

Submission
in response to
the Australian Government Draft National Report
to
Australia's Fourth Universal Periodic Review

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AUSTRALIAN
CHILD RIGHTS
TASKFORCE

To the UPR Team
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The Australian Child Rights Taskforce¹ welcomes the opportunity to provide this contribution to the consultations on Australia's draft National Report for our upcoming Universal Periodic Review (UPR).

We offer our feedback on:

- Australia's draft National Report
- the implementation status of the 344 recommendations Australia received at its UPR in 2021, and
- potential voluntary commitments Australia could make during its appearance.

We have also contributed to the Australian NGO Coalition Report to the Review. This submission aligns with that contribution.

Children² are key stakeholders in many policy areas. Yet, their rights are not seriously considered in policy development. We believe that the Australian Government should give much greater priority to the rights³ and best interests of children in decisions impacting them, including the right to be heard, as recommended by the United Nations Committee on the Rights of the Child.

The current approach taken by the Australian Government to children and their rights is reflected in the draft National Report. In our view it lacks the vision to see children's experiences as interconnected and misses the opportunities afforded by an integrated and consistently monitored approach across sectors, departments and governments. We dispute the assertion on page 2 of the draft Report (point f) that "there are structured national plans in place to support the rights of ... children".

There are indeed a range of strategies and plans in place. They include:

- The National Framework for Protecting Australia's Children: Safe and Supported (2021-2031)
- The National Plan (to End Violence against Women and Children (2022-2032)
- The National Strategy to Prevent and Respond to Child Sexual Abuse (2021-2030)
- The Early Years Strategy 2024-2034
- The National Action Plan for the Health of Children and Young People 2020-2030
- Recommendations of the Royal Commissions into Violence, Abuse, Neglect and Exploitation of People with Disability (2024) and Institutional Responses to Child Sexual Abuse (2017)
- Closing the Gap targets that relate to First Nations children and their communities
- Recommendations of the National Children's Commissioner's report "Help Way Earlier! How Australia can transform child justice to improve safety and wellbeing" (2024)
- The National Review of First Nations Health Care in Prisons (2023-24)

But what is missing is the monitoring and leadership to coordinate these arrangements and ensure their effective and sustained impact to the benefit and protection of children.

¹ <https://childrightstaskforce.org.au/>

² In this context, 'children' refers to children and young people under the age of 18 years as defined in the *Convention on the Rights of the Child*.

³ United Nations Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Australia](#), 1 November 2019.

Governance for Children

Appropriate national governance arrangements should be in place to support and guide the efforts of these policy frameworks and the efforts of stakeholders (including state and territory governments). With an integrated framework of governance arrangements, Australia's various policy and practice frameworks and service systems (including particularly for the youth justice systems) could comply with international human rights obligations and ensure sustained systems reform and improved outcomes for children and communities.

The Taskforce has produced a Blueprint for a National Plan for Children and Young People⁴ which sets out how this framework could guide planning and progress at a national level to contribute to better outcomes for children. This document has been provided to the Australian Government and will continue to guide our advocacy on these matters.

Australia's draft National Report

We offer the following more detailed comments on the content of the draft Report as it relates to children (pp 18 to 22).

The *Early Years Strategy 2024-2034* is a welcome piece of work that could guide a coordinated vision to support the development of children in their early years. However, it is limited to children in the first five years. It remains to be seen if it will be monitored effectively to guide policy and practice in sustained implementation alongside the necessary work to address the social, geographic and economic determinants of disadvantage.

The *Better and Fairer Schools Agreement – Full and Fair Funding 2025-2034* is also a welcome but belated and only partial step⁵ in the direction set by the Gonski Review a decade ago to reform school funding. Once again, further monitoring and policy development will be required to ensure that it achieves its aims to improve education outcomes for all Australian students. The development process has lacked meaningful engagement with children and young people themselves.

The *National Action Plan for the Health of Children and Young People 2020-2030* is another welcome piece of work that with effective monitoring could guide policy and practice for priority populations prone to health inequity if implemented alongside action to address social, geographical and economic determinants.

The National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030 (National Strategy) and *Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031* both lack independent and properly resourced monitoring which was a key criticism of previous national strategies and frameworks in these areas. This criticism is yet to be addressed with the creation of necessary accountability mechanisms.

We welcome the establishment of a *National Commissioner for Aboriginal and Torres Strait Islander Children and Young People*. The legislative details supporting the role have not been released and we remain concerned that the role will not be properly resourced, and its independence guaranteed in compliance with the Paris Principles for Human Rights Institutions.

We welcome the legislative commitment to the development of a *Children's Online Privacy Code* and look forward to its alignment with international best practice and child rights principles.

The implementation status of the 344 recommendations Australia received at its UPR in 2021

We are concerned at Australia's lack of progress in the implementation of many of the 344 recommendations.

⁴ <https://www.54reasons.org.au/childrens-plan-blueprint>

⁵ <https://theconversation.com/australias-school-funding-system-is-broken-heres-how-to-fix-it-240908> ; <https://theconversation.com/4-key-changes-you-may-have-missed-in-the-new-school-funding-agreement-252291>

We regret the lack of progress on the many recommendations to address the rights of Indigenous peoples to protection from discrimination and from the impacts of exclusion and intergenerational disadvantage.

We regret the lack of progress in recommendations 26, 28, 29, 30 and 40 – to ratify the Optional Protocol under the Convention on the Rights of the Child for a communications procedure. This lack of progress undermines Australia’s commitment to access to justice for children.

We regret the lack of progress on recommendations 39, 40, 41 and 229 and others – to withdraw its reservation to article 37(c) of the Convention on the Rights of the Child. This undermines Australia’s commitment to child rights in detention and has been repeatedly called out by the UN Child Rights Committee.

We regret the lack of progress on recommendation 50 – to incorporate the Convention on the Rights of the Child into domestic law and to develop a National Plan for Children. We refer to our published work on a *Blueprint for a National Plan for Children and Young People*.

We regret the lack of progress on the many recommendations to raise the minimum age of criminal responsibility and otherwise address the failings of Australia’s youth justice systems.

We regret the lack of progress on recommendations 111 to 118 – to combat climate change.

We regret the lack of progress on recommendations 138 to 139 – to finalise the full operation of a National Preventative Mechanism under the Optional Protocol to the Convention against Torture.

We regret the lack of progress on recommendation 101 – to protect intersex children; and on recommendation 102 – to ensure health care for LGBTI+ children (considering recent restrictions introduced in Queensland).

Voluntary commitments that Australia could make

We encourage voluntary commitments based on the recommendations that Australia received in 2021. We suggest that the Australian Government could make clear and achievable commitments in meeting Australia’s child rights obligations with attention to:

- A coordinated and independently monitored overarching National Plan for Children
- The ratification of the 3rd Optional Protocol to the Convention on the Rights of the Child
- The withdrawal of the reservation to article 37(c) of the Convention on the Rights of the Child
- The establishment of national standards in youth justice as a means of addressing the need to raise the minimum age of criminal responsibility and address the failings of Australia’s youth justice systems
- Legislate the independence⁶ of the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People⁷ and proper resourcing for this role and of the National Children’s Commissioner for monitoring of child rights
- Guarantee governance for Closing the Gap targets with Indigenous-controlled organisations.⁸
- Guarantee independent monitoring and measurement of outcomes of measures under Safe and Supported the National Framework for Protecting Australia’s Children

The Australian Child Rights Taskforce

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⁶ In compliance with the Paris Principles for Human Rights Institutions

⁷ The core components required for the establishment of such a commissioner are outlined in SNAICC and Family Matters, [Position paper: Establishment of a national commissioner for Aboriginal and Torres Strait Islander children and young people](#) (2019).

⁸ Productivity Commission, Review of the National Agreement on Closing the Gap (Study report, volume 1, 2024) 12.