

Attorney General's Department

UNICEF Australia submission to Australia's fourth Universal Periodic Review (UPR) draft national report

UNICEF Australia welcomes the opportunity to provide a submission to the consultation on the draft national report for Australia's fourth Universal Periodic Review (UPR). Guided by the United Nations Convention on the Rights of the Child (CRC) and informed by our work in over 190 countries improving the lives of children, UNICEF Australia is well-placed to provide feedback on Australia's implementation of its international human rights obligations relating to children and young people.

This submission aligns with our contribution to the Joint NGO Coalition Report submitted to the United Nations Human Rights Council for Australia's fourth UPR cycle in June this year and focuses on key areas where Australia must strengthen its commitment to child rights.

General Observations on Australia's Draft National Report

UNICEF Australia is concerned that the draft National Report currently overstates the coherence and effectiveness of current national strategies to protect the rights of children and young people. While existing frameworks including Safe and Supported, the National Strategy to Prevent and Respond to Child Sexual Abuse and the Early Years Strategy are important, they are not unified under a comprehensive, monitored and rights-based national framework. This has led to children and young people, particularly those experiencing entrenched disadvantage, falling through regulatory gaps.

Implementation Status of the 344 Recommendations from the 2021 UPR

The Joint NGO Coalition Report submitted to the United Nations Human Rights Council for Australia's fourth UPR cycle reflects the collective expertise of over 100 civil society organisations and provides a comprehensive assessment of Australia's human rights performance. UNICEF Australia formally endorses the recommendations of this report relating to children and young people and urge the Australian Government to adopt its recommendations on areas of limited progress from the 2021 UPR. In particular:

Prioritise children's rights and best interests in policies impacting them, including on climate change, youth justice, education, mental health, gender-based violence, immigration and technology.

This should include meaningfully engaging children and young people in the policy process - children are key stakeholders in many policy areas yet their views are not seriously considered in policy development. UNICEF's global guidelines, *Engaged and Heard!* offer practical tools for governments to engage children and young people in policy processes.

Urgently raise the age of criminal responsibility to at least 14 years in line with the Convention of the Rights of the Child (CRC).

Detaining children under 14 causes significant harm—disrupting their development, compounding trauma, and increasing the risk of reoffending—while failing to address the underlying drivers of offending. Globally, the median age of criminal responsibility is 14 years, placing Australia well behind the international standard

in this regard. The Committee for the Rights of the Child (CRC) has urged Australia to raise the minimum age of criminal responsibility to an internationally accepted level.

Establish and monitor national youth justice standards consistent with the CRC, including guaranteeing separate detention of children from adults.

The CRC mandates that every child deprived of liberty shall be treated with humanity and respect for their inherent dignity, and that detention should be used only as a measure of last resort and for the shortest appropriate period of time. Recent returns to punitive youth justice policies across states and territories, including the use of spit hoods, solitary confinement and placing children in adult facilities demonstrate the urgency of national leadership to protect children in detention.

Develop a National Plan for Children which comprehensively protects children's rights.

UNICEF Australia and 54 Reasons as part of the Australian Child Rights Taskforce have developed a Blueprint for a National Children's Plan to unify existing policy arrangements with a child-centred and rights-based focus. We would welcome the opportunity to discuss this with the Attorney-General's Department.

Adequately resource the National Children's Commissioner to monitor child rights and ensure the National Commission for Aboriginal and Torres Strait Islander Children and Young People aligns with the Paris Principles.

Embedding accountability, transparency, and equity in Australia's child rights architecture is critical. This means ensuring the National Commission is independent, adequately funded, and led by Aboriginal and Torres Strait Islander peoples—to guarantee culturally safe, rights-based oversight that reflects the voices and lived experiences of Aboriginal and Torres Strait Islander children.

Potential Voluntary Commitments

UNICEF Australia encourages the Australian Government to make the following voluntary commitments during its UPR appearance:

- The ratification of the 3rd Optional Protocol to the Convention on the Rights of the Child to enable children to bring complaints to the UN Committee on the Rights of the Child.
- The withdrawal of the reservation to article 37(c) of the Convention on the Rights of the Child, to ensure children are not detained with adults.
- The establishment of national standards in youth justice as a means of addressing the need to raise the minimum age of criminal responsibility and uphold the rights of children in detention.
- A coordinated and independently monitored overarching National Plan for Children, with independent monitoring and accountability mechanisms.

Thank you again for the opportunity to provide this submission the draft national report for Australia's fourth Universal Periodic Review (UPR). We welcome the opportunity to discuss any of the above recommendations with your department and look forward to continuing our work with the Australian Government to realise the rights of all children and young people in Australia.

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