



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Eighty-second session

9–27 September 2019

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined fifth and sixth periodic reports of Australia

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 May 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

### Part I

1. Please provide information on the steps taken to develop a comprehensive child rights law at the national level with application throughout the country. In relation to the State party's report (CRC/C/AUS/5-6, paras. 11–12), please explain how the statement of compatibility with human rights is effectively reflected in proposed legislation and in particular regarding children's rights and their implementation.
2. Please inform the Committee how the streamlined Ministerial Council system of the Council of Australian Governments ensures in practice the coordination and coherence of policy initiatives regarding children across governments. Please provide information on the role of the Office for Women within the Department of the Prime Minister and Cabinet concerning children. Please also provide information on the steps taken to develop a comprehensive policy and strategy to implement the Convention and its Optional Protocols as a whole.
3. Please indicate the measures taken to establish a budgeting process with clear allocations to children's rights, and specific indicators and a tracking system to monitor and evaluate the impact of those budgetary allocations on children's rights. Please provide information on any disaggregated data collected on children and on the mandate of the new Office of the National Data Commissioner regarding data relevant to children.
4. Please provide information on measures taken to eliminate de facto discrimination against girls, Aboriginal and Torres Strait Islander children, children living in remote areas, refugee, asylum-seeking and migrant children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children, including measures to combat gender stereotypes, address disparities in access to services, evaluate the Northern Territory National Emergency Response Act (2007) and prohibit discrimination on the basis of sexual orientation or gender identity.
5. Please provide information on measures taken to explicitly prohibit by law all forms of corporal punishment in all settings, including "reasonable chastisement", in all states and

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territories. Please also describe measures to raise public awareness on the harmful effects of corporal punishment and to provide relevant training to professionals working with or for children. Please also indicate how the State party ensures that “reasonable chastisement” is not used as a defence to a charge of assault of a child.

6. Please provide information on the measures taken to address instances of child abuse and neglect, including sexual abuse, and family and domestic violence, including measures to avoid revictimization. Please indicate the specific measures taken to support girls, Aboriginal and Torres Strait Islander children and children with disabilities. Please provide information on cases of child marriage.

7. Please explain how the measures taken to support families resulted in fewer children placed in out-of-home care, particularly with regard to Aboriginal and Torres Island families. Please provide information on the criteria for the placement of a child in care, and on measures taken to periodically review placements, to improve the training of childcare workers, to ensure equal access to education and mental health services, to prepare for out-of-care placements and to establish accessible and child-sensitive mechanisms for reporting cases of abuse.

8. Please provide information on the follow-up to the 2015–2016 evaluation of the National Disability Strategy concerning children. Please clarify why the National Disability Insurance Scheme was not designed to cover all children with severe or profound disabilities, and explain the criteria for eligibility and the types of support covered by the scheme. Please provide information on measures taken to support families, to promote inclusive education and to prohibit the forced non-therapeutic sterilization of children with disabilities.

9. Please provide information on:

(a) The measures taken to develop an anti-poverty strategy to target children in vulnerable situations, including Aboriginal and Torres Strait Islanders;

(b) The challenges faced by the State party in reducing child homelessness, given that the number of homeless children is increasing;

(c) The efforts made to address the problem of climate change and to reduce the vulnerabilities and risks for children as a result of climate change.

10. Please inform the Committee about the efforts made to review the Immigration (Guardianship of Children) Act of 1946 with a view to establishing an independent guardianship entity for unaccompanied immigrant children, and to review the Migration Act of 1958 to prohibit the detention of children during immigration proceedings. Please provide information on the measures taken to stop the detention of asylum-seeking, refugee and immigrant children in offshore facilities and to provide the necessary support and redress to children who were detained.

11. With regard to Aboriginal and Torres Strait Islanders children, please provide information on measures taken to:

(a) Reduce disparities in health care;

(b) Address the overrepresentation of Aboriginals in prison and the negative impact that it has on their children, such as family separation and the low rates of family reunification;

(c) Increase school attendance, improve educational outcomes and ensure that school curricula and teaching methods are relevant to children’s contexts and future needs.

12. Please provide information on the measures taken to:

(a) Increase the minimum age of criminal responsibility;

(b) Ensure that children in conflict with the law are always separated from adults in detention facilities;

(c) Ensure that children with intellectual or psychosocial disabilities are not dealt with under judicial proceedings and do not remain in indefinite detention;

(d) Establish an effective mechanism to investigate and address cases of abuse in juvenile detention centres.

13. Please provide information on the measures taken to implement the Committee's previous recommendations under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/AUS/CO/1 and Corr.1), including measures to:

- (a) Establish a coordinating entity and a mechanism for data collection, analysis, monitoring and impact assessment;
- (b) Prohibit and criminalize the sale of children;
- (c) Investigate and sanction offences;
- (d) Provide reparations, redress and physical and psychosocial support to victims.

14. Please provide information on the measures taken to implement the Committee's previous recommendations under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/AUS/CO/1), including with regard to:

- (a) Prohibiting the handling and use of firearms by children under 18;
- (b) Establishing oversight of and accountability for private military and security companies;
- (c) Identifying and supporting asylum-seeking and refugee children who have been or may have been involved in armed conflict.

## Part II

15. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## Part III

### Data, statistics and other information, if available

16. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

17. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Cases of violence against children, child neglect and abuse and the number of investigations and prosecutions carried out and sentences issued;
- (b) Asylum-seeking and migrant children in reception centres;
- (c) Child victims of sale, trafficking, prostitution and pornography and the number of investigations and prosecutions carried out and sentences issued.

18. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Separated from their parents;
- (b) Living with relatives;
- (c) Placed in institutions;
- (d) Placed in foster families, and of these the number of children placed in foster families of their ethnicity.

19. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

20. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) In pretrial detention;
- (d) Serving a sentence in detention, including data on the length of the sentence.

21. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

22. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

23. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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