



## 2011 Child Rights NGO Report Australia

### General Measures of Implementation

*I feel the rights of children need to be better protected*  
17 YEAR OLD MALE, PERTH, WESTERN  
AUSTRALIA

Despite the Committee's previous recommendations, the Convention on the Rights of the Child (CRC) still has not been comprehensively incorporated into Australian law.

Australia remains the only developed democracy without comprehensive legal or constitutional protection of human rights at a national level, including protections for children's rights. There are no enforceable remedies in the event of violation of many of the rights in the CRC. Australia's framework for the protection and promotion of children's rights is fragmented and inconsistent resulting in many specific instances of concern about Australia's compliance with its obligations under the CRC - many instances of human rights abuses against our children.

**Recommendation:** Australia should implement a comprehensive legislative framework that fully incorporates obligations under the CRC into domestic law including effective legal remedies for violations.

### POLICY AND PLANNING

Australia does not have a child-rights based approach to policy development. The absence of CRC protections in Australia's domestic law results in many laws, policies and practices relating to children being developed in the absence of a rights-based framework and adequate participation of children. This has a negative impact on already vulnerable groups of Australia's children.

**Recommendation:** Australia should develop, resource and implement a comprehensive, rights-based National Plan of Action for Children and Young People and establish a ministerial portfolio with responsibility for children, coordination, data, research, evidence-based policy development, monitoring and evaluation.<sup>i</sup>

### INDEPENDENT MONITORING

Australia still lacks an independent 'WATCH DOG' or monitor with responsibility for children. The rights of children are therefore not considered across all areas of government consistently and comprehensively. Australia has still not established a National Children's Commissioner, despite the Committee's comments in 2002 and 2003.

**Recommendation:** Australia should establish an independent National Children's Commissioner.

### BUDGETS AND RESOURCING

The Australian Government does not undertake any consistent measurement or analysis of the effectiveness of budget allocations for the benefit of children – both domestically and through foreign aid. Thus Australia lacks the critical accountability mechanism which links data and evidence to decision-making and resource allocation.

**Recommendation:** Australian governments at all levels should develop accountability mechanisms which analyse and monitor the effectiveness of resources allocated for children.

### DATA AND MONITORING

Australia still has deficiencies in the consistency and quality of its data collection and monitoring, particularly for Aboriginal children.<sup>ii</sup> Australia does not collect critical national data on all areas of the CRC which can be disaggregated.

**Recommendation:** Australia should continue its efforts to address the inconsistencies and quality of its data relating to children's rights and wellbeing.

For more information, see the full *Listen to Children* Report at [www.childrights.org.au](http://www.childrights.org.au)

<sup>i</sup> In the absence of the Australian government doing so, the Australian Research Alliance for Children and Youth (ARACY) has commenced work on a National Action Plan.

<sup>ii</sup> Throughout the NGO Report, Aboriginal and Torres Strait Islander children are referred to as 'Aboriginal children.' The authors acknowledge the diversity in culture, language, kinship structures and ways of life within Aboriginal and Torres Strait Islander, and recognise that Aboriginal peoples and Torres Strait Islander peoples retain their distinct culture, irrespective of whether they live in urban, rural, regional or remote areas of the country.