

A Children's Rights Framework



Australian
Human Rights
Commission

Australia's third UPR | 2021

Background

The *Convention on the Rights of the Child* (CRC) requires that countries put in place comprehensive laws, policies, systems and plans to realise the promises made to children in the CRC.

In Australia, there are few laws and policies at the national level that protect human rights, and specifically children's rights.

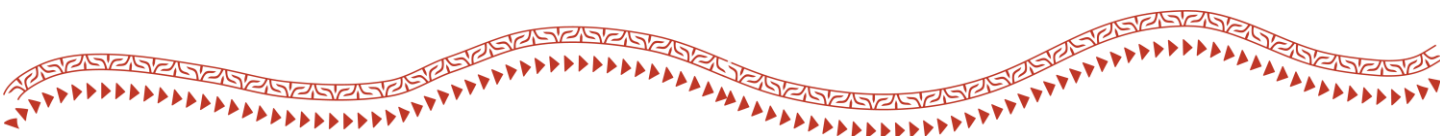
In 2018, Australia submitted its combined 5th and 6th periodic report on children's rights to the UN Committee on the Rights of the Child. In September 2019, the Committee issued its Concluding Observations on Australia's progress. The Committee recommended that 'the Australian Government adopt a national comprehensive policy and strategy on children that encompasses all areas of the Convention, with sufficient human, technical and financial resources for implementation'.¹

In February 2020, the National Children's Commissioner released her statutory report—*In Their Own Right: Children's Rights in Australia*—which highlights the Committee's Concluding Observations and recommends that Australia introduce a comprehensive children's rights framework.

Key Issue – A nationwide children's rights framework

Apart from the activities of the National Children's Commissioner, there is no national platform from which to advance children's rights across the domains of the CRC. For example:

- **The legal protections of children's rights in Australia are not comprehensive and do not provide an effective remedy for violations.** While the Parliamentary Joint Committee on Human Rights assesses whether new legislation, including the CRC is consistent with Australia's human rights obligations, the committee has limited capacity and has not been able to review all relevant bills.
- **There is no national level coordination of the many policy initiatives that exist across all governments relating to children.** Existing national initiatives concentrate on challenges facing specific groups of children. For example, the National Framework for Protecting Australia's Children (2009–2020) primarily focuses on child abuse and neglect.



- **Australia does not have budgeting processes** that specifically track the allocation of resources to all children.
- **There are significant and serious gaps in the data** that is collected and is publicly available on children.
- **Independent monitoring of children’s rights**, including the ability for children to make complaints, is limited. The Australian Government has indicated that it is not planning to ratify the *Optional Protocol to the CRC on a Communications Protocol*, which provides that individual children can submit complaints to the UN Committee about specific violations of their rights.
- **No ministerial council has direct accountability for the wellbeing of Australia’s children.** In 2018, the Australian Government created the role of Assistant Minister for Children and Families within the Social Services portfolio. However, without a senior Minister equipped with relevant resources and mandate, nor a dedicated cross-jurisdictional council, children’s issues may not be able to be advanced in a meaningful, coordinated way.
- Although the National Children’s Commissioner and the Australian Human Rights Commission develop educational resources for schools, **human rights education modules are not a mandatory part of the national school curriculum.**

Recommendation

Government fully incorporate the CRC into Australian law; develop a National Plan for Child Wellbeing and a national children’s data framework, using the CRC as its foundation; and create a Cabinet-level Minister with overall responsibility for children’s rights



Endnotes

¹ United Nations Committee on the Rights of the Child, *Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Australia*, 82nd Sess, UN Doc CRC/C/AUS/CO/5-6 (30 September 2019) para 8.