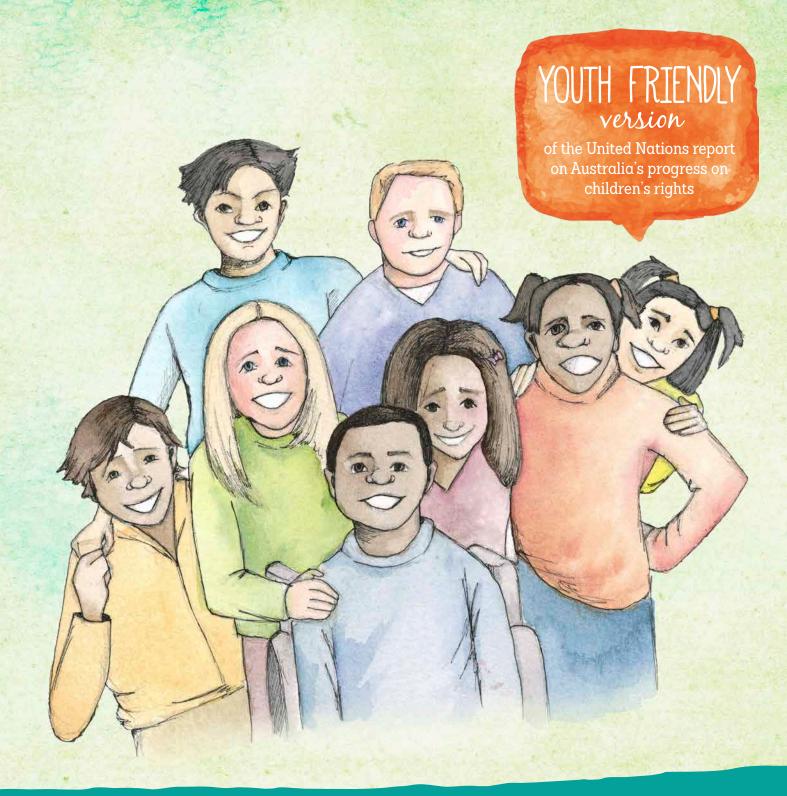
MAKING AUSTRALIA MORE CHILD FRIENDLY











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Youth Friendly Version of the United Nations Committee on the Rights of the Child, Concluding Observations to Australia, June 2012

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Plan International is one of the oldest and largest child rights organisations in the world, founded 75 years ago, working in 50 developing countries across the globe. Plan's vision is of a world in which all children realise their full potential in societies that respect people's rights and dignity.

www.plan.org.au

UNICEF works in over 190 countries to promote and protect the rights of children. In Australia, UNICEF advocates for the rights of all children to be realised and works to improve public and government support for child rights. For more information and resources for children, young people, parents, carers and educators visit: www.unicef.org.au/education

Australian Child Rights Taskforce is led by UNICEF Australia and the National Children's and Youth Law Centre (NCYLC). It is made up of over 100 organisations, standing up for the protection of child rights in Australia.

www.childrights.org.au

Australian Human Rights Commission helps protect children's rights. Megan Mitchell is the National Children's Commissioner: kids@humanrights.gov.au
www.humanrights.gov.au

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The original Concluding Observations of the United Nations Committee on the Rights of the Child are available online at www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_AUS_CO_4.pdf. In this booklet we have adapted these Concluding Observations to make them easily understood by children and young people.

INTRODUCTION

This booklet is a youth-friendly version of the recommendations made to Australia about how to improve the lives of children and young people. The recommendations are based on the standards set out by the Convention on the Rights of the Child.

What is the Convention on the Rights of the Child?

The **Convention on the Rights of the Child** (CRC) is a document that outlines the human rights children have. Human rights are the basic standards for people to live in dignity and be treated fairly.

Child rights are the additional, special rights given to children, because of their vulnerabilities and progressive development towards adulthood. In the CRC anyone under 18 is a child but it does recognise that there are differences in abilities and understanding depending on your age. This magazine is aimed at young people of secondary school age. There is another version for young children.

What countries does it apply to?

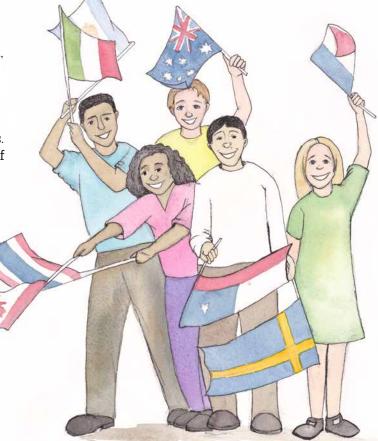
Individual countries can choose to sign and ratify (agree to) a convention. Almost all countries, including Australia, have agreed to the Convention, making it the most widely agreed to human rights document in the world.

The CRC took 10 years to write and any country at the United Nations could be part of the discussions. Australia made contributions to the development of the Convention.

There are also three documents which outline:

- the rights of children in armed conflict;
- the rights of children to be protected from being sold, prostitution and pornography;
- the rights of children to submit individual complaints on violations of their rights to the UN Committee on the Rights of the Child.

Australia has not yet signed the third document.



You can see the alternative report organisations put together here, called 'Listen to Children' www.ncylc.org.au/images/2011report.pdf

That means 194 countries have ratified the Convention!

Who makes sure that countries do the right thing?

Each country that has ratified the Convention submits a report every four years to a group of experts from all over the world, called the **Committee on the Rights of the Child**. The Committee takes reports from governments and also gets information from children's and youth organisations, charities, academics and children and young people themselves, all of whom may have different evidence about what the government is doing and the impact on children and young people.

The Committee then makes some suggestions about how things can improve. These suggestions are called **Concluding Observations**. The Australian Government handed in their report in 2011 and in 2012 the Committee gave its advice about how Australia can improve. The Australian Government has to submit its next report by 15 January 2018.

The Australian Government has responsibility to consider what the Committee says and make its laws, policies and processes better for children and young people. But it cannot be forced to do this.

Where does this booklet fit in?

The original Concluding Observations are written by experts for the Government, but you have the right to know what has been said. So this version aims to give you as much of the original information as possible, in a simple way.

How should I use this booklet?

The headings in this booklet mimic the original Concluding Observations so that you can compare the two if you want to. You can skip to topics you are interested in, according to the headings, or read the whole thing. It is up to you!



The Government is also supposed to make sure the public, including children and young people, are able to read these recommendations in a language they understand.

AN OVERVIEW OF ISSUES

There are definitely things Australia is doing well. The Committee noted a few new laws and policies since Australia's last report that have improved the legal protection children and young people have in Australia.

Yet there are still areas in which Australia can do better:

Australia needs a national plan or policy on children's rights to stop the differences in how children are treated depending on where they live and make sure all children benefit.

There needs to be more effort to tell people about children's rights, including children and those who work with them

Australia should maintain an international aid program that focuses on child rights.

The Government should set up a budget plan, which deals with the needs of children at the national, state and territory levels. This plan should include regular checks on how states and territories are spending the money.

The Government should consider appointing a Deputy Commissioner for Aboriginal and Torres Strait Islander children Australian mining companies working overseas should still follow Australian child rights laws.

In 2013 the Government appointed a **National Children's Commissioner**, so the Government is listening! Her name is Megan Mitchell. Her job is to listen to children and tell our leaders which children need more support.



@MeganM4Kids



kids@humanrights.gov.au



www.facebook.com/MeganM4Kids

SPECIFIC AREAS OF CONCERN

NON-DISCRIMINATION

You should not be discriminated against for any reason, including your race, colour, sex, language, religion, opinion, origin, social or economic status, sexual orientation, birth or any other aspect of your family.

Our achievements

Australia's Multicultural Policy.

DISCRIMINATION

Unfair treatment of a person or group of people just because of their age, gender, sexual orientation, race, religion or another characteristic.

What needs attention:

- There is still concern that racism is a problem for young people. Specifically the Committee was concerned that Aboriginal and Torres Strait Islander children:
 - o have problems accessing basic services
 - are more likely to have contact with police and courts
 - o are more likely to live away from their families
 - o are less likely to be consulted when policies and decisions are made that affect them.
- When the Concluding Observations were written there is no national legislation that protects young people against discrimination on the basis of sexual orientation or gender identity.



There is national legislation now! The Sex Discrimination Act was revised to include protection against discrimination on the basis of sexual orientation or gender identity. It came into effect on 1 August 2013.

The Committee's recommendations:

 The Government should check whether children are enjoying their rights and take steps to make sure all children can enjoy them equally.

BEST INTERESTS OF THE CHILD

Children's rights include a requirement that governments act in the best interests of the child. This means that when adults make decisions that affect children, they should consider what would be best for the child.

What needs attention:

- The best interests of the child principle is not well understood.
- The principle is not being applied in decisions about asylum seeking children and those in immigration detention.

The Committee's recommendations:

- Create guidelines and procedures that help courts, welfare agencies and officials understand and properly apply the best interests of the child principle to their decision making.
- Use the best interests of the child principle equally for asylum seeking children and those in immigration detention.

ASYLUM SEEKERS

are people who have to leave their country because they fear cruelty from the government or other groups in their country and don't have any protection. They have to leave their homes and go to another country to find protection and apply for refugee status.

RESPECT FOR YOUR VIEWS

Governments should listen to you when decisions that affect you are made. Your opinion, as well as other information, should be used to decide what is best for you. Australia is not very good at this.

Our achievements

 The Australian Youth Forum has been set up to make sure young people, organisations working with young people and the government all talk to each other.



What needs attention:

- There are not enough opportunities for children and young people to have their say.
- Aboriginal and Torres Strait Islander children, children under the age of 15 and those seeking asylum
 or in immigration detention were highlighted as most in need of new ways to tell the government what
 they think.

The Committee's recommendations:

• Create new ways for children and young people to have their voices heard at all levels of government, family, community and school.



The Committee care about the rights of all children in Australia, and across the world

BIRTH REGISTRATION

When a child is born their family should apply for a birth certificate. A birth certificate helps you prove your identity, receive social services, have a tax number, get a passport and be able to vote. Without being registered and having a birth certificate you cannot access many basic social services.

What needs attention:

- Sometimes Aboriginal and Torres Strait Islander peoples have trouble registering their children.
 Some of the reasons given for this were:
 - Parents find the forms hard to understand and fill out
 - Parents don't always understand the importance of a birth certificate
 - Not enough support given to families to follow the official process
 - The certificate costs money

The Committee's recommendations:

- The Committee advised Australia to make birth certificates free to everyone.
- Australia should make sure all children are registered at birth by communicating how important
 a birth certificate is and making sure all people know how to register their new baby and then get a
 birth certificate.

PRESERVATION OF IDENTITY

Our identity is strongly linked to our name and our families' language and culture. Governments must respect this.

What needs attention:

 Many Aboriginal and Torres Strait Islander children are put into care and become disconnected from their language and culture.

The Committee's recommendations:

 Aboriginal and Torres Strait Islander children should be supported so they can stay connected to their identity, name, culture, language and family as much as possible.

FREEDOM OF ASSOCIATION

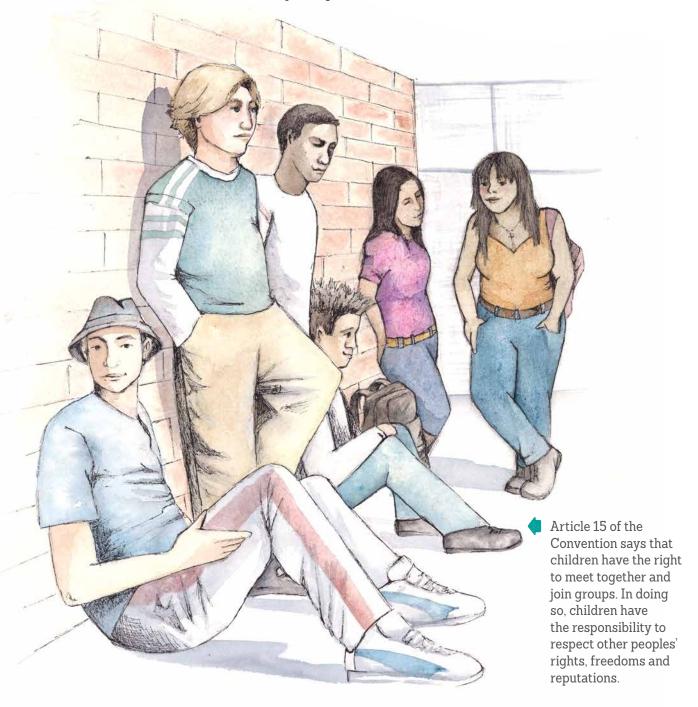
Children have the right to meet and join groups, as long as this does not stop other people enjoying their rights.

What needs attention:

• In some states or territories of Australia, police can ask children and youth to 'move on' if they are hanging around in groups, even if they are not being disruptive.

The Committee's recommendations:

• If there are problems because of young people hanging out in some places, there needs to be ways to deal with this that do not involve policing.



PROTECTION OF PRIVACY

The Convention says people cannot collect or access private information about you without getting permission from you and your parents.

Our achievements:

- Australia has laws so that people can complain when government agencies, officers and large private organisations don't respect their privacy.
- There are guidelines on how to apply privacy laws to children's personal information.

What needs attention:

- There are no systems in place for children to make complaints.
- Australia's laws do not protect young people's privacy the same way in all parts of Australia. For example, if a child in Western Australia or the Northern Territory is charged with "anti-social behaviour", their details can be made public.
- When children use health services, especially sexual and reproductive health services, they cannot be sure that this information will be private.

The Committee's recommendations:

- Australia needs to strengthen the legal protection of privacy for all children.
- There should be a way for children to complain if their privacy is not protected.
- There should be one consistent law so young people all over Australia have equal protection.



CORPORAL PUNISHMENT

The Convention says you should be free from all forms of violence.

What needs attention:

 The laws in Australia still allow corporal punishment to be used as a form of discipline, if it is 'reasonable'.

The Committee's recommendations:

- Any type of physical punishment should be banned so it cannot be used to punish children and young people in homes, in schools, in detention centres or anywhere else.
- People should be educated in non-violent ways to discipline children and young people.
- Adults working with children should be trained so they recognise and report cases of physical punishment.

CORPORAL PUNISHMENT

is the use of physical force to discipline a child. It can include hitting, kicking, shaking, biting and forcing a child to stay in uncomfortable positions.

VIOLENCE AGAINST CHILDREN AND WOMEN

Children should be protected from violence.

Our achievements:

• The Australian Government has made a plan called 'National Plan to Reduce Violence against Women and their Children 2010-2012'.

What needs attention:

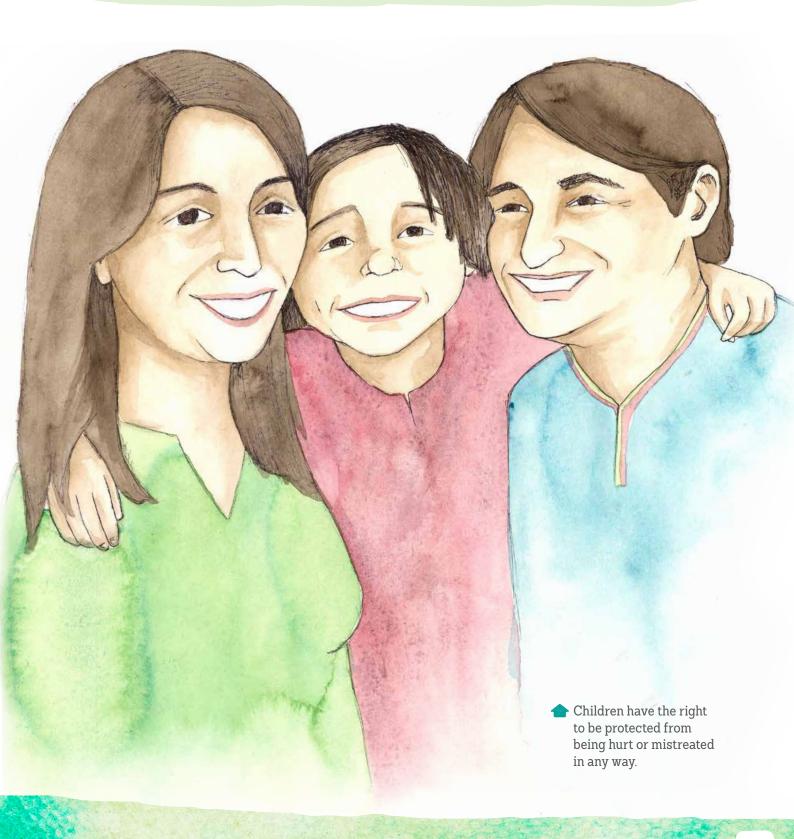
- Women and children in Australia are at a higher risk of being victims of bullying, violence and abuse than men. The Committee is especially worried about:
 - Aboriginal women and children
 - Girls with disabilities being operated on so they can no longer have children
 - Children who are being physically abused in their homes
 - Lack of protection for children from violence in schools and on the internet

The Committee's recommendations:

- Use a more detailed Government action plan to help vulnerable groups.
- Ban all forms of violence against children.

Abuse takes many forms; it does not have to be violent. To find out more about it or where you can get help check out:

- http://au.reachout.com/Tough-Times/Bullying-Abuse-and-Violence/Abusive-relationships
- <u>www.kidshelp.com.au</u>



CHILDREN IN CARE

If your family cannot look after you properly, then you must be cared for by people who respect your religion, traditions and language.

Our achievements:

• The Government has tried to improve support given to families.

What needs attention:

- The number of children who have to live away from home is increasing.
- There is not very much information about what leads to children being taken out of their homes and put in care.
- There are reports of abuse of children in care.
- Children in care find it harder to get good healthcare and education.
- Aboriginal and Torres Strait Islander children are often placed in care that is outside their communities and culture.

The Committee's recommendations:

- The Government needs to look at why children are being taken from their families and find out ways that those families can be better supported to avoid this.
- There has to be better training of those making these decisions and the people in charge of the care of those children who do live away from their families.

ADOPTION

What is best for you should be the first concern when making adoption arrangements.

What needs attention:

- Only three states or territories in Australia ask children 12 years or older if they consent (agree) to being adopted.
- The Committee is also worried that children's best interests are not the focus when adoptions are being organised.

The Committee's recommendations:

- Australia has been asked to make sure all states and territories have laws so that adoption includes the child's consent, if they are able to give it.
- Children should also have their own legal advice and any decision made has to have what is best for the child as its most important aim.

ABUSE AND NEGLECT

Governments have to protect you from abuse, violence or neglect by anyone who looks after you.

Our achievements:

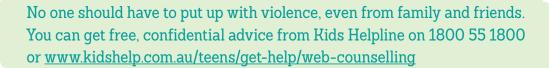
• Children's safety has been made a priority within the family law system and a relationship with both parents is encouraged when this is safe to do so.

What needs attention:

- There is still a very high rate of domestic violence.
- Training to help doctors and teachers identify when children are exposed to violence in their home is still not good enough.

The Committee's recommendations:

- Australia should start to support families who are at risk, even before a baby is born, so that the chances of abuse and neglect happening can be lessened.
- More work is needed to make sure children who have been abused have a safe and positive chance to be reunited with their families.



CHILDREN WITH DISABILITIES

If you have any form of disability you should have special care, support and education so you can participate fully in your community.

What needs attention

- Support services for children with disabilities are unfair, under-funded and inefficient.
- There are not enough support and care services for children with disabilities and for their families and carers.
- Children with disabilities generally have lower education than children without disabilities.
- A number of girls with disabilities are being sterilised when it is not medically necessary.
- Australian laws allow the Government to reject immigration visas of children because they have a disability.

The Committee's recommendations

- Make new laws to better protect children with disabilities from discrimination.
- Children's best interests must be the top priority when decisions about care are made.
- Social attitudes must be changed so children with disabilities are treated as equals.
- Children with disabilities need support so they can go to schools and get a better education.
- Unless it is for serious medical reasons children with disabilities should not have their ability to have children in the future taken away from them.
- There should be no discrimination towards immigrants and asylum seeker children who have a disability.

STERILISATION

is a medical operation that stops someone being able to have children.



HEALTH AND HEALTH SERVICES

You have the right to good quality healthcare and health education.

What needs attention:

 Aboriginal and Torres Strait Islander children and children living in remote areas often have poorer health and poorer access to health services.

The Committee's recommendations:

- All children should be provided with the same quality and access to health care services.
- All medical and health professionals need to be trained in children's rights.

MENTAL HEALTH

Your rights to quality healthcare and development include support for mental health issues.

What needs attention

- Research has found that poor mental health is the biggest cause of disease in children and young people in Australia.
- There is a high rate of suicide among young people in Australia, particularly among Aboriginal people.
- There is not enough financial support for mental health services for children.
- There is concern about children with attention deficit disorders being given medication that is used to treat mental health disorders.



The Committee's recommendations

- Research the causes of mental health issues in young people, in particular suicide, substance abuse, and violence.
- Create more services to support children with mental health problems, and their families.
- Consult with children and young people to develop better programs and services.
- The use of medications should be monitored to avoid negative effects and both parents and children should receive more information and support services.

Do you have concerns or questions about mental health? There are a range of services especially for young people. Thanks to Kids Helpline, here's a list.

BEYOND BLUE

Provides information and awareness about preventing depression and responding effectively to it. The site provides FAQs, depression resources and research and links to related organisations.

 $\underline{www.beyondblue.org.au}$

BLACK DOG INSTITUTE

Information about depression and bipolar disorder including symptoms, causes, treatments, Q & A section, self assessment tools and getting help.

www.blackdoginstitute.org.au

HEADSPACE

Headspace provides young people aged 12 – 25 and their families with health advice, support and information through headspace centres across Australia and online through headspace.org.au

www.headspace.org.au

ITS ALL RIGHT — CREATED BY SANE AUSTRALIA

Contains diaries of four fictional teenagers touched by mental illness, as well as fact sheets and information on mental illness including schizophrenia, depression and anxiety disorders.

www.itsallright.org

KIDS IN MIND

Provides information on the Mater Child and Youth Mental Health Service (CYMHS). Mater CYMHS helps young people deal with life's problems by giving support and guidance.

www.kidsinmind.org.au

MIND BODY LIFE

Information on ways to enhance physical wellbeing – especially for people living with a mental illness and for the people who care about them.

www.mindbodylife.com.au

MENTAL HEALTH IN MULTICULTURAL AUSTRALIA (MHIMA)

Promotes the mental health and wellbeing of Australia's diverse communities through a series of campaigns, projects and information fact sheets.

www.mhima.org.au

REACH OUT

Information for young people on issues such as depression, drugs and alcohol, family issues, eating disorders, grief and loss, safe sex and pregnancy, school and work. There is also a search facility to find help.

www.reachout.com

YOUTH BEYOND BLUE

A site designed especially for young people to provide information and support on depression and anxiety. Provides information about symptoms, causes and treatment, checklists, stories, news and events.

www.youthbeyondblue.com

HIV/AIDS AND SEXUAL AND REPRODUCTIVE HEALTH

You have the right to good quality healthcare that is free from discrimination and to accessible information about sexual health. You also have the responsibility to protect your partners by practising safe sex.

What needs attention

- Statistics
 are showing
 a significant
 increase in the
 amount of Sexually
 Transmissible
 Infections (STIs).
- Low numbers of young people practice safe sex.

The Committee's recommendations

- Improve sex and reproductive health education for young people, with a focus on STIs.
- Improve access to contraception, counselling and confidential health services
- Make sure all young people have equal access to education and services.
- Need information about safe sex? Visit this site for facts and clinic locations: 'STIs are spreading fast' www.sti.health.gov.au



STANDARD OF LIVING

You should live in good conditions that help you develop physically, emotionally, spiritually, morally and socially. The Government should help families if they can't afford this.

Our achievements:

- The Government increased funding for improving housing and living conditions for Aboriginal and Torres Strait Islander peoples with the aim to reduce poverty levels.
- There is a Paid Parental Leave scheme, which pays a parent the minimum wage for 18 weeks after a new baby enters the home so they can take that time to be with the baby.

What needs attention:

- In Australia, 12 per cent of the population live below the poverty line.
- Many of these people are Aboriginal and Torres Strait Islander people, migrants, asylum seekers and people with disabilities.
- Government subsidies, tax reductions and tax returns are not available to all the families who need them.
- The level of child and youth homelessness is very high and there are not enough houses to meet the demand.
- The housing provided by the Government does not meet the cultural needs of Aboriginal and Torres Strait Islander peoples.
- The Paid Parental Leave scheme is set at the minimum wage, which may not be enough for most households, and it is shorter than the six months recommended for exclusive breastfeeding.

The Committee's recommendations

 The Government needs to develop an anti-poverty strategy.

The definition of the

changes over time but a recent definition is a single adult living on less than \$358 per week or a couple with two children living on less than \$752 per week.

All costs of living – such as rent, food, medical expenses – come out of this amount.

Poverty Report 2012



CHILDREN OF PARENTS IN JAIL

You should be supported to maintain a relationship with your parents if they are in jail, if that is in your best interests. You should also be given clear information about your parent's arrest that is easy for you to understand. The Government should also try to avoid separation from your parents by using other forms of punishment than imprisonment.

Our achievements:

• Courts have to consider how a sentence will affect the convicted person's family.

What needs attention:

- Aboriginal and Torres Strait Islander peoples, particularly women, are overrepresented in prisons.
 This can mean their children end up in care that is not culturally appropriate or secure. Once away from their mothers these children often don't ever go home and remain away from their families.
- More needs to be done for families at risk so they are better supported to avoid crime in the first place.

The Committee's recommendations:

- Australia needs to better support families at risk in order to avoid imprisonment.
- Where a parent does commit a crime, other punishments should be considered instead of prison, so children are not separated from their parents.
- Make sure children whose parents are in jail can maintain a relationship with them if this is in the child's best interests.
- Give children child-friendly information about their parents arrest and sentencing.

Did you know?

IN 2013 THE INSTITUTE OF HEALTH AND WELFARE REPORTED THAT 28% OF PRISONERS HAD CHILDREN WHO DEPENDED ON THEM FOR THEIR BASIC NEEDS.

EDUCATION

You have the right to an education that supports your dignity, develops your talents and encourages you to respect others.

Our achievements:

 There are new plans and frameworks designed to focus on Aboriginal and Torres Strait Islander education and early childhood development.

What needs attention:

- Aboriginal and Torres Strait Islander children and children living in remote areas still have a hard time getting to school and are often behind in literacy, maths and other areas.
- There is a lack of attention to students who do not speak English.

The committee's recommendations:

- All state and territory education strategies should be built on previous policies that are known to have worked.
- These need to be based on long-term consultation with the Aboriginal and Torres Strait Island communities, the education sector and other community groups.
- More resources should focus on supporting different languages in education.

SCHOOL BULLYING

The Government must make sure you are protected from violence – both physical and emotional.

Our achievements:

 The Government has tried to stop bullying in schools through a National Safe Schools Framework and the "Bullying. No way!" (www.bullyingnoway.gov.au)

What needs attention:

Bullying is still common.

The Committee's recommendations:

- The Government needs to increase its efforts to stop bullying in schools.
- This should include teaching methods, involvement of parents and children, monitoring of school plans and the ability to investigate and address bullying cases.

ASYLUM-SEEKING AND REFUGEE CHILDREN

Under the Convention, all children have the right to protection and support if they come to Australia because their home country was unsafe for them. The Convention states that they should be treated in the same way as Australian-born children.

Our achievements:

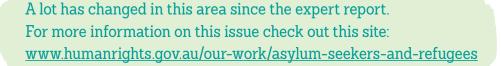
 At the time of the report the Government was moving some children and vulnerable families out of immigration detention and into community based detention.

What needs attention:

- There are still laws that mean children who are seeking asylum or are trying to enter Australia without a visa are placed into detention.
- Children's interests are not prioritised in asylum and refugee decisions and those making the decisions have no training in how to do this.
- People who try to come to Australia by boat and claim to be refugees are sent to another country, even though international law says Australia should provide procedures for people to claim asylum, and protect both asylum seekers and refugees.

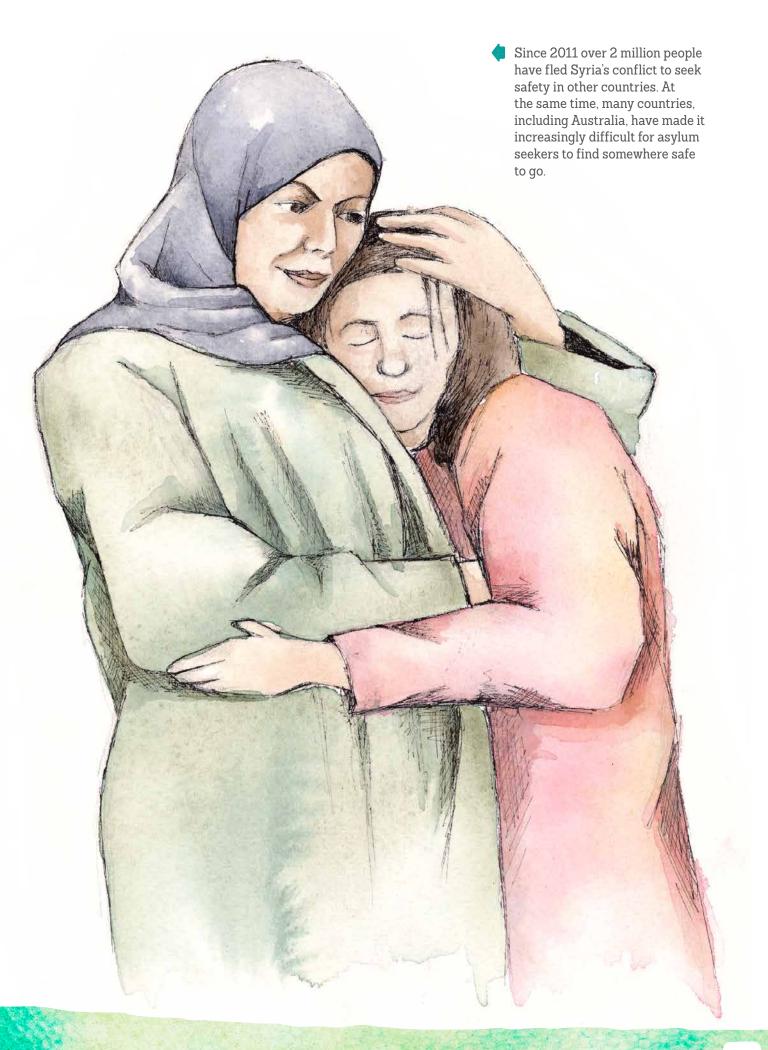
The Committee's recommendations:

- Australia needs to make sure its immigration laws are in line with international law.
- Reconsider the mandatory detention of children, but if it is continued there should be limits on the time spent in detention.
- Make sure migration and asylum procedures consider the best interests of the child and that people making the decisions have proper training in how to apply it.
- Abandon offshore processing and follow international guidelines on protecting children who are seeking asylum.



The Australian Human Rights Commission are holding a national inquiry into the ways immigration detention impacts the health, wellbeing and development of children.

They will be talking to people who have been detained as children. Go here for more information: www.humanrights.gov.au/national-inquiry-children-immigration-detention-2014



JUVENILE JUSTICE

If you are accused of breaking the law you must be treated with dignity, get legal help and only be put in prison for the most serious crimes. The way you are treated by the legal system should be different from adults because you are a child.

What needs attention:

- The juvenile justice system in Australia is not up to international standards:
 - O No action has been taken to raise the age of criminal responsibility
 - No action has been taken to make sure children with intellectual disabilities or mental health issues
 who are in conflict with the law are dealt with in ways that avoids sending them into the court
 system
 - There are still cases of 17 year olds being held in adult prisons
 - There have been reports of children being abused in detention centres

The Committee's recommendations:

- Australia should bring its juvenile justice system in line with international standards by:
 - Raising the minimum age of criminal responsibility
 - Make sure there are alternative ways to deal with children who have broken the law but who have mental illness or intellectual disabilities
 - Make sure children are not placed in adult prisons
 - Ouickly investigate and address the abuse cases within youth detention centres

COMPLAINTS MECHANISM

Australia has not signed up to a few international agreements that the Committee thinks are important. One of these is an addition to the Convention which will allow children or their carers to make a complaint against a country that is not protecting their rights properly.

Here is a link that explains how this works:

 $\underline{http://srsg.violenceagainstchildren.org/sites/default/files/cropped_images/RaisingUnderstanding_OCPC.pdf$

SO WHAT NOW?

Despite some obvious progress, there's still a lot to do! Although the Government holds ultimate responsibility, we can all play a role in ensuring Australia becomes more child-friendly. The following are some ideas about what you can do.

- Know your rights and responsibilities Knowing what you are entitled to, and what you are responsible for, means you can support others and protect yourself. These sites might help:
 - O Law Stuff: www.lawstuff.org.au
 - National Child and Youth Law Centre: www.ncylc.org.au/croc/home2.html
- Get help make a complaint about a violation of your rights to the police, Kids Helpline or the Australian Human Rights Commission. <u>www.humanrights.gov.au</u>
- Pick a theme or two from the list of recommendations you feel most strongly about and hold a
 discussion with your friends about what the government could do. Then write to your local MP,
 the National Children's Commissioner and us with your recommendations.



THERE WILL BE ANOTHER REPORT TO THE UN COMMITTEE IN 2018, AND WE NEED TO HEAR FROM YOU BEFORE THEN!

Is there an issue that has been missed or a particular issue you want to highlight?

Do you have recommendations you want to make?

Go here to have your say: www.childrights.org.au









