



AUSTRALIAN
CHILD RIGHTS
TASKFORCE

Submission

**to the United Nations Committee
on Economic, Social and Cultural Rights**

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Introduction

1. **The Australian Child Rights Taskforce** (the Taskforce) offers this submission to support a better understanding of children's rights in Australia and to enhance constructive dialogue between **the United Nations Committee on Economic, Social and Cultural Rights** (the **UN ESCR Committee** or the **Committee**) and **the Australian Government**. The Taskforce is the key civil society body responsible for child rights reporting in Australia. It seeks to hold the **Australian Government** to account by providing the views and evidence of children and civil society on implementation of child rights.
2. This submission draws on recent research and evidence, including the views and experiences of children. It is primarily based on the Taskforce's work in reporting to the **United Nations Committee on the Rights of the Child**.

Ongoing Areas of Concern and Recommendations

3. In its previous Concluding Observations, **the UN Child Rights Committee** has drawn the Australian Government's attention to the need for urgent measures in protection from violence, alternative care, mental health, climate change, asylum-seeking, refugee, and migrant children, and administration of justice.
4. These remain priority issues for children and civil society. This submission addresses these and several other key issues (the rights of Aboriginal and Torres Strait islander children, poverty and homelessness and rights in the digital environment).
5. **The UN Child Rights Committee** has also drawn attention to the need for a national plan of action for implementing child rights, with sufficient human, technical and financial resources, and with attention to data and monitoring.¹ We address these and related measures of implementation in the final section of this submission.

Preliminary Note on Powers and Responsibilities

6. **The Australian Government** has previously stated to **the UN Child Rights Committee** on its powers and responsibilities: "Matters such as education, child protection, healthcare and youth justice fall predominantly within the constitutional responsibility of the States and Territories".²
7. The Taskforce has obtained a constitutional legal opinion that challenges this assertion. It states:

*"The Australian Government has as much legislative power to regulate child rights as it wants to have. It could pass valid legislation implementing every single one of its international human rights obligations, including the entirety of the Convention on the Rights of the Child, into justiciable and enforceable domestic law."*³
8. This legal opinion has recently been reinforced by additional constitutional legal opinion in the context of the Australian Government's power to legislate to raise the age of criminal responsibility and to establish national standards in youth justice.⁴
9. It is the Taskforce's view that there is no constitutional barrier to the **Australian Government** discharging its responsibilities to provide leadership in the implementation of child rights.

¹ UN Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, CRC/C/AUS/CO/5-6, 1 November 2019, available at: <https://digitallibrary.un.org/record/3863406>, para 8.

² UN Committee on the Rights of the Child, *Combined fifth and sixth periodic reports submitted by Australia under article 44 of the Convention*, CRC/C/AUS/5-6, 22 November 2018, available at: <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/united-nations-human-rights-reporting/treaty-body-reporting#convention-on-the-rights-of-the-child-crc>, para 18.

³ Seveda Clark, Patrick Keyzer and Christopher Goff, "Opinion: The Constitutional Powers of the Commonwealth with respect to Child Rights", 2023. Available on request.

⁴ Justice and Equity Centre, "Explainer: Calling for Australian Government action to protect children", Justice and Equity Centre, 16 September 2025, available at <https://jec.org.au/resources/explainer-calling-for-australian-government-action-to-protect-children>

Violence Against Children

10. **The UN Child Rights Committee** has remained seriously concerned over several reporting cycles at the high rates of violence against children including at home; the support provided to child victims of domestic, family and sexual violence; the disproportionate impacts on Aboriginal and Torres Strait Islander children and the limited involvement of their communities in the development of solutions; the greater vulnerability of children with disabilities, and the limited data available regarding violence against children in remote areas, children with a culturally and linguistically diverse background, and LGBTI children.
11. Since the last child rights reporting cycle, the first **Australian Child Maltreatment Study**⁵ has produced findings which reinforce these concerns. This study found 62.2% of young people aged 16-24 had experienced one or more types of abuse⁶ during childhood, 40.2% had experienced more than 1 type of abuse and 23.3% had experienced 3 to 5 types of abuse.⁷ Data indicate limited progress regarding child protection outcomes over time⁸. The number of children in out-of-home care has remained high, indicating ongoing systemic issues within the child protection system.⁹ Despite inquiries and reforms, there remains a lack of focus and investment in preventive measures to mitigate the need for removal from family. Reported increase in online violence against children¹⁰ has further complicated the landscape.
12. The **UN Child Rights Committee** has called for the review of the action plans of relevant national policy initiatives to prioritise implementation of key prevention measures and responses to violence against children of all ages, including sexual violence, against girls, children with disabilities, and Aboriginal and Torres Strait Islander children. This review should include monitoring of efforts at a state and territory level to ensure a consistent approach to measurement of incidence and outcomes.
13. Further, the **UN Child Rights Committee** has encouraged greater support for community-based programmes to address violence in all its forms against children in remote areas, children in communities with a culturally and linguistically diverse background, and LGBTI children.
14. A review of the previous **National Framework for Protecting Australia's Children 2009–2020**¹¹ found that it largely fell short of its objectives (or that there was no data to support measurement of objectives). It noted “the National Framework was not supported by a robust logic model or evaluation framework which limited its ability to measure its effectiveness”.
15. **Safe and Supported: National Framework for Protecting Australia's Children 2021 - 2031** is now in place. This new Framework has a Theory of Change and an Outcomes Framework with a vision for all children and an expressed focus on groups experiencing disadvantage and vulnerability. The First Action Plan and the First Aboriginal and Torres Strait Islander Action Plan (both 2023-2026) are approaching conclusion. And yet, a Monitoring and Evaluation Strategy remains ‘in development’.¹²
16. Similarly, one of the criticisms of the now concluded **National Plan to Reduce Violence against Women and their Children 2010–2022** was that it lacked measures to track progress.¹³ The new **National Plan to End Violence against Women and Children (2022-2032)** is now in place.

⁵ Haslam, D., B. Mathews, R. Pacella, J. G. Scott, D. Finkelhor, D. J. Higgins, F. Meinck, H. E. Erskine, H. J. Thomas, D. Lawrence and E. Malacova, *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023, available at: https://www.acms.au/wp-content/uploads/2023/06/3846.1_ACMS_A4Report_V2.1_Digital_20230627-1.pdf.

⁶ The types are physical abuse, emotional abuse, sexual abuse, neglect and exposure to domestic violence.

⁷ Haslam et al., *The prevalence and impact of child maltreatment in Australia*, pp. 3, 14.

⁸ See e.g., Australian Institute of Health and Welfare, “Child protection Australia 2023–24: Insights” [web report], last updated 30 September 2025, available at: <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24>; Productivity Commission, “Report on Government Services 2025: Child Protection”, Part F, Section 16, 30 January 2025, available at: <https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/child-protection>.

⁹ Australian Institute of Health and Welfare, “Child protection Australia 2023–24: Insights”, data table T1.

¹⁰ eSafety Commissioner (25 January 2024), “40% jump in child bullying reports to eSafety” [media release], available at <https://www.esafety.gov.au/newsroom/media-releases/40-jump-in-child-bullying-reports-to-esafety> (accessed 29 November 2025).

¹¹ Department of Social Services (Australia) / PwC, *Evaluation of the National Framework for Protecting Australia's Children 2009–2020*, 2020.

¹² Department of Social Services (Australia), *Safe and Supported reporting*, Canberra, last updated 21 February 2025, available at: <https://www.dss.gov.au/child-protection/safe-and-supported-reporting> (accessed 28 November 2025).

¹³ Kate Fitz-Gibbon, “The government has released its action plans to end violence against women and children. Will they be enough?”, *The Conversation*, 16 August 2023, available at: <https://theconversation.com/the-government-has-released-its-action-plans-to-end-violence-against-women-and-children-will-they-be-enough-211606>

17. Under the new **Plan's First Action Plan (2023-2027)** Australian governments commit to 10 Actions. Action 8 is the only child specific commitment: to develop and implement age-appropriate programs informed by children and young people, that are culturally safe, to intervene early to address violence and support recovery and healing from trauma. The **Outcomes Framework for the Plan** includes Outcome 5 - Children and young people are to be safe in all settings and effectively supported by systems and services. The Framework does not identify links between Action 8 and Outcome 5, and no detail of programs, funding or strategies have been provided. A measurement plan was released in early 2024.¹⁴ This plan acknowledges that many measures under outcomes still lack measurable data and data sources.
18. The **UN Child Rights Committee** welcomed the report of the **Royal Commission into Institutional Responses to Child Sexual Abuse (2017)**. The implementation of the Royal Commission's recommendations was monitored publicly until 2022. The National Office of Child Safety has indicated that there will be a new reporting framework, but no further reports have been published. A key Royal Commission recommendation was the introduction and monitoring of nationally consistent child safe standards (which were agreed by all Governments), reportable conduct schemes and working with children checks.
19. Progress on implementation of the recommendations of the Royal Commission has not been published since 2022. There has been no coordinated national monitoring scheme across jurisdictions and sectors with information available publicly.
20. The physical punishment of children in schools is not prohibited in the Northern Territory, Queensland and Western Australia. Australian law does not prohibit corporal punishment in other settings, permitting it in the home, alternative care, schools and detention.
21. The **UN Child Rights Committee** has recommended that Australia explicitly prohibits corporal punishment in law in all settings and conduct a public health campaign to promote alternative forms of discipline.
22. The **UN Child Rights Committee** has also recommended that Australia strengthen its measures to limit child marriage; prohibit coerced sterilisation, unnecessary medical or surgical treatment; and guarantee bodily integrity and autonomy to intersex children, and support to their families.

¹⁴ Department of Social Services (Australia), *National Plan Outcomes Framework: Performance Measurement Plan*, Canberra, 2024, available at: <https://www.dss.gov.au/system/files/resources/performance-measurement-plan.pdf>

Systems Reforms (alternative care and child justice)

Children deprived of a family environment

23. The **UN Child Rights Committee** has recommended that Australia provide the necessary resources to family support services for children and their families, particularly for Aboriginal and Torres Strait Islander families, to prevent violence, abuse, and neglect. It has remained seriously concerned over several reporting cycles at the continuing over-representation of Aboriginal and Torres Strait Islander children in alternative care, often outside their communities; the lack of national data on criteria across jurisdictions for decisions on child removal and placement in care; the lack of adequate resources, inappropriate placements and interventions; and limited access to mental health and therapeutic services.
24. The **UN Child Rights Committee** has recommended that Australia increase investment in prevention measures for children and their families to avoid child removal and, when this is a necessary measure, limit it to the shortest time possible, ensure participation of children, their families and communities in decision-making, and guarantee an individualised and community-sensitive approach, especially for Aboriginal and Torres Strait Islander children. *See also Violence against Children.*
25. The **UN Child Rights Committee** has recommended over previous reporting cycles that Australia more effectively address the high rates of homelessness among children, particularly for children leaving alternative care, and for children under 12 years. *See also Poverty and Homelessness*
26. The renewed **National Agreement on Closing the Gap** has a new Target (12) to reduce by 2031 the rate of over-representation of Aboriginal and Torres Strait Islander children in the child protection system by 45%. Data indicates this rate is worsening and the Target is not on track.¹⁵
27. In 2022-23, Aboriginal and Torres Strait Islander children nationwide were 5.6 times more likely than non-Indigenous children to be reported to child protection authorities, 10.9 times more likely to be subject to a child protection order and 10.8 times more likely to be in out of home care.¹⁶ This includes a high rate of notifications before birth. Although the Australian Institute of Health and Welfare does not publish data on unborn reports across all jurisdictions, the proportion of Aboriginal families in South Australia subject to an unborn child protection notification increased from 24% to 33% between 2015-16 and 2020-21, compared with a rise of 2% to 3% for non-Indigenous families.¹⁷ Unborn reports for Aboriginal and Torres Strait Islander families in Victoria were double those for non-Indigenous families in 2023.¹⁸
28. Consistent with **UN Child Rights Committee** recommendations, the 2024 Family Matters Report recommended a dedicated funding model and program for Aboriginal and Torres Strait Islander community controlled integrated early years services and for increased investment in reunification services.¹⁹ It recommended the establishment of Commissioners for Aboriginal and Torres Strait Islander Children nationally and in every state and territory, compliant with **UN Principles for the Status of National Institutions**, empowered and resourced by legislation.²⁰ A National Commissioner for Aboriginal and Torres Strait Islander Children and Young People was appointed in January 2025. The National role is yet to be guaranteed independence and the necessary powers and resources.²¹ South Australia, Victoria, the ACT and Queensland have appointed Commissioners for Aboriginal and Torres Strait Islander children.

¹⁵ Productivity Commission, *Closing the Gap Data Dashboard: Socio-economic Outcome Area 12*, July 2025, available at:

<https://www.pc.gov.au/closing-the-gap-data/dashboard/socioeconomic/outcome-area12> (accessed 28 November 2025).

¹⁶ SNAICC, *Family Matters Report 2024*, 2024, available at: <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>, p. 16.

¹⁷ SNAICC, *Family Matters Report 2024*, p. 28.

¹⁸ *Ibid.*

¹⁹ SNAICC, *Family Matters Report 2024*, pp. 7-8.

²⁰ *Ibid.*, p. 9.

²¹ ABC News, "Advocates say First Nations children's commissioner must have power to make change", *ABC News*, 9 October 2025, available at: <https://www.abc.net.au/news/2025-10-09/snaicc-conference-first-nations-childrens-commissioner/105865612> (accessed 29 November 2025).

29. The **UN Child Rights Committee** has recommended that the Australian government:
- Conduct regular assessments of the distributional impact of government investment on sectors to realise children's rights and to address disparities, paying particular attention to Aboriginal and Torres Strait Islander children.
 - Strengthen its support to Aboriginal and Torres Strait Islander organisations, through capacity-building, increased resource allocation, and priority as service providers.
 - Invest in measures developed by Aboriginal and Torres Strait Islander children and communities to prevent their placement in out-of-home care, provide adequate support and facilitate their reintegration into their families and communities; and
 - Invest more in improving education at the early childhood, primary and secondary levels, paying particular attention to, inter alia, Aboriginal and Torres Strait Islander children.
30. Aboriginal and Torres Strait Islander communities have identified the Aboriginal and Torres Strait Islander Child Placement Principle as a key tool to address the overrepresentation of their children in the child protection system. The Principle consists of five elements - prevention, partnership, placement, participation and connection, with a hierarchy of placement options to ensure connection to family, community, culture and country is maintained.²²
31. In 2023, 26.9% of Aboriginal and Torres Strait Islander children were placed with non-Indigenous, non-relative carers.²³ On average, around one third of Aboriginal and Torres Strait Islander children in out of home care live with Aboriginal or Torres Strait Islander relatives or kin.²⁴ Connection to Aboriginal and Torres Strait Islander relatives and kin is critical for Aboriginal and Torres Strait Islander children to maintain their identity and connection to culture and community.
32. Since 2018, the Department of Social Services (DSS) has engaged **SNAICC National Voice for our Children** to undertake annual compliance reviews of the Principle for each jurisdiction. These reviews identified a lack of full implementation of the Principle.
33. The Australian **National Out of Home Care Standards** do not align with child rights principles nor recognise the importance of cultural rights and rights to self-determination for Aboriginal and Torres Strait Islander children. They provide no oversight, accountability or remedy for rights.

²² SNAICC, "Aboriginal and Torres Strait Islander Child Placement Principle", *SNAICC – National Voice for our Children*, available at: <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/> (accessed 29 November 2025); SNAICC, *Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle*, 2017, available at: https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf, pp. 4-5 (accessed 29 November 2025).

²³ SNAICC, *Family Matters Report 2024*, p. 32.

²⁴ SNAICC, *Family Matters Report 2024*, p. 35.

Administration of child justice

34. The UN Child Rights Committee has recommended over previous reporting cycles that Australia:

- Bring its child justice system fully into line with the Convention.
- Raise the minimum age of criminal responsibility, repeal mandatory minimum sentences.
- Address the high rate of Indigenous incarceration.
- Prohibit the use of isolation and force, including physical restraints, investigate all cases of abuse in detention, and adequately sanction perpetrators.
- Promote non-judicial measures, such as diversion, mediation, counselling, non-custodial sentences, for children who have committed criminal offences.
- Where detention is unavoidable, ensure that children are detained in separate facilities and for pre-trial detention, that detention is regularly and judicially reviewed.
- Ensure that children with disabilities are not detained indefinitely without conviction and their detention is regularly reviewed; and
- Provide children in systems with information about their rights and how to report abuses.

35. Child justice systems in Australia are characterised by extensive non-compliance with international youth justice principles.²⁵ No binding national standards exist to enforce compliance.²⁶

36. Australia has set a target to reduce the rate of Indigenous young people (10-17 years) in detention by at least 30% by 2031 through the **National Agreement on Closing the Gap**. In September 2021, the Australian Government established the **Justice Policy Partnership**, a shared decision-making mechanism which aims to reduce the disproportionate rate at which Aboriginal and Torres Strait Islander People are incarcerated.

37. However, Indigenous children continue to be incarcerated at high rates and remain significantly over-represented in incarceration. In 2023-24, Indigenous children were incarcerated at a rate of about 27 per 10,000, compared to the non-Indigenous rate of 1 per 10,000.²⁷

38. Use of isolation and force has not been explicitly prohibited. Cruel, inhuman and degrading practices continue to be widely used. Cases of undisclosed and unremedied abuse and maltreatment of children in detention are regularly highlighted by independent oversight bodies, court litigation and public interest journalism.²⁸

39. In practice, detention is not a measure of last resort, either before or after sentencing. Detention rates remain high, including a growing proportion of unsentenced detention.²⁹ Bail laws in multiple jurisdictions have become more punitive, heightening the failure to ensure that detention is used as a measure of last resort. Children are regularly detained in adult facilities, before and after sentencing. Police ‘watchhouses’ and cells designed to hold adults are used as informal remand centres for children across several States and Territories.³⁰

²⁵ Save the Children and 54 reasons, *Putting children first: A rights respecting approach to youth justice*, April 2023, available at: [Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia-April-23.pdf](https://www.savethechildren.org.au/~/media/136746/putting-children-first-a-rights-respecting-approach-to-youth-justice-in-australia-april-23.pdf), pp. 6–9, 15–16, 29–48.

²⁶ Non-binding national principles have been produced and updated by the Australian Youth Justice Administrators, *National Standards for Youth Justice in Australia*, 2023, available at: <https://www.ayja.org.au/wp-content/uploads/2023/10/AYJA-National-Standards-for-Youth-Justice-in-Australia-FINAL-for-Launch-16-October-2023-October-2023.pdf> and by Australian Children’s Commissioners and Guardians, *Human rights standards in youth detention facilities in Australia: The use of restraint, disciplinary regimes and other specified practices (in relation to detention only)*, 2016.

²⁷ Australian Institute of Health and Welfare, *Youth Justice in Australia 2023–24*, last updated 4 March 2025, available at: <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2023-24/contents/youth-justice-in-context/youth-and-adult-justice-systems-in-australia> (accessed 29 November 2025).

²⁸ See, e.g. Australian Human Rights Commission, *‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing*, (2024), available at: https://humanrights.gov.au/data/assets/file/0030/47289/1807_help_way_earlier_-_accessible.pdf; Rudi Maxwell and Cameron Gooley, “Youth justice systems increasingly punitive and cruel, inquiry hears”, *SBS Australia News*, 6 February 2025, available at: <https://www.sbs.com.au/nitv/article/youth-justice-systems-increasingly-punitive-and-cruel-inquiry-hears/r5trpntav>; Hannah McGlade and Megan Davis, “Urgent complaint to the United Nations on Australia’s youth justice failures”, *Human Rights Law Centre*, 2025, available at: https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint_youth-justice-in-Australia.pdf.

²⁹ McGlade and Davis, “Urgent complaint to the United Nations on Australia’s youth justice failures”, pp.10–11, 24–25, 28; Australian Institute of Health and Welfare, “Trends in sentenced and unsentenced detention” in *Youth Detention Population in Australia 2024*, 13 December 2024, available at: <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2024/contents/trends-in-sentenced-and-unsentenced-detention>.

³⁰ Save the Children and 54 reasons, *Putting children first*, p. 43. See also The Guardian, “Harrowing footage sparks calls for Queensland government to remove children from police watch houses”, 19 July 2024, available at: <https://www.theguardian.com/australia-news/article/2024/jul/19/queensland-children-police-watch-houses-investigation-ntwnfb>; and ABC News, “Review into Queensland police watch houses to probe ‘end-to-end systemic issues’”, 6 August 2024, available at: <https://www.abc.net.au/news/2024-08-06/review-queensland-police-watch-houses-systemic-issues/104188082>; and Australian Human Rights Commission, “National Children’s Commissioner slams ‘shocking’ new Qld youth justice laws”, 25 August 2023, available here: <https://humanrights.gov.au/about/news/media-releases/national-childrens-commissioner-slams-shocking-new-qld-youth-justice-laws>.

Poverty and Homelessness

40. The **UN Child Rights Committee** has noted with appreciation in previous reporting (2012) the range of measures in Australia to address child poverty including subsidies, tax rebates and other support for lower income families.³¹ However since then, child poverty has remained high in Australia, with approximately one in six children under the age of fifteen years living in income poverty.³² Australia has made little progress in reducing child poverty over the past three decades.³³ While Australia continues some measures and other support for lower income families, levels of government benefits for families with children are low. This contributes to high rates of child poverty, particularly among sole parent families.
41. The **Australian Senate Community Affairs References Committee Report** (2024) on 'The Extent and Nature of Poverty in Australia' recommended that the Australian Government take urgent action on poverty, including to address the adequacy of payments and the efficacy of the income support system.
42. Measures directed to low-income families are rarely child centred. Children's experiences of poverty are neglected and poorly understood, preventing appropriate action.³⁴ Strict conditionality, framed as mutual obligation, applies to a range of government benefits for low-income families and undermines a universal right to adequate welfare support. The 2024 Report recommended reform of the mutual obligation regime.
43. Australian does not currently have an official definition or measure of child poverty, which undermines efforts to uphold children's right to an adequate standard of living, track progress over time, and identify the groups most at risk.³⁵ Australian does not have a national commitment or plan of action to uphold children's right to an adequate standard of living and reduce child poverty. Existing plans fail to adequately address child poverty.

³¹ UN Committee on the Rights of the Child, *Concluding observations on the fourth periodic report of Australia*, CRC/C/AUS/CO/4, 28 August 2012.

³² Australian Council of Social Service and UNSW Sydney, *Poverty in Australia 2025: Overview*, October 2025, available at: https://povertyandinequality.acoss.org.au/poverty_in_australia_2025_overview/.

³³ Borland, J., "Labour market dynamics and unemployment: Structural change and policy responses", *Economic Record*, vol. 101, no. 324, 20 August 2025, available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/1467-8462.70016>.

³⁴ Bessell, S. and O'Sullivan, C., *More for Children: Children's Experiences of Poverty in Australia*, The Children's Policy Centre, The Australian National University, July 2024, available at: <https://childrenspolicycentre.org/latest-news/more-for-children-childrens-experiences-of-poverty-in-australia/>.

³⁵ Borland, "Labour market dynamics and unemployment", *Economic Record*.

Mental Health

44. As of 2023, suicide remains the leading cause of death for those aged 15 – 24.³⁶ The Australian Institute of Health and Welfare identified ADHD as the most common neurodevelopmental disorder in children, estimated to be 8.2%,³⁷ with an increase in psychostimulant drugs prescription.
45. Children in Australia continue to identify mental health and wellbeing as a top priority and concern for themselves. In 2024, 23% of Australian young people aged 15-19 identified mental health problems as their biggest personal challenge.³⁸ Despite an increase in mental health services, children still have limited access to services, particularly those under 14 years.
46. The **UN Child Rights Committee** has recommended that Australia invest in addressing the underlying causes of children's suicide and poor mental health, improve mental health literacy for children to promote awareness and access to support services, and ensure that national planning includes children, their views, and the required services. The **UN Child Rights Committee** has recommended priority in services for Aboriginal and Torres Strait Islander children, children with disabilities, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeker, refugee, and migrant children and from culturally and linguistically diverse backgrounds and LGBTI children. It recommends the prescription of psychostimulant drugs to children with ADHD as a measure of last resort; increase in the availability of online mental health services and making in-person mental health services child-friendly and accessible to children, including those under 14 years throughout Australia.
47. The 2023 **Australian Child Maltreatment Study** found young people who experienced maltreatment were 2.9 times more likely to have a mental disorder compared to young people who had not experienced abuse.³⁹
48. Recent inquiries⁴⁰ have called for greater investment in evidence-based prevention and early intervention strategies, coordinated both within and across sectors, to modify risk and protective factors, increase mental health literacy, reduce stigma, encourage early help-seeking and reduce psychological distress and mental health problems in young people. Young people should be actively consulted and involved in the design, implementation and evaluation of mental health promotion and healthcare initiatives that relate to them.⁴¹
49. The Productivity Commission's **Review of the National School Reform Agreement** recommended the introduction of measures and monitoring of student wellbeing in education settings.

³⁶ Australian Institute of Health and Welfare, "Leading causes of death" in *Deaths in Australia*, last updated 9 April 2025, available at: <https://www.aihw.gov.au/reports/life-expectancy-deaths/deaths-in-australia/contents/leading-causes-of-death> (accessed 29 November 2025).

³⁷ Australian Institute of Health and Welfare, "Children with mental illness" in *Australia's children*, last updated 25 February 2022, available at: <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/health/children-mental-illness> (accessed 29 November 2025).

³⁸ McHale, R., Brennan, N., Boon, B., Richardson, E., Rossetto, A. and Christie, R., *Youth Survey Report 2024*, Sydney: Mission Australia, 2024, available at: <https://www.voced.edu.au/content/ngv%3A101399>.

³⁹ Haslam et al., *The prevalence and impact of child maltreatment in Australia*, p.4.

⁴⁰ Productivity Commission, *Mental Health and Suicide Prevention Agreement Review: Inquiry Report*, No.108, 16 October 2025, available at: <https://www.pc.gov.au/inquiries/completed/mental-health/report>; Royal Commission into Victoria's Mental Health System, *Final Report*, February 2021, available at: <https://finalreport.rcvmhs.vic.gov.au/>; Productivity Commission, *Report on National School Reform Agreement*, December 2022, available at: <https://www.pc.gov.au/inquiries/completed/school-agreement/report>

⁴¹ Robards, F., Kang, M., Steinbeck, K., Hawke, C., Jan, S., Sanci, L., et al., "Health care equity and access for marginalised young people: a longitudinal qualitative study exploring health system navigation in Australia", *International Journal for Equity in Health*, vol. 18, No. 1, 2019, available at: <https://doi.org/10.1186/s12939-019-0941-2>, p.41.

Climate Change

50. The UN **Child Rights Committee** has recommended that Australia ensure that children's views are considered in addressing climate change, environment and disaster risk management, and increase children's awareness and preparedness for climate change and natural disasters. It has called for prompt action to reduce emissions of greenhouse gases, establishing targets and deadlines to phase out the domestic use of coal and its export, and accelerate the transition to renewable energy, including by committing to achieve 100% renewable energy in the electricity sector.
51. Australia has taken steps towards emissions reduction including legislating a new target of a reduction of greenhouse gas emissions of 43% by 2030, between 62 to 70% by 2035 and net-zero by 2050.⁴² The Australian Government has introduced measures to accelerate Australia's transition towards renewable energy including committing to an 82% national renewable electricity target by 2030 and fast-tracking offshore wind industry and renewable energy zones.
52. Despite this, there are credible doubts about Australia's targets being ambitious enough to prevent the worst impacts of climate change,⁴³ in addition to concerns that current policies will not see Australia achieve its targets.⁴⁴ There is no evidence that the views, rights and needs of children and young people have been considered in the development and implementation of these policies.
53. The creation of a national youth advisory group and a youth advisory council on climate change are important developments.⁴⁵
54. In 2024, Senator David Pocock introduced a Bill to the Australian Parliament to amend the **Climate Change Act 2022** to require decision makers to consider the wellbeing of children when making decisions likely to contribute to climate change, including decisions that will increase emissions. The Bill was not passed and was not supported by the two main political parties.
55. There remains no cohesive national policy statement or framework on children and climate change.
56. The impacts of climate change are felt by Australian children and young people, and they are deeply concerned about the issue. A significant number of children experience 'climate anxiety' with a 2021 survey showing 84% of young Australians are extremely, very or moderately worried about climate change, with almost half of those surveyed feeling distressed to the extent that it was affecting their daily functioning.⁴⁶
57. Despite their concerns, children do not believe that decision-makers are listening to their views on climate change, with a survey of young Australians finding that only 13% felt they were listened to by political leaders on climate change issues.⁴⁷
58. Children are facing the impacts of climate change through exposure to increased natural disasters. A 2020 survey found that over 90% of Australian young people had experienced at least one natural hazard event in the preceding three years, including heatwaves, bushfires, severe storms, and floods.⁴⁸ In the summer of 2019-2020, 2 in 5 children and young people were personally impacted by bushfires, 3 in 10 were personally impacted by drought, and almost 25% were personally impacted by floods.⁴⁹

⁴² Department of Climate Change, Energy, the Environment and Water (Australia), "Australia's Third Nationally Determined Contribution under the Paris Agreement", September 2025, available at: <https://unfccc.int/sites/default/files/2025-09/Australias%20Second%20NDC.pdf>; Department of Climate Change, Energy, the Environment and Water (Australia), "Net Zero Plan", September 2025, available at: <https://www.dcccew.gov.au/climate-change/publications/net-zero-plan>.

⁴³ Climate Council, *Aim High, Go Fast: Why Emissions Must Plummet*, Climate Council of Australia, April 2021, available at:

<https://www.climatecouncil.org.au/wp-content/uploads/2021/04/aim-high-go-fast-why-emissions-must-plummet-climate-council-report-210421.pdf>

⁴⁴ Newth, D., et al., "The disruptive potential of solar photovoltaics and electric vehicles on Australian electricity markets", *Energy Policy*, vol. 123, 2018, pp. 677–688, available at: <https://www.sciencedirect.com/science/article/pii/S030142151830750X>

⁴⁵ Office for Youth (Australia), "Climate Change and Water Advisory Group", last updated 7 March 2025, available at: <https://www.youth.gov.au/office-youth/youth-advisory-groups/climate-change-and-water-youth-advisory-group> (accessed 30 November 2025); Department of Climate Change, Energy, the Environment and Water (Australia), Youth Advisory Council on International Climate Change, last updated 22 July 2025, available at: <https://www.dcccew.gov.au/climate-change/international-climate-action/yac> (accessed 30 November 2025).

⁴⁶ UNICEF, *Report Card 17: Places and Spaces – Environments and Children's Well-being*, Innocenti Report Card Series, 2022, available at: [UNICEF-Report-Card-17-Places-and-Spaces-EN.pdf](https://www.unicef.org/report-cards/report-card-17-places-and-spaces-en), p.58

⁴⁷ World Vision Australia, *Our World Our Say: National Survey of children and young people on climate change and disaster risk*, August 2020, available at: https://www.worldvision.com.au/docs/default-source/advocacy/youth-survey-report_2020-08-12_v1-2.pdf, p.9.

⁴⁸ World Vision Australia, *Our World Our Say: National Survey of Children and Young People on Climate Change and Disaster Risk*, p.16.

⁴⁹ Royal Far West and UNICEF Australia, *After the Disaster: Recovery for Australia's Children*, March 2021, available at: <https://www.royalfarwest.org.au/wp-content/uploads/2021/03/After-the-Disaster-Recovery-for-Australias-Children-produced-by-Royal-Far-West-UNICEF-Australia.pdf>, p.12.

Aboriginal and Torres Strait Islander Children

59. The **UN Child Rights Committee** has highlighted disparities in indicators relating to rights of Indigenous children, situations of vulnerability experienced by Indigenous children, the need for Australia to strengthen its support to Aboriginal and Torres Strait Islander organisations, disparities in access to services by Indigenous children, and a large number of specific areas of concern in the realisation of the rights of Indigenous children (including those described elsewhere in this submission - *violence against children, children deprived of a family environment, administration of child justice, mental health and climate change*).
60. In 2020, all Australian Governments committed to the renewed **National Agreement on Closing the Gap** which seeks to overcome the entrenched inequalities faced by Aboriginal and Torres Strait Islander people, pushing for equality in life outcomes for all Australians. The **National Agreement** is built around four **Priority Reforms** to transform the way governments work with Aboriginal and Torres Strait Islander communities, organisations, and people across the country. These Reforms have been agreed to by all Australian, state and territory governments. They are:
- Formal Partnerships and Shared Decision Making
 - Building the Community Controlled Sector
 - Transforming Government Organisations
 - Shared Access to Data and Information at a Regional Level⁵⁰
- The National Agreement contains 19 social and economic targets and 15 supporting indicators.
61. The **Productivity Commission** maintains a “**Closing the Gap Dashboard**”.⁵¹ The latest update of the Dashboard shows that “there is no nationally agreed process to determine the relevant contributions required from each state and territory towards the targets”.⁵²
62. In July 2025 the **Productivity Commission** released the fifth **Closing the Gap** Annual Data Report which measures progress towards the targets for Aboriginal and Torres Strait Islander children:⁵³
- **Worsening progress and not on track:**
 - Target 4 to increase the proportion of Indigenous children assessed as developmentally on track
 - Target 12 to reduce the overrepresentation of Indigenous children in out of home care
 - Target 14 a significant and sustained reduction in suicide of Indigenous people
 - **No change from the baseline and therefore not on track:**
 - Target 11 to reduce the number of young people in detention
 - **Improving but not on track:**
 - Target 2 to increase the proportion of Indigenous babies with a healthy birthweight to 91%
 - Target 5 to increase the proportion of Indigenous children attaining year 12 education qualification
 - Target 5 to increase the proportion of Indigenous young people in education or employment
 - Target 9A to increase the proportion of Indigenous people living in appropriate housing
 - **On track:**
 - Target 3 to increase the proportion of children enrolled in preschool.
63. The context has been shaped by political events in Australia. On 14 October 2023 Australian citizens voted not to alter the **Australian Constitution** to create a body called the Aboriginal and Torres Strait Islander Voice which could make representations to the parliament and executive government on matters relating to Aboriginal and Torres Strait Islander peoples. The referendum debate raised issues of disinformation and racism which negatively impacted Indigenous communities, who overwhelmingly voted yes in the referendum.

⁵⁰ Australian Government, “Closing the Gap Priority Reforms”, available at: <https://www.closingthegap.gov.au/national-agreement/priority-reforms> (accessed 29 November 2025).

⁵¹ Productivity Commission, “Closing the Gap Information Repository”, last updated July 2025, available at: <https://www.pc.gov.au/closing-the-gap-data/dashboard> (accessed 30 November 2025).

⁵² Productivity Commission, “New Closing the Gap data – March 2025”, *Media Release*, March 2025, available at: <https://www.pc.gov.au/closing-the-gap-data/media-releases/new-closing-the-gap-data-march-2025/>.

⁵³ Productivity Commission, *Closing the Gap: Annual Data Compilation Report*, July 2025, available at: <https://assets.pc.gov.au/2025-10/closing-the-gap-annual-data-compilation-july2025.pdf>.

Digital Environment

64. There have been several policy initiatives around the digital environment impacting on children's rights.
65. The *Online Safety Amendment (Social Media Minimum Age) Act 2024*⁵⁴ was rushed through the **Australian Parliament** in the final days before the most recent Federal election was called, as a measure claiming to reduce online harms for young people. It places obligations on social media platforms to prevent children under 16 years of age from holding an account (but not from using a platform *per se*).
66. The lack of consultation with children and the proposed pace of implementation has raised concerns, but there are also expectations of significant consequences. Four key concerns are:
- The adverse impacts on children's other rights, such as the right to access information and participation, and their right to leisure and play. Social media space often function as a site and source of vital information and connection for young people.
 - Significant implementation issues, such as requirements for age assurance and verification online, that have implications for children's privacy.
 - A lack of focus on digital literacy and user empowerment with inadequate attention to monitoring of impacts and access.
 - A failure to 'protect' children from online risks. Rather than reducing the risk profile of the digital world, it seeks to remove children from some specific platforms. This means children will still be at risk elsewhere and may move to other risky platforms.⁵⁵
67. The introduction of an **Online Privacy Code for Children**⁵⁶ is anticipated and welcome, although it is not yet clear what improvements and protections for children will be delivered under the Code. More broadly, important reforms to the *Privacy Act 1988* have been delayed.⁵⁷ These reforms if implemented could introduce substantive improvements such as modernising the definition of personal data in Australia to capture metadata, a fair and reasonable test to ensure legality of data processing, and a prohibition on targeted advertising to children.
68. A more powerful, systemic approach to online safety has been proposed and agreed to by the **Australian Government** through the introduction of a Digital Duty of Care⁵⁸. These reforms were promised and have bipartisan support across the Australian Parliament but have not been advanced. A Digital Duty of Care approach has the capacity to pivot Australia's current Online Safety legislation away from content focus and the need for take down measures — important but reactive — to a more inclusive and preventative focus on platforms' obligations to end users' safety, especially when end users are children. The details will benefit from further investigation with children's perspective sought in development and implementation (unlike the process for the introduction of the legislation for the social media ban).

⁵⁴ Australian Government, *Online Safety Amendment (Social Media Minimum Age) Act 2024 (Cth)*, Act No. 127 of 2024, 2024, available at: <https://www.legislation.gov.au/C2024A00127/asmade/text>

⁵⁵ Australian Child Rights Taskforce (ACRT), "Open Letter on Social Media Bans", 9 October 2024, available at: <https://au.reset.tech/uploads/ACRT-Open-letter-re-social-media-bans.pdf>

⁵⁶ Office of the Australian Information Commissioner (OAIC), "Children's Online Privacy Code", OAIC, last updated 5 August 2025, available at: <https://www.oaic.gov.au/privacy/privacy-registers/privacy-codes/childrens-online-privacy-code>

⁵⁷ Privacy World, "Australian Privacy Law Reforms: On Pause or Something Entirely New Altogether?", Privacy World, 14 August 2025, available at: <https://www.privacyworld.blog/2025/08/australian-privacy-law-reforms-on-pause-or-something-entirely-new-altogether/>

⁵⁸ Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Australia), "Digital Duty of Care", available at: <https://www.infrastructure.gov.au/have-your-say/digital-duty-care> (accessed 30 November 2025).

Asylum-Seeking, Refugees and Migrant Children

69. The **UN Child Rights Committee** has noted that Australia continues to authorise the detention of asylum-seeking, refugee and migrant children and that disability remains a basis for rejecting an immigration request. The **UN Child Rights Committee** has recommended over two previous reporting cycles that Australia amend its legislation to comply with international law; to create an independent guardian for unaccompanied children; to prohibit the detention of asylum seekers, refugee and migrant children; to respect its non-*refoulement* obligations; ensure that the best interests of the child are a primary consideration in all decisions on asylum-seeking, refugee or migrant children; review migration law and policies to withdraw disability as a criterion for immigration decisions; provide support for all refugee and migrant children to ensure their rehabilitation, reintegration and sustainable resettlement; and introduce adequate mechanisms for monitoring the wellbeing of children involved in asylum, refugee and migration processes.
70. There has been no progress in Australia amending its legislation to create an independent guardian for unaccompanied children.
71. There has been no progress in Australia amending its legislation to comply with international law in relation to refugees and asylum seekers. There has been no progress in Australia in prohibiting the detention of asylum seekers, refugee and migrant children (including in regional processing countries) and to respect its non-*refoulement* obligations.
72. There has been no progress to ensure that the best interests of the child are a primary consideration in all decisions on asylum-seeking, refugee or migrant children.
73. There has been no progress to review migration law and policies to withdraw disability as a criterion for immigration decisions. The **Disability Royal Commission** has recommended this change.
74. Services and support for the settlement of migrants and new arrivals in Australia are to be delivered in accordance with the **National Settlement Framework**⁵⁹. The framework is a 'high level structural blueprint for the three tiers of government, to work in partnership to effectively plan and deliver services that support the settlement of migrants and new arrivals in Australia'. It is designed for adults and there is no specific framework for children.
75. There has been limited progress in providing support for all refugee and migrant children (including those to be dealt with in the future in regional processing countries) to ensure their early rehabilitation, reintegration and sustainable resettlement; and introduce adequate mechanisms for monitoring the wellbeing of children involved in asylum, refugee and migration processes. Despite the evidence of psycho-social problems amongst asylum seeker children, the Australian Government does not fund specific mental health services to support asylum-seeking, refugee and migrant children.

⁵⁹ Australian Government, *The National Settlement Framework*, 2016, available at: <https://immi.homeaffairs.gov.au/settlement-services-subsite/files/the-national-settlement-framework.pdf>

General Measures of Implementation

Legislation

76. The **UN Child Rights Committee** has recommended in previous reporting cycles the enactment of comprehensive national child rights legislation and clear guidelines for its consistent and direct application throughout states and territories. Australia has made no significant progress towards this recommendation. Existing national legislation relating to children is piecemeal and incomplete. The limited references to the Convention in individual pieces of legislation fall significantly short of comprehensively incorporating the Convention. Australia also lacks a national **Human Rights Act**.

Coordination

77. The **UN Child Rights Committee** has recommended in previous reporting cycles that Australia provide to an appropriate body a clear mandate, sufficient authority, and resources to coordinate all activities to implement child rights at cross-sectoral, federal, state, territory, and local levels.
78. Australia has made no significant progress towards this recommendation. No appropriate body or other mechanism exists to coordinate implementation.
79. There is no Cabinet-level Minister for Children with responsibility for coordinating activities related to children. Instead, responsibilities are distributed across multiple Ministers with no effective coordination. The **National Office of Child Safety** has been transferred out of the **Department of Prime Minister and Cabinet** with no apparent ongoing monitoring and coordination powers and functions across Government and jurisdictions.

Allocation of resources

80. The **UN Child Rights Committee** has recommended on previous reporting cycles that Australia allocate adequate budget resources for the implementation, monitoring and evaluation of all policies, programmes, and legislative measures for children and the realisation of their rights.
81. Australia has made no significant progress towards this recommendation. Implementation of policies, programmes and legislative measures for children is inadequately resourced, not systematically monitored and evaluated, and not systematically directed at realising rights.

Dissemination, awareness-raising, and training

82. The **UN Child Rights Committee** has recommended in previous reporting cycles that Australia strengthen awareness-raising on child rights, include mandatory modules on human rights in the school curriculum and in training for all professionals working with or for children.
83. Australia has made no significant progress in addressing this recommendation. There remains no commitment to human rights education in curriculum or committed resources to a consistent national approach to education on human rights for children nor in training for professionals working with children. The **Parliamentary Joint Committee on Human Rights** recently recommended significant and ongoing funding for human rights education.⁶⁰

⁶⁰ Parliament of Australia, *Inquiry into Australia's Human Rights Framework*, 2024, available at: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report/List_of_recommendations.