

Summary of key concerns

There is a critical need for the Australian Government to:

(1) Strengthen implementation of the Children's Convention

(See generally, *Chapter 2: General measures of implementation*, pp 9–11, Recommendations 1, 6 and 14; *Section 3.4 Respect for children's participation*, pp 16–17, Recommendation 17)

The Children's Convention continues to have no overarching legal force in Australia, and there remains an absence of well resourced, strategic and coordinated measures to implement and protect children's rights. There has been inadequate progress in addressing some of the most pervasive aspects of inequality and discrimination facing children and young people in Australia. Australia's children need action and commitments, including a dedicated federal Minister for Children, a national plan of action to implement the Children's Convention, and a mechanism to monitor its process.

(2) Address violence against children, including through:

a) Improved data collection

(See *Section 5.1.1 Data*, pp 24–25, Recommendations 27 and 28)

Rates of family and domestic violence against children remain high. The current lack of aggregated data on the nature and extent of child abuse and neglect has resulted in an inability to properly assess the effectiveness of previous or existing policies employed to reduce rates of violence against children. This also continues to impede the development of appropriate and effective prevention, early intervention and recovery services for children and families experiencing violence.

b) Strengthening and developing national strategies to address violence against children

(See *Section 5.1 Abuse and neglect*, p 23; *Section 5.1.2 Children experiencing higher levels of risk*, pp 25–26, Recommendations 29 and 30)

Existing national strategies to address to promote the safety of children include the *National Framework for Protecting Australia's Children 2009–2020* and the *National Plan to Reduce Violence against Women and their Children 2010–2022*. However, key actions under both national strategies remain unimplemented, there is no ministerial accountability or responsibility for progress against agreed outcomes, and no framework to monitor impact or progress. Both national strategies have been criticised by civil society groups for being under-resourced and insufficiently focused on prevention of violence and abuse, and are also imminently due to expire.

c) Greater accountability for addressing institutional abuse

(See *Section 5.1.3 Institutional abuse and violence*, p 26, Recommendations 31–34)

Recent Australian Government and state and territory inquiries have placed considerable public attention on children's exposure to abuse in institutional environments. There is presently a key opportunity to ensure that governments at all levels are held accountable to the children affected by these failings, and to secure compliance to address risk factors for abuse at an institutional level.

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(3) Establish and fund a youth focused national strategy on mental health

(See *Section 7.3 Mental health*, pp 45–47, Recommendations 72 and 73)

There is a critical need for a greater investment in prevention of poor mental health, and addressing the underlying causes of increasing rates of mental distress in children and young people and increasing rates of youth suicide. There remain concerns around the limited access and varying appropriateness of existing mental health supports, with a significant number of children and young people failing to access or receive treatment due to a lack of awareness of the support mechanisms available, and a reluctance to engage with mainstream mental health services.

(4) Address increased rates of child poverty through developing a national measure of poverty and a national strategy to end child poverty

(See *Section 7.4 Standard of living, social security and material support*, pp 47–49, Recommendations 74 and 75)

One in six children under the age of 15 is living in poverty in Australia. There has been a reduction to social security spending and income support, with single parent families locked out of paid work being at particularly high risk. There remain no set targets and no measurements of where poverty is entrenched, nor the deprivation that is experienced by children as a direct consequence of poverty.

(5) Undertake systemic reform in the following areas, including:

a) Child protection

(See generally, *Chapter 6: Family environment and alternative care*, pp 29–39, Recommendations 39 and 40; *Section 6.1.6 Early intervention and family supports*, pp 35–37, Recommendations 52 and 53)

Since 2000, the number of children entering and remaining in out-of-home care has more than doubled, and an increasing proportion of children are entering care at a younger age and remaining in care longer. Australia's current response to children and families experiencing complex challenges occurs too late, and there remain significant systemic failures to support 'at risk' families and prevent children entering the child protection system. The majority (59.5% or \$3.1 billion) of the \$5.2 billion allocated to the child protection budget continues to be directed towards out-of-home care, and only 17.4% of national child protection expenditure is dedicated to family support and intensive family support services. There is still significant underfunding of ongoing services for children in out-of-home care and their carers and birth families, and little targeted funding to enable the reunification of children with their families.

b) Education

(See generally, *Chapter 8: Education*, pp 51–59, Recommendations 80 and 81)

Since 2000, Australia's academic performance has continued on a consistent downward trend, described as 'equivalent to a generation of Australian school children falling short of their full learning potential'. UNICEF Report Card 15 ranked Australia as 39/41 OECD countries in the provision of quality education. In 2018, Australia was ranked in the bottom third of all three indicators for equality in education at pre-school, primary and secondary school levels. Levels of

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student engagement in education remain a concern and indicate a need to revise teacher training models and the content of the national curriculum.

c) Youth justice

(See generally, *Section 9.2 Youth justice*, pp 68–73, Recommendation 118)

Despite repeated recommendations from multiple United Nations bodies, the minimum age of criminal responsibility remains as low as 10 years of age in every jurisdiction across Australia. Further, the continued operation of mandatory sentencing legislation in some Australian jurisdictions, the increased proportion of unsentenced children held in detention on remand, and the limited use of diversionary strategies demonstrates that detention is not being used as a last resort. There also remain widespread and systemic failings in the administration of youth justice, and since 2015, more than 14 inquiries have condemned Australia's inadequate youth justice facilities, where children have been subject to practices that may amount to torture, cruel and inhuman treatment.

(6) Address sustained disadvantage experienced by key groups, including:

a) Aboriginal and Torres Strait Islander children and young people

Aboriginal and Torres Strait Islander children and young people experience systemic, intersecting and entrenched disadvantage, and consistently poorer outcomes across every thematic area of the Children's Convention. The Australian Government's efforts to address disparities for Aboriginal and Torres Strait Islander children and young people have failed to achieve improved outcomes, including the targets set out in the 'Closing the Gap' Strategy. There remains a critical and urgent need for the Australian Government to ensure adequate participation, leadership and involvement of Aboriginal and Torres Strait Islander children and communities in developing long-term solutions to address this disadvantage.

Aboriginal and Torres Strait Islander children and young people experience:

- persistent racism (see *Section 3.1 Non-discrimination*, pp 13–14)
- continued obstacles to birth registration (see *Section 4.1 Birth registration, name and nationality*, p 19)
- higher rates of family violence (see *Section 5.1.2 Children experiencing higher levels of risk*, pp 25–26)
- removal from their families at increasing rates, and overrepresentation in the out-of-home care population (see *Section 6.1.5 Overrepresentation of Aboriginal and Torres Strait Islander children*, pp 33–35; and *Section 6.2.1 Aboriginal and Torres Strait Islander children*, pp 38–39)
- higher rates of disability, high infant mortality rates, low immunisation rates, high prevalence of fetal alcohol spectrum disorders, limited access to primary health supports, and higher rates of youth suicide (see *Section 7.1 Measures taken for children with disability*, p 41; *Section 7.2 Health and health services*, pp 41–44; *Section 7.3.1 Youth suicide*, pp 46–47)
- high rates of poverty, homelessness and housing instability (see *Section 7.4.2 Aboriginal and Torres Strait Islander children*, p 49)
- persistent structural barriers to accessing quality and culturally appropriate education, and low rates of access to early childhood education and care (see *Section 8.2 Aboriginal and*

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Torres Strait Islander children, pp 53–54; *Section 8.6.1 Aboriginal and Torres Strait Islander children*, p 59)

- increased overrepresentation in the youth justice system (see *Section 9.2.1 Age of criminal responsibility*, p 68; *Section 9.2.2 Overrepresentation of Aboriginal and Torres Strait Islander and other vulnerable children in detention*, pp 69–70).

b) Asylum seeker and refugee children and young people

(See generally, *Section 9.1 Asylum seeker and refugee children*, pp 61–67)

The pillars of Australia's asylum seeker framework, including mandatory detention, offshore processing arrangements and naval interception and return of people seeking protection by sea, continue to cause serious harm to asylum seeker and refugee children, and their families. The removal of almost all references to the 1951 Refugee Convention from Australia's legal system, in particular the repudiation of *non-refoulement* obligations, is a clear breach of international refugee law. Civil society groups have expressed concerns regarding the integrity, procedural fairness and transparency of Australia's refugee status determination and review processes.

Further, cuts to Status Resolution Support Services which provides basic healthcare and income support while children and families await their immigration status to be resolved, are reportedly leading to homelessness, depression, anxiety and self harm among the asylum seeker population.