

Megan Mitchell  
National Children's Commissioner  
kids@humanrights.gov.au



OMEP Australia NSW Chapter

info@omepaustralia.org

Dear Commissioner,

Thank you for the opportunity to make a submission as in relation to Australia's progress in implementing the Convention on the Rights of the Child. This submission is based on the views of the NSW Chapter of OMEP Australia. OMEP is the World Organization for Early Childhood Education.

OMEP is an international, non-governmental and non-profit organization, which has worked for all aspects of early childhood education and care (ECEC) since 1948. OMEP is currently established in over 70 countries, has special consultative status with UN and UNICEF, and is represented at the meeting of other international organizations with similar aims. OMEP defends and promotes the rights of the child to education and care worldwide and supports activities which improve accessibility to high quality education and care. The principal object of OMEP Australia and therefore the NSW Chapter is to provide direct relief of poverty, sickness, abuse, suffering or other forms of misfortune suffered by children.

OMEP Australia, NSW Chapter, has read the 2012 Concluding Observations and will comment on the extent to which Australia has progressed against them over the past five years. There are many areas where Australia could do better working in the interests of children and in upholding the UNCRC. We will however limit ourselves to a small number of articles in accordance with the objectives of our constitution.

We draw attention to the following Articles of the UNCRC:

**Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

**Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

**Article 22**

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

Our response is written in the context of the recommendations made in 2012.

**General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

**Number 12** We ask once again that attention be given to enacting a comprehensive Child Rights Act at the national level, which fully incorporates the provisions of the Convention and its Optional Protocols and provides clear guidelines for their consistent and direct application throughout the territory of the State party.

A Child Rights Act would ensure that Australian legislation and policy would be developed within a legal framework that demands the upholding of children's rights and the best interests of children.

Independent monitoring

**Number 17 and 18.** We commend the action that has installed a National Children's Commissioner for Australia and ask that adequate resources be allocated to the NCC to ensure the full mandate is achieved and the work of the NCC is expanded.

**Special protection measures (arts. 20, 22, 30, 38, 39, 40, 37 (b)-(d), and 32- 36 of the Convention) Asylum- seeking and refugee children**

**Number 81** We are particularly concerned that immigration and asylum laws are currently in contravention of the Convention. We ask that consideration be given to the development and implementation of legislation in Australia that prohibits the detention of unaccompanied and separated children outside their country of origin and of children who are asylum-seeking, refugees and/or irregular migrants. The legislation must protect the best interests of the child as the primary consideration in all immigration and asylum processes.

As a final point we also ask that the Australian government implement the recommendations in the Human Rights Commission Report; *The Forgotten Children, National Inquiry into Children in Immigration*.

Yours sincerely,

*Vivi Germanos Koutsouradis*

Director

OMEP NSW

Chapter of OMEP Australia

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