

order the judge told the company that it would have saved itself millions of dollars if just one person had got up and said 'We're sorry'. The fund is extended to compensate an estimated 200 000 women worldwide. It has begun to make nominal payments to women who suffered minor injuries or who are unable to prove their use of the IUD.

Presenting Mrs Williams with her cheque, Mr Peter Cashman, of Slater and Gordon, said that 'although the payment was nominal it was recognition that there was to be some measure of justice at the end of the day. It symbolised the perseverance of those involved in bringing about that justice' (*Daily Telegraph*, 21 February 1989).

Mr Cashman said that \$100 million of the fund was available for 60 000 women world wide who agreed to take the fixed 'option one' award. While hundreds of Australian women accepting option one would expect cheques within a month, Mr Cashman said the processing of claims under options two and three — covering serious injuries like infertility or hysterectomy — rested on the outcome of appeals lodged against the package in the US. A fourth option was to defer resolution if it was thought that a future injury could result from use of the IUD.

copper 7. Slater and Gordon has already received about 300 complaints from women who used Copper 7. In the past few weeks, the firm has been taking up to 10 such calls a day. Mr Cashman said the firm has yet to decide if it would act on behalf of women complaining about Copper 7 which had been manufactured in the United States by the multinational GD Searle, assembled in the United Kingdom and imported into Australia by a Searle subsidiary.

The contraceptive coil is readily available in Australia although the federal De-

partment of Health is now reviewing the device's status. In the US it was withdrawn from sale after a Minneapolis jury last September found Searle to have been negligent in the testing and marketing of the device.

Copper 7's international manufacture and distribution made it unclear Mr Cashman said, whether proceedings could follow the model of the Dalkon Shield action in the US, which gave Australian women the benefit of free legal representation through a class action.

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homeless youth

Homeless children and young people are dying in some cases and suffering horrific abuses in many others. Homelessness itself is a denial of rights theoretically guaranteed to our children and young people by the Commonwealth. This Report must be the catalyst for a serious and sustained response if this nation is to consider itself civilised.

HREOC Report, 41

hreo report. In February 1989 the Human Rights and Equal Opportunity Commission (HREOC) published the Report of its National Inquiry into Youth Homelessness. The Report followed an extensive program of consultation throughout Australia to ascertain the extent of the problem, to determine the effectiveness of existing government policy and social benefits and to devise a program to reduce the level of youth homelessness. Preliminary investigation by HREOC commenced during the first half of 1987 and it became clear that an extensive inquiry was needed. The terms of reference were formulated in mid-1987 and it commenced public hearings throughout Australia in October 1987. The terms of reference were:

- To inquire into and report on the effectiveness of existing programs and services involved in, and the development of alternative response to, addressing the needs of homeless children and young people.
- To review earlier reports on the needs of homeless children and the action taken by relevant authorities in response thereto.
- To identify the problems experienced by homeless children and young people in obtaining public housing or private rental accommodation.
- In accordance with the United Nations Declaration of the Rights of the Child, to inquire into and report on the rights of homeless children and young people to protection from neglect and exploitation, including the availability of income support, and their access to legal advice and representation.
- To recommend the steps which should be taken by all relevant persons and authorities to resolve the identified problems of homeless children and young people.

The Inquiry was conducted the Federal Human Rights Commissioner, Mr Brian Burdekin, Ms Jane Carter, Director of the Social Policy and Research Centre of the Brotherhood of St Lawrence, Melbourne and Father Wally Dethlefs, chaplain to prisons in South East Queensland.

international obligations The focus of the inquiry was the extent to which Australia was complying with its international obligations to protect the basic human rights of children. The inquiry concluded that the obligations set out in the following instruments were not being met:

- the International Covenant on Civil and Political Rights which provides

that children are to be accorded such measures of protection as are required by their status as minors (art 24.1)

- the Declaration of the Rights of the Child which provides that all children have a right to enjoy special protection, to receive adequate housing and to be protected against all forms of neglect, cruelty and exploitation (principles 2, 4 and 9).

The inquiry limited its research to young people below the age of 18 and used the word 'homelessness' to describe a lifestyle, insecurity and transience of shelter, not necessarily a total lack of shelter.

the extent of youth homelessness. Homeless youth in Australia appears to be a recent phenomenon having increased dramatically in the last 10 years. Little research has yet been done into youth homelessness and it is almost impossible to say precisely how many homeless children and young people there are in Australia. The Report estimated that there were at least 20 000–25 000 homeless youth, although conceding that the figures could be as high as 50 000 to 70 000 either homeless or at serious risk. The Report urged both federal and State governments to compile the necessary data on homelessness in order to get a better insight into the extent of the problem and hence the measures needed to alleviate it. The Report referred to two principal factors which seem to be responsible for the increase in homelessness. First, the changing nature of family within Australian society which has seen a decline in formal marriages, an increase in divorces, a substantial increase in sole parent families and a decline in the extended family network. The evidence indicates a high percentage of homeless youth are from broken families or families in crisis. The second factor referred to was economic recession. High levels of unemployment and inflation have in some cases made it difficult for children to stay

at school or remain at home after finishing school. The report notes that youth unemployment increased from 3.7% in 1971 to 20.3% in 1987.

the costs of youth homelessness. The Report points out that there is a significant cost to the community from youth homelessness. There are the costs to the individual. Social isolation, alienation, loneliness and frustration experienced by most homeless young people can lead to health problems, to alcohol and drug abuse, to prostitution and crime. Furthermore homeless young persons are often unable to complete their education, participate in appropriate job training or obtain employment. In addition to the private costs to the individual, there are also costs of homelessness to the community. Homelessness requires an increase in government outlays such as social security benefits, housing support schemes, medical and health costs, community service costs, education and training costs, crime prevention and correctional services costs. These not only affect government outlays but also involve costs to the wider community such as the direct losses from crime and the associated higher insurance premiums. The Report concluded that

The Australian community as a whole would benefit both from the reintegration of these people into social life and from their enhanced productivity.

causes of youth homelessness. The causes of youth homelessness are complex and varied. Many young people are homeless for relatively short periods of time, others leave and never return. There is evidence of two major causes of homelessness:

The first group [of persons working in the field] saw homelessness primarily in terms of relationship breakdowns, problems in the family, that type of thing, and they strongly favoured support programs. The

second group saw structural issues as the main cause of homelessness and a way to overcome this was through social action and concerted involvement in the policy area with a view to changing structures. (HREOC Report, 85)

Evidence presented to the Inquiry referred to other causes of homelessness

- In some cases there are incentives to leave home for the sake of other members in the family or to ease family finances. It was also suggested that the availability of government income support and the existence of refuges encouraged some young people to leave home.
- In some cases insufficient efforts by welfare and social workers to resolve the young person's problems with his or her family which might enable a return to the family home.
- Family conflict appeared to be a major cause for young people leaving home. Difficulties within the family including unemployment, living with a step-parent, unstable families, domestic violence, cultural conflicts between parents and children also arise.
- Fragmentation of families and repartnering also appeared to be a significant factor in children leaving home.
- Neglect of the young person reflected or perceived by a lack of parental concern, a lack of support or communication or a lack of involvement between parent and child.
- Domestic violence or sexual abuse appears to be another common cause of young people leaving home and it is a widespread community problem.

the inquiry's recommendations. The Report contained detailed recommendations for improving existing State and

Commonwealth programs directed at youth such as income and accommodation support, provision of health and other support services, access to legal services and improvements to the education system and job training and employment programs. The Report's major recommendation (contained in chapter 24) was for a new youth accommodation and support services program jointly funded by federal, State and Territory governments. It recommended that standards be developed for all services provided to homeless children and young people which would take account of the following:

- the need to provide every assistance to children and their families to enable them to live together where this is possible, consistent with the child's right to be protected from cruelty and abuse;
- protection and promotion of the rights of children — including the rights to adequate care, protection from exploitation and abuse, and enjoyment of their other basic human rights;
- the obligation of the state, or agencies funded by the state, to provide adequate care to children whose families cannot or will not do so; and
- the need to provide this care through a network of integrated services with agreed aims — one of which should be to assist each child, according to his or her needs, to become a fully-participating member of our community. (HREOC Report, 333)

The Report also recommended that

State and regional objectives must be based on the need to move all residents out of crisis refuges as quickly as possible — either back to their families or into more permanent, secure accommodation suitable to their needs. For the foreseeable future, all States and regions must focus on:

- a significant increase in family support and reunion services, which may include short term community placement programs;
- a significant increase in the quantity and quality of long term youth housing; and
- a significant increase in detached housing support services. (HREOC Report, 333).

conclusion. The release of the Homelessness Report received widespread newspaper coverage and a general recognition that a real problem existed and could not be ignored within Australian society. In an editorial on 23 February 1989 The Age concluded

If society at large does nothing to tackle the problem now, it will have to pay for it eventually in other ways — in crime, in drug abuse, in health and medical costs and in lost lives and lost human resources. The choice is ours, though it is really no choice at all. For the sake of humanity, we must act with the utmost urgency and compassion.

HREOC has said that it will reconvene its inquiry in 6 months to determine the extent to which the recommendations have been implemented.

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violence

To be fair to Australians, they don't afford excessive respect to anybody. It's one of their virtues.

Malcolm Muggeridge,
Age 4 October 1976

national committee on violence. Two incidents of shoot-outs in Sydney city streets in recent weeks demonstrate the