



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Sixtieth session

29 May–15 June 2012

### Implementation of the Convention on the Rights of the Child

#### List of issues concerning additional and updated information related to the consideration of the fourth periodic report of Australia (CRC/C/AUS/4)

**The State party is requested to submit in writing additional, updated information, if possible before 1 March 2012.**

*The Committee may take up all aspects of children's rights contained in the Convention during the dialogue with the State party.*

### Part I

**In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).**

1. Please provide updated information on measures taken by the State party, if any, to withdraw the reservation to article 37 (c) of the Convention.
2. Please provide information on measures taken by the State party, if any, to implement a comprehensive child rights law framework with the aim of fully incorporating the obligations of the Convention into its domestic legislation, both at the federal and state levels.
3. Please provide information on the agreement by the Council of Australian Governments to establish the National Framework for Protecting Australia's Children. In doing so, please provide specific information on the progress, if any, achieved towards the adoption and implementation of such a Framework, including details on the scope, time frame and resources allocated to it. Please also describe its relationship with other programmes for children, such as the National Agenda on Early Childhood.
4. Please provide information on progress made on the National Agenda on Early Childhood in terms of coverage, impact and differentials in implementation among states and territories, paying special attention to indigenous children. Please provide information on the yearly resources allocated to this Agenda since its creation and as a percentage of the budget for social sectors.
5. Please provide information on progress, if any, concerning the establishment of a national commissioner for children and young people.

6. Please update the information provided in the report of the State party on the level of financial resources invested in children and type of programme, in absolute terms and as a percentage of the total budget. If possible, provide information on the budget process by the Government of Australia with regard to allocations for children, in particular on whether there is a tracking system to enable monitoring and evaluation of such investment and whether there is any participation by the communities concerned, specifically by children.
7. Please provide details on the implementation of the National Action Plan to Build on Social Cohesion, Harmony and Security. In doing so, please provide information on its effectiveness in addressing discrimination and intolerance, including for girls, children in minority situations and in the context of antiterrorism legislation.
8. Please provide updated details on programmes and measures addressing child abuse and neglect, including further detailed information on the follow-up to the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities and on the Government's Emergency Response to child sexual abuse in remote Indigenous communities in its Northern Territories.
9. Please provide updated information on the implementation of the recently constituted National Council responsible for reducing the incidence and impact of domestic and family violence and sexual assault on women and their children, and on the establishment of Family Relationship Centres and their effectiveness in investigating and redressing violence and abuse.
10. Please provide information on measures taken by the State party to prohibit all forms of corporal punishment in all contexts, including so-called "reasonable chastisement". In doing so, please provide information on measures taken to address the socio-attitudinal aspects underlying the prevalence of such punishment, including on awareness-raising measures and/or campaigns and the promotion of positive parenting.
11. Please provide updated and detailed information on the State party's policies and legislation on children with disabilities, including with regard to:
  - (a) Provision of inclusive education, taking into account specific physical, psychological and intellectual needs, for children with disabilities;
  - (b) Sterilization of girl children with disabilities for non-therapeutic reasons;
  - (c) Immigration restrictions, including with regard to their impact on the right to family reunification, for children with disabilities.
12. Please provide updated information on:
  - (a) The Australian Remote Indigenous Accommodation (ARIA) programme, including on the impact of the 2007-2008 reforms thereof;
  - (b) Measures, if any, taken to address the discrimination faced by Aboriginal and/or other children of ethnic, cultural or linguistic minorities, including in the context of the disproportionately higher rates of children in minority situations being in conflict with the law;
  - (c) Application and impact of the Closing the Gap plan.
13. Please provide detailed information on the State party's immigration policies, including with regard to:
  - (a) Implementation of the August 2011 High Court ruling prohibiting the deportation of persons in an irregular migration situation to third countries;
  - (b) The State's new risk-based detention policy, including on any implications it may have for children in a migration and/or asylum or refugee situation;

- (c) Details on the situation of children in community detention arrangements;
- (d) Measures, if any, to ensure that unaccompanied minors are provided with an independent guardian/counsellor to guarantee that the best interests of the child and the right of the child to be heard are respected in all aspects relating to that child's situation;
- (e) Results of the internal review undertaken by the Department of Immigration and Citizenship.

14. Please provide updated information on the State party's juvenile justice system and policies, including with regard to:

- (a) Minimum age of criminal responsibility in all of the State party's states and territories;
- (b) Criteria, including safeguards and the right to appeal in juvenile justice proceedings, used by the State party's courts in cases where criminal responsibility is found for children under the age of 14 years;
- (c) Measures to ensure that children in a detention situation are accommodated in child-appropriate facilities that are separated from adult detainees;
- (d) Measures to facilitate the re-integration of juvenile offenders.

## **Part II**

**In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:**

- (a) New bills or enacted legislation and any accompanying regulations;
- (b) New institutions, their mandates and funding;
- (c) Newly adopted and implemented policies and programmes and their scope;
- (d) Newly ratified human rights instruments.

## **Part III**

**Data, statistics and other information, if available.**

1. Please provide data for 2009 and 2010, disaggregated by age, sex, ethnic origin and region, on the number of child abuse victims, including victims of sexual abuse. Please also supply data on court decisions, the number of victims who have received assistance and the number of perpetrators convicted.
  2. Please provide data for 2009 and 2010, disaggregated by age, sex, ethnic origin and region, on children receiving different types of alternative care in residential settings, and specify the types as well as the duration of care being provided.
  3. Please provide statistical data on the frequency of children under the age of 14 found criminally responsible.
  4. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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