, it is essential to embed the participatory rights of young women and gender-diverse people from diverse backgrounds. This is because issues like housing, are not only intergenerational but also gendered and intersectional.

When the gendered and intersectional voices of young people are integrated into participatory practices for policy design and decision-making, policy and systems become more responsive, inclusive, and resilient. This strengthens intergenerational equity and ensures housing and other systems evolve with social and economic change.

As shown by the contributions of our Digital Activist Community to this submission, the voices of young people are essential in the development and implementation of a Human Rights Act in NSW.

- vii. A Human Rights Act for NSW should include a right to recognition and equality before the law and freedom from discrimination for all members of the LGBTQIA+SB community including gender-diverse, non-binary and intersex people, and bisexual and asexual people.
- viii. A Human Rights Act for NSW should include specific protection of victims' and survivors' rights, including for children.
- ix. A Human Rights Act for NSW should include accessible complaints mechanisms so that the people can take fast, low cost and effective action when they believe that their human rights have been breached.
- x. A Human Rights Act for NSW should provide a robust parliamentary scrutiny process to ensure all proposed laws are assessed for compatibility with human rights.
- xi. A Human Rights Act for NSW should help courts to uphold people's rights when making decisions.
- xii. A Human Rights Act for NSW should be reviewed regularly so that it can reflect the values and needs of the people of NSW.

This review should be conducted by an independent body. The review must include consultation with members of the NSW community, including women and gender-diverse people, young women and gender-diverse people and people with lived and living experiences of housing insecurity and homelessness.

- xiii. A Human Rights Act for NSW should be accompanied by adequate resourcing. This includes resourcing to ensure the Act is accessible to young women and gender-diverse people, and migrant and multicultural communities.