

COMMITTEE ON THE RIGHTS OF THE CHILD
Fortieth session
Pre-sessional Working Group
12-30 September 2005

**IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF
THE CHILD**

**List of issues to be taken up in connection with the consideration of the
second and third periodic report of AUSTRALIA (CRC/C/129/Add.4)**

PART I

**Under this section the State party is requested to submit in written form additional and
updated information, if possible, before 5 August 2005.**

A. Data and statistics, if available

1. Please provide disaggregated data (by gender, age, minority and indigenous groups, urban and rural areas) covering the years 2002, 2003 and 2004 on the number and percentage of children under 18 living in Australia.
2. In light of article 4 of the Convention, please provide additional disaggregated data for 2003-2005, on budget allocations and trends (in percentages of the national budget or GDP) regarding the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:
 - (a) education (different types of education, i.e. pre-primary, primary and secondary education);
 - (b) childcare services, including day-care centres;
 - (c) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health-care services for children);
 - (d) programmes and services for children with disabilities;
 - (e) support programmes for families;

- (f) support for children living below the poverty line (please also specify the criteria for “poverty” and indicate the number of children living below the poverty line);
- (g) programmes to support indigenous families and/or children;
- (h) the protection of children who are in need of alternative care including the support of care institutions;
- (i) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;
- (j) juvenile justice;
- (k) juvenile crime prevention and rehabilitation;
- (l) other social services.

Please also indicate the estimated expenses of the private sector, in particular for health and education.

3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by gender, age, minority and indigenous groups, urban and rural areas) for the last three years on the number of children:
 - (a) separated from their parents;
 - (b) placed in institutions;
 - (c) placed with foster families;
 - (d) adopted domestically;
 - (e) adopted abroad;
 - (f) migrant unaccompanied persons below 18.
4. Please specify the number of children with disabilities, disaggregated by gender and age, minority and indigenous children covering the years 2002, 2003 and 2004:
 - (a) living with their families;
 - (b) in institutions;
 - (c) attending regular schools;
 - (d) attending special schools;
 - (e) not attending any school.

5. Please provide information on the number of children abducted from or to Australia.
6. With reference to child abuse, please provide disaggregated data (by gender, age, minority and indigenous groups and types of violations reported) covering the years 2002, 2003 and 2004 on the:
 - (a) number of reported cases of child abuse;
 - (b) number and percentage of reports which have resulted in either a court decision or other types of follow-up.
7. Please provide disaggregated data (including by gender, age, minority and indigenous groups, urban and rural areas) covering the years 2002, 2003 and 2004 on:
 - (a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools;
 - (b) rates of literacy under 18 years old;
 - (c) rate of children completing primary and secondary school;
 - (d) number and percentage of dropouts and repetitions;
 - (e) teacher per child ratio;
 - (f) number of children attending public schools;
 - (g) number of children attending private schools.
8. Please provide disaggregated statistical data (including by gender, age, minority and indigenous groups, urban and rural areas) on early pregnancy, sexually transmitted infections (STIs), mental health problems (e.g. suicide rates, eating disorders, depression), drug use, alcohol and tobacco abuse covering the years 2002, 2003 and 2004. Please also provide numbers of health professionals working in the health-care services for children.
9. Please provide disaggregated statistical data (including by gender, age groups, minority and indigenous groups, urban and rural areas) on children infected or affected by HIV/AIDS.
10. Please provide appropriate disaggregated data (including by gender, age and type of crime) covering the years 2002, 2003 and 2004, in particular on the number of:
 - (a) persons below 18 who have allegedly committed a crime, reported to the police;
 - (b) persons below 18 who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty;
 - (c) persons below 18 who have been tried as adults;

- (d) detention facilities for juvenile delinquents and their capacity;
 - (e) persons below 18 detained in these facilities and minors detained in adult facilities;
 - (f) persons below 18 kept in pre-trial detention and the average length of their detention;
 - (g) reported cases of abuse and mistreatment of children occurred during their arrest and detention.
11. With reference to special protection measures, please provide statistical data (including by gender, age, minority and indigenous groups, urban and rural areas) covering the years 2002, 2003 and 2004 on:
- (a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking and the number of those children who were provided access to recovery and reintegration services;
 - (b) the number of children involved in substance abuse and the number of those children who received recovery and reintegration services;
 - (c) the number of migrant unaccompanied minors, asylum-seeking and refugee children, as well as the number of children awaiting expulsion; the number of them kept in administrative detention and the average length of their detention.
 - (d) the number of children involved in labour who are under 16;
 - (e) street and homeless children.

B. General measures of implementation

1. The Committee would appreciate receiving information on intended or planned activities related to recommendations contained in the Committee's previous concluding observations on the initial report of Australia (CRC/C/15/Add.79) which have not yet been fully implemented, in particular those contained in paragraphs: 8 and 23 (the State party's reservation to article 37 (c)); 9 and 25 (the absence of a comprehensive policy for children at the federal level and disparities between different states' legislation and practices, including budgetary allocations); 13 and 32 (specific problems still faced by Aboriginals and Torres Strait Islanders - as well as by children of non-English speaking backgrounds - with regard to their enjoyment of the same standards of living and levels of service, particularly in education and health); 15 and 26 (the use of corporal punishment); 16 (local legislation allowing police to remove children and young people congregating); 18 and 33 (the spread of homelessness among young people); 20 and 30 (the treatment of asylum-seekers and refugees and their children, and their placement in detention centres); 21-22 (juvenile justice and, in particular, the disproportionately high percentage of Aboriginal children in the juvenile justice system).

2. Please indicate whether the Convention on the Rights of the Child has been invoked directly in domestic courts during the reporting period, and if so, please provide examples of such cases.
3. Please provide additional information on measures taken to improve the system for collection of disaggregated data on children under 18 in all areas under the Convention.
4. Please provide information on the mechanisms that may exist for the evaluation and the assessment of the programmes, policies and laws for the implementation of the Convention.
5. Please inform the Committee on the measures taken by the State party following the publication of the report of the Human Rights and Equal Opportunity Commission (HREOC) Inquiry: "A last resort? National Inquiry into Children in Immigration Detention", which called inter alia for the release of all children in immigration detention. Please also update the Committee on the reported cuts to the funding of HREOC in the last years and on the consequences on its effectiveness, if any.
6. Please share with the Committee the findings of the independent evaluation of Federal, State and Territory responses to the "Bringing Them Home" report (§ 521 of the State party's report) and the follow-up given to this evaluation.
7. Please inform the Committee on the reasons for the recent ATSIC Amendment Bill (16 March 2005) which repealed provisions of the ATSIC Act abolishing ATSIC and replacing it with a government-appointed advisory council.
8. Please indicate the effects, if any, of the anti-terrorist legislation (Security Legislation Amendment Act 2002, Anti-terrorism Act No. 2 2004 and Anti-terrorism Act No. 3 2004) on the children's rights to peaceful assembly and association.
9. Please inform the Committee about the findings of the Australian Institute of Health and Welfare which has undertaken a research on "the health status of regional, rural and remote Australians covering all age groups" (§ 293 of the State party's report); and measures taken to follow-up to this study.
10. Please provide updated information on efforts to provide training, awareness and information on the Convention and on human rights in general. Is the Convention on the Rights of the Child part of the school curricula?
11. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

Part II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

PART III

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- new bills or enacted legislation
- new institutions
- newly implemented policies
- newly implemented programmes and projects and their scope.

PART IV

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. Protection from discrimination in particular with respect to children belonging to ethnic minorities, asylum-seeking children and indigenous children.
2. The State party's strategy to significantly strengthen the Convention's overall implementation with particular attention to the general principles of the Convention (non-discrimination (art. 2), the best interests of the child (art. 3), and the right of the child to express his/her views and be heard (art. 12)).
3. National Plan of Action for children.
4. Placement of children in alternative care.
5. Domestic violence, including corporal punishment, and sexual abuse.
6. Alcohol and substances abuse.
7. Children with disabilities.
8. Administrative detention of immigrant and asylum-seeking children and the conditions of their detention.
9. Homeless children.
10. Trafficking in persons and sexual exploitation.
11. Administration of juvenile justice.
12. Aboriginal and Torres Strait Islander Children.
