



Australian  
Human Rights  
Commission

## **National Children's Commissioner seeks your views on Australia's progress in implementing the Convention on the Rights of Children**

# **Call for submissions**

As you know, Australia is currently preparing for its appearance before the United Nations Committee on the Rights of the Child. This Committee monitors Australia's progress in fulfilling its obligations under:

- the Convention on the Rights of the Child (CRC)  
(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>)
- the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC)  
(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>)
- the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)  
(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>)

The Australian Government reports on its progress every five years. Its latest report can be located at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fAUS%2f5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fAUS%2f5-6&Lang=en)

The Committee provides Concluding Observations on the information it receives from the Australian Government. You can find the 2012 Concluding Observations at

[http://www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_AUS\\_CO\\_4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_AUS_CO_4.pdf)

The Commission, in its role as a national human rights institution (NHRI), is independently reporting to the Committee on the Rights of the Child about Australia's implementation of the CRC, OPSC and OPAC. The Commission's written report is due on 1 November 2018.

All reports to the Committee on the Rights of the Child use the following clusters of articles as their structure.

## **Clusters of Rights**

### **1. General measures of implementation** (art. 4, 42, 44(6))

### **2. Definition of the child** (art.1)

### **3. General principles**

- non-discrimination (art. 2)
- best interest of the child (art. 3)
- right to life, survival and development (art. 6)
- respect for the views of the child (art. 12)

### **4. Civil rights and freedoms**

- birth registration, name and nationality (art. 7)
- preservation of identity (art. 8)
- right to seek, receive and impart information (art. 13)
- freedom of thought, conscience and religion (art. 14)
- freedom of association and of peaceful assembly (art. 15)
- protection of privacy and protection of the image (art. 16)
- access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)
- measures to promote physical and psychological recovery and social reintegration of child victims (art. 39)

### **5. Violence against children**

- abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)
- measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24(3))
- right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))
- sexual exploitation and sexual abuse (art. 34)

### **6. Family environment and alternative care**

- family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5)
- separation from parents (art. 9)
- family reunification (art. 10)
- illicit transfer and non-return (art. 11)
- parents' common responsibilities, assistance to parents and the provision of childcare services (art. 18)
- children deprived of family environment (art. 20)
- adoption, national and inter-country (art. 21)
- periodic review of placement (art. 25)
- recovery of maintenance for the child (art. 27(4))

## **7. Disability, basic health and welfare**

- measures taken to ensure dignity, self-reliance and active participation in the community for children with disabilities (art. 23)
- survival and development (art. 6(2))
- health and health services, in particular primary health care (art. 24)
- social security and childcare services and facilities (arts. 26 and 18(3));
- standard of living and measures, including material assistance and support programmes with regard to nutrition, clothing and housing, to ensure the child's physical, mental, spiritual, moral and social development and reduce poverty and inequality (art. 27, paras. 1–3)
- measures to protect children from substance abuse (art. 33)

## **8. Education, leisure and cultural activities**

- right to education, including vocational training and guidance (art. 28)
- aims of education with reference also to quality of education (art. 29)
- cultural rights of children belonging to indigenous and minority groups (art. 30)
- rest, play, leisure, recreation and cultural and artistic activities (art. 31)

## **9. Special protection measures**

- children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration (art. 22)
- children belonging to a minority or an indigenous group (art. 30)
- economic exploitation, including child labour, with specific reference to applicable minimum ages (art. 32)
- use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances (art. 33)
- sale, trafficking and abduction (art. 35)
- other forms of exploitation (art. 36)
- sentencing of children, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a)) and the existence of alternative sanctions based on a restorative approach; children deprived of their liberty, and measures to ensure that any arrest, detention or imprisonment of a child shall be used as a measure of last resort and for the shortest appropriate time and that legal and other assistance is promptly provided (art. 37 (b)–(d))
- children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)
- physical and psychological recovery and social reintegration (art. 39)
- administration of juvenile justice (art. 40), the existence of specialised and separate courts and the applicable minimum age of criminal responsibility.

As National Children's Commissioner, I would like to include your views on how Australia is progressing or not progressing in terms of implementing the Convention on the Rights of the Child. You can do this in a couple of ways:

- By reading the 2012 Concluding Observations and specifically commenting on the extent to which Australia has progressed against them over the past five years
- Using the clusters identified by the Committee to comment on Australia's progress or lack of progress in achieving specific rights.

I would appreciate it if you would use cluster names and article numbers in your submission to make it clear which children's rights are the focus of your submission.

I encourage you, where possible, to include the views of children and young people.

The findings will be included in the Commission's Report to the Committee on the Rights of the Child. Given the word restriction placed on the report to the Committee on the Rights of the Child, I intend to prepare a more comprehensive version as my 2018 statutory report to Parliament. This will be a 'state of the nation' report on child rights in Australia.

Submissions close on Monday 23 May 2018. Please send submissions electronically to [kids@humanrights.gov.au](mailto:kids@humanrights.gov.au) with the subject title SUBMISSION, or in writing to GPO Box 5218 Sydney NSW 2000.

Your submission will be published on the website of the Australian Human Rights Commission unless you request otherwise or if the Australian Human Rights Commission considers it should not be made public.

### **National Help and Counselling Services**

Lifeline – 24 hour crisis support and suicide prevention

- Telephone: 13 11 14
- Website: [www.lifeline.org.au](http://www.lifeline.org.au)

Kids Helpline – counselling service for children and young people aged 5 to 25 years

- Telephone: 1800 55 1800
- Website: [www.kidshelp.com.au](http://www.kidshelp.com.au)