

UN CRC	Ratification Date	Care-Related Concluding Observations
<p>CRC/C/AUS/CO/4</p> <p>Consideration of reports submitted by States parties under article 44 of the Convention</p>	<p>17 Dec 1990</p>	<p>28 August 2012</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Australia-crc</p> <p>Corporal punishment</p> <p>43. The Committee regrets that notwithstanding its previous recommendation (CRC/C/15/Add.268, para. 36), corporal punishment, in the home and some schools and alternative care settings, remains lawful throughout the State party under the label of so-called “reasonable chastisement”.</p> <p>44. The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 36) that the State party:</p> <p>(a) Take all appropriate measures to explicitly prohibit corporal punishment in homes, in public and private schools, detention centres and alternative care settings in all states and territories;</p> <p>(b) Strengthen and expand awareness-raising and education campaigns, in order to promote positive and alternative forms of discipline and respect for children’s rights, with the involvement of children, while raising awareness about the adverse consequences of corporal punishment.</p> <p>D. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Family environment</p> <p>49. While welcoming the State party’s ongoing efforts to strengthen the support provided to families, the Committee is concerned that the number of children in care continues to rise and that the availability and quality of childcare remain inadequate.</p>

		<p>50. The Committee recommends that the State party undertake a systemic evaluation of the efficacy of existing measures for all family types and all children. In doing so, it recommends that the State party collect data disaggregated according to, inter alia, ethnicity, gender, socio-economic status, and geographic location, and correlate the reduction and/or increase in rates of children placed in care vis-à-vis the measures provided to the families of these children. It further recommends that the findings of such an evaluation be used to guide the State party's implementation of appropriate measures to strengthen current programmes of family support, including ensuring the availability and affordability of quality childcare facilities, the adequacy of family assistance payments and of the recently approved paid parental leave entitlement.</p> <p>Children deprived of their family environment</p> <p>51. The Committee is deeply concerned at the significant increase, of approximately 51 per cent between 2005 and 2010, in the number of children placed in out-of-home care and the absence of national data documenting the criteria and decision leading to the placement of a child in care. The Committee is also seriously concerned that there are widespread reports of inadequacies and abuse occurring in the State party's system of out-of-home care, including:</p> <ul style="list-style-type: none">(a) Inappropriate placements of children;(b) Inadequate screening, training, support and assessment of care givers;(c) Shortage of care options; poorly supported home-based carers and mental health issues exacerbated by (or caused in) care;(d) Poorer outcomes for young people in care than for the general population in terms of health, education, well-being and development;(e) Abuse and neglect of children in care;(f) Inadequate preparation provided to children leaving care when they turn 18;(g) Aboriginal and Torres Strait Islander children who are often placed outside their communities, and in that context, the need for more Aboriginal care providers.
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Country Report		
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	8 January 2007	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	26 September 2008	
ICCPR	Ratification Date	Care-Related Concluding Observations
	13 August 1980	
ICESCR	Ratification Date	Care-Related Concluding Observations
	10 December 1975	
CEDAW	Ratification Date	Care-Related Concluding Observations
	28 July 1983	

CRPD	Ratification Date	Care-Related Concluding Observations
CRPD/C/AUS/CO/2-3	17 July 2008	<p>23 September 2019</p> <p>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en</p> <p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5–30)</p> <p>Children with disabilities (art. 7)</p> <p>13. The Committee is concerned about:</p> <ul style="list-style-type: none"> (a) The lack of focus on the rights of children with disabilities in the national plan of action for the realisation of the rights of the child; (b) The lack of access to early intervention mechanisms for children with disabilities; (c) The lack of disability and age appropriate assistance for children with disabilities to participate and express their views; (d) The lack of culturally suitable support for Indigenous children with disabilities and their families; (e) The situation of refugee and asylum seeking children with disabilities kept in detention facilities in the State party and offshore. <p>14. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Include a focus on the rights of children with disabilities in any national plan of action for the realisation of the rights of the child; (b) Ensure access for children with disabilities to quality and human rights-based early intervention mechanisms; (c) Amend all legislation to guarantee that children are provided with age-appropriate support and accommodations to express their views in all matters that affect their rights or interests;

		<p>(d) Fund and resource culturally suitable support for Indigenous children with disabilities and their families, in the local community;</p> <p>(e) Urgently remove all refugee and asylum seeking children, particularly children with disabilities and their families from detention facilities and ensure the provision of individualized support and recognize the denial of reasonable accommodation as a form of discrimination.</p> <p>Liberty and security of the person (art. 14)</p> <p>27. The Committee is seriously concerned about:</p> <ul style="list-style-type: none">(a) Legislative frameworks, policies and practices which result in the arbitrary and indefinite detention and forced treatment of persons with disabilities, disproportionately experienced by Indigenous persons with disabilities, persons with intellectual or psychosocial disabilities;(b) Ongoing practice of compulsory treatment for persons with “cognitive and mental impairment”, including through indefinite detention in psychiatric centers, despite recommendations of the Senate Community Affairs References Committee’s 2016 report on indefinite detention of persons with “cognitive and psychiatric impairment”;(c) The commitment of persons with intellectual or psychosocial disabilities to custody, often indefinitely or for terms longer than those imposed in criminal convictions;(d) The absence of data on the number of persons found not guilty due to “cognitive or mental health impairment” indefinitely detained and a number of cases on an annual basis;(e) The practice of retaining and restraining children with disabilities in adult settings. <p>28. The Committee, recalling its guidelines on article 14 of the Convention (2015) see report of the Committee on the Rights of Persons with Disabilities Supplement No. 55 (A/72/55), annex I), urges the State party to:</p> <ul style="list-style-type: none">(a) Repeal any law and policy and cease any practice or custom that enables the deprivation of liberty on the basis of impairment, and forced medical interventions on persons with disabilities, particularly Indigenous persons with disabilities;(b) Implement the recommendations from the 2016 Senate Inquiry Report into the Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia;(c) End committing persons with disabilities to custody and to indefinite terms or to terms longer than those imposed in criminal convictions;
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		<p>(b) The reported discrimination, particularly of women with disabilities and LGBTIQ+ persons with disabilities in accessing assisted reproductive technologies.</p> <p>44. The Committee recommends that the State party:</p> <p>(a) Ensure no separation of children from parents on the basis of the disability of either the child or one or both of the parents;</p> <p>(b) Adopt comprehensive and gender and culturally specific parenting and family support measures for parents with disabilities;</p> <p>(c) Ensure that women with disabilities and LGBTIQ+ persons with disabilities have equal access to assisted reproductive technologies.</p>
UPR	Date of Consideration	Link to Page
	27 January 2011	http://www.ohchr.org/EN/HRBodies/UPR/Pages/AUSession10.aspx
Hague Inter-country Adoption	Ratification Date	Link to Country Profile
	25 Aug 1998	https://www.hcch.net/en/states/hcch-members/details1/?sid=8

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

Better Care Network
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Country Care Review:
Australia

OPSC to CRC Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN United Nations
UPR Universal Periodic Review