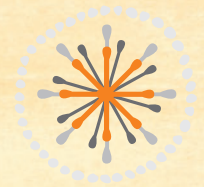


The Children's Report

EXECUTIVE SUMMARY

Australia's NGO coalition report to the United Nations Committee on the Rights of the Child

Australian Child Rights Taskforce



AUSTRALIAN
CHILD RIGHTS
TASKFORCE



AUSTRALIA

for every child



Australia is failing children in many ways. We aren't safe, we don't know our rights and we aren't taken seriously. There needs to be rules in place to protect children. But the important bit is to actually follow through and act on the rules.

Policies that don't listen to young people fail young people. Young people need to be treated with agency and their individual circumstances need to be considered. Our generation is having its future taken away.

- I ^{know} ~~believe~~ some children in my school are harmed at home.

There should be more accessible ways for kids to find help & guidance for mental disorders such as depression anxiety because even though we're kids we still feel those ways.

I have a single mum who struggles to keep my brother and I alive and the government seems to just brush us away like we don't matter. I'm personally struggling, but no one knows, and no one knows how bad it is and how bad I want to be gone. And I don't know who is there to help me.

Executive Summary

INTRODUCTION¹

Australia ratified the United Nations *Convention on the Rights of the Child* (Children's Convention) in 1990, committing to minimum standards for all children – to protect them and support them to develop and thrive.

The Children's Report is Australia's most recent progress report, submitted by the non-government sector to the United Nations Committee on the Rights of the Child. It contains the views, lived experiences and personal messages obtained during a national consultation with over 500 children and young people living in 30 different geographical locations around Australia. It also contains 191 recommendations that are necessary to improve the lives of all children and young people in Australia.

It is fair to say that many children and young people in Australia enjoy a good quality of life. However, almost 30 years after committing to the Children's Convention, there has been inadequate progress in addressing some of the most pervasive aspects of inequality and discrimination facing children and young people in this country.

Despite Australia's relative economic prosperity and growth, Australia ranks as 'average' or 'middle of the pack' when compared with the outcomes achieved for children and young people in similarly developed countries. Australia has regressed in some areas of critical importance for children and young people. Existing systems designed to protect children are in crisis, and particularly vulnerable groups of children experience continued and increased disadvantage.



ACTION THAT NEEDS TO BE TAKEN

There remains a critical need for the Australian Government to:

1. Strengthen implementation of the Children's Convention²

The Children's Convention continues to have no overarching legal force in Australia, and there remains a lack of well resourced, strategic and coordinated measures to protect children's rights. Similarly, there is no coordinated method to track progress for children in Australia.

During the national consultation, children and young people across the country consistently took issue with their lack of influence and consideration in decision making and the lack of attention and care for children's issues among the adult population. Children spoke of feeling disrespected, "excluded", "invisible" and "powerless to make change". As a primary school student in Liverpool, New South Wales, said:

“ It feels like sometimes they don't even know you're there. Like, they can't see or hear you. ”

Australia's children need action and commitments from government, including a national plan for children, a dedicated and resourced federal Minister for Children, and a funded youth peak body to engage directly with children and young people and to represent their views to government and other decision makers.

2. Strengthen and develop national strategies to address violence against children³

Recent Australian inquiries have drawn attention to abuse experienced by children in institutional environments. However, the greatest risks faced by children are at home, in the form of abuse or neglect by parents. Rates of family and domestic violence against children in Australia remain high. During the national consultation, children and young people in every state and territory spoke of personal experiences of being and feeling unsafe due to violence, abuse and intimidation. This included a high school student in Wynyard, Tasmania, who said:

“ Violence has just been a part of my life since I was born. I'm used to it. My first instinct is just to get my younger brothers out of the house, the main thing is to keep them safe. ”

The current lack of data on the nature and extent of child abuse and neglect in Australia has made it difficult to assess the effectiveness of previous or existing policies that have aimed to reduce rates of violence against children. This also continues to impede the development of appropriate and effective prevention, early intervention and recovery services for children and families experiencing violence.

Existing national strategies to promote the safety of children are under-resourced, insufficiently focused on the prevention of violence and abuse, and are also due to expire in the coming years. A number of key actions under these strategies have not been implemented. There is no ministerial accountability or responsibility for progress against agreed outcomes and no framework to monitor impact or progress.

There has been little evidence of a genuine prevention-focused 'public health' approach to address high rates of violence against children. The prevention of child abuse and neglect requires a multidisciplinary strategy that focuses more broadly on children's health and wellbeing. This includes implementing population-wide interventions that address known risk factors and recognise that all parents face common challenges, while also enabling more intensive services for children and families with higher need.

3. Establish and fund a child and youth focused national strategy on mental health⁴

There is a critical need to address the causes of increasing rates of mental distress in children and young people and increasing rates of youth suicide. During the national consultation, children and young people across the country spoke of "an empty feeling, like you're not worth being alive", of having "lost count" of the number of friends they have lost to suicide, and of feeling "broken" or "uncontrollably sad". They described feeling patronised and intimidated by mental health professionals, and of lacking the knowledge to understand or take action to address their mental health concerns.

The consistent message from children and young people was the need to evaluate, adapt and expand mental health service delivery at all levels – from low intensity to crisis response and recovery – to be more relevant, accessible and culturally appropriate for all children and young people in Australia.

4. Develop a national measure and strategy to end child poverty⁵

One in six children under the age of 15 is currently living in poverty in Australia. Children and young people in Australia are also experiencing growing intergenerational inequality. This is unacceptable in a high-income country that has enjoyed a long period of sustained economic growth.

There has been a reduction in social security spending and income support, and an increase in discriminatory and punitive approaches to social welfare, with single parent families and single mothers being at particularly high risk.

A measure needs to be developed to identify the areas where child poverty is entrenched and track the deprivation that is experienced by children as a direct consequence of poverty. A national strategy with set targets to address child poverty should also be developed and implemented.

5. Undertake systemic reform to the child protection, education, and youth justice systems

Australian governments have demonstrated insufficient commitment to the systemic reform and capacity-building that is urgently needed to improve outcomes for children and young people in the following areas:

Child protection⁶

Since 2000, the number of children entering and remaining in out-of-home care has more than doubled. An increasing proportion of children are entering care at a younger age and remaining in care longer. Australia's current response to children and families experiencing challenges occurs too late, and significant systemic failures to support 'at risk' families and prevent children entering the child protection system remain. The majority (59.5 per cent or \$3.1 billion) of the \$5.2 billion allocated to the child protection budget continues to be directed towards out-of-home care, and only 17.4 per cent of national child protection expenditure is dedicated to family support services. There is still significant underfunding of ongoing services for children in out-of-home care and their carers and birth families, and little targeted funding to enable the reunification of children with their families.

Numerous state and territory inquiries have consistently highlighted issues of overwhelming need, inadequate workforce capacity and poor quality decision making within



If we go ~~for~~ from a child ~~who~~ who is ignored and paid no attention, to an adult who is supposed to be knowledgeable about our government and it ~~inner~~ workings, nothing will be solved, no change will happen and future generations will feel the same frustration of having solutions and better ways with their mouths zipped shut.

Australia's child protection systems. Children continue to experience chronic inadequacies in the quality of their care, including physical, emotional and sexual abuse, and unsafe placements where their basic needs are not met. Children in out-of-home care experience poorer educational outcomes than the general population; are more likely to experience chronic health issues, often due to a lack of access to health care services; and are more likely to experience mental health issues. As a young advocate with lived experience of out-of-home care in South Australia stated during the national consultation:

“ Personally, I was put in four different homes before I even found one, so that's going to mess with a kid's head, you know? And I'm traumatised from residential care. ...There are other traumatised kids with you, with workers that abuse you in care. ”

Education⁷

Australia is drifting from an ambition to provide high quality and accessible education for all children. More than one in five Australian children is starting school developmentally vulnerable. Since 2000, Australia's academic performance has continued on a consistent downward trend, described as “equivalent to a generation of Australian school children falling short of their full learning potential”. This is accompanied by a wide disparity in learning outcomes, high rates of student disengagement, and increasing rates of school suspensions.

The current framework of Australian schooling, including the way schools are resourced and regulated, is showing serious signs of dysfunction, and for most children in Australia, there is no legal entitlement to education.

Australia's education system needs fundamental change to become one that is sufficiently adaptable, engaging and relevant to a changing society. This change involves a



broader approach to curriculum teaching and practice that includes critical and creative thinking alongside ethical and intercultural understanding.

Youth justice⁸

Substantial reforms and investments in evidence based, early intervention strategies are needed to address the underlying causes and particular vulnerabilities that lead children to criminal behaviour. However, there has been an increase in ‘tough on crime’ and punitive policies that have prioritised punishment over rehabilitation, and deterrence over the best interests of children involved in the criminal justice system.

In every jurisdiction in Australia, the minimum age of criminal responsibility remains as low as 10 years of age. In addition, the continued operation of mandatory sentencing legislation in some Australian jurisdictions, the increased proportion of unsentenced children held in detention on remand, and the limited use of diversionary strategies demonstrates that detention is not being used as a last resort.

Widespread and systemic failings in the administration of youth justice continue. Since 2015, more than 14 inquiries have condemned Australia's inadequate youth justice facilities, where children have been subject to practices that may amount to torture and cruel and inhuman treatment.

6. Address sustained disadvantage experienced by key groups of children and young people

The Children's Report identifies that children and young people with a disability; those who identify as LGBTIQ+; children and young people living in regional and remote areas; those from migrant backgrounds; and children and young people with experiences in out-of-home care, are at greater risk of facing discrimination, disadvantage and poorer outcomes. In particular:

Aboriginal and Torres Strait Islander children

Aboriginal and Torres Strait Islander children and young people experience persistent, systemic, intersecting and entrenched disadvantage, as well as consistently poorer outcomes across every area of the Children's Convention. The Australian Government's efforts to address disparities for Aboriginal and Torres Strait Islander children and young people have failed to achieve necessary outcomes, including the ‘Closing the Gap’ strategy. A critical and urgent need remains for the Australian Government to ensure adequate participation, leadership and involvement of Aboriginal and Torres Strait Islander children and communities in developing long-term solutions to address this disadvantage.

Aboriginal and Torres Strait Islander children and young people experience:

- persistent racism⁹;
- continued obstacles to birth registration¹⁰;
- higher rates of family violence¹¹;

- removal from their families at increasing rates. They continue to be disproportionately overrepresented in the out-of-home care population, and the child protection system does not adequately facilitate the preservation of Aboriginal and Torres Strait Islander children’s cultural and linguistic identity or connection to community¹²;
- higher rates of disability, high infant mortality rates, low immunisation rates, high prevalence of fetal alcohol spectrum disorders, limited access to primary health supports, and higher rates of youth suicide¹³;
- high rates of poverty, homelessness and housing instability¹⁴;
- persistent structural barriers to accessing quality and culturally appropriate education, and low rates of access to early childhood education and care¹⁵;
- increased overrepresentation in the youth justice system.¹⁶

Asylum seeker and refugee children¹⁷

The pillars of Australia’s asylum seeker framework, including mandatory detention, ‘offshore processing’ arrangements and naval interception and return of people seeking protection by sea, continue to cause serious harm to asylum seeker and refugee children and their families. The removal of almost all references to the United Nations *Convention relating to the Status of Refugees* from Australia’s legal system, in particular the repudiation of *non-refoulement* obligations, is a clear breach of international refugee law. Concerns about the integrity, procedural fairness and transparency of Australia’s refugee status determination and review processes remain.

Further, cuts to basic healthcare and income support for families and children who are currently seeking asylum in Australia are reportedly leading to homelessness, depression, anxiety and self harm among the asylum seeker population.



CONCLUSION

The Children’s Report is about a fair chance for Australia’s children. The report exposes the serious and often entrenched problems experienced by children and young people in Australia today. It also outlines the steps that can be taken to remedy these problems, and the solutions necessary to improve outcomes to the standard that can be expected of a country like Australia.

Australia owes all of its children the best it has to give, and it is not giving them nearly enough. It is time to make that fair chance for children and young people in Australia less of a gamble, and more of a reality.

The Children’s Report can be accessed in full at www.unicef.org.au.

See further:

¹ Chapter 1: Introduction, pp 4–7.

² Chapter 2: General measures of implementation, pp 8–11; Section 3.4 Respect for children’s participation, pp 16–17.

³ Chapter 5: Violence against children, pp 22–27.

⁴ Section 7.3 Mental health, pp 45–47.

⁵ Section 7.4 Standard of living, social security and material support, pp 47–49.

⁶ Chapter 6: Family environment and alternative care, pp 28–39.

⁷ Chapter 8: Education, pp 50–59.

⁸ Section 9.2 Youth Justice, pp 68–73.

⁹ Section 3.1 Non-discrimination, p 13.

¹⁰ Section 4.1 Birth registration, name and nationality, p 19.

¹¹ Section 5.1.2 Children experiencing higher levels of risk, p 25.

¹² Section 6.1.5 Overrepresentation of Aboriginal and Torres Strait Islander children, pp 33–35; Section 6.2.1 Aboriginal and Torres Strait Islander children, pp 38–39.

¹³ Section 7.1 Measures taken for children with disability, p 41; Section 7.2 Health and health services, pp 41–44; Section 7.3.1 Youth suicide, p 46.

¹⁴ Section 7.4.2 Aboriginal and Torres Strait Islander children, p 49.

¹⁵ Section 8.2 Aboriginal and Torres Strait Islander children, pp 53–54; Section 8.6.1 Aboriginal and Torres Strait Islander children, p 59.

¹⁶ Section 9.2.1 Age of criminal responsibility, p 68; Section 9.2.2 Overrepresentation of Aboriginal and Torres Strait Islander and other vulnerable children in detention, p 69.

¹⁷ Section 9.1 Asylum seeker and refugee children, pp 61–67.

The Children’s Report and this Executive Summary were written and compiled by Freyana Irani (Senior Policy Advisor, UNICEF Australia), based on the contributions of over 500 children and young people across Australia, and content provided by over 90 non-government organisations and child rights experts.

All artwork in this document has been created by children.

All handwritten messages were gathered during the national consultation with children and young people.

Hand-drawn self-portraits are from the ACT Children and Young People Commissioner’s *Right Here Right Now* art installation, 2014.

Cover artwork: Casula Public School (Years 3–4), Sydney Opera House, Casula Powerhouse Arts Centre, Howard Matthew. *Our Australian family routes*. 2016.

Page 2 background artwork: Victoria Avenue Public School (Years 5–6), Sydney Opera House, Howard Matthew. *A window on our world*. 2018.