

UN CRC	Ratification Date	Care-Related Concluding Observations
	17 Dec 1990	<p>CRC/C/AUS/CO/5-6 1 November 2019</p> <p>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>A. General measures of implementation (arts. 4, 42 and 44 (6))</p> <p>Reservations</p> <p>6. The Committee, in line with its previous recommendations on reservations (CRC/C/AUS/CO/4, para. 10, and CRC/C/15/Add.268, para. 8) and given the State party's acceptance of the principle of separation and the existence in the State party of many facilities separating children from adults, again recommends that the State party consider withdrawing its reservation on article 37 (c) of the Convention.</p> <p>Data collection</p> <p>11. The Committee welcomes the creation of the Office of the National Data Commissioner in July 2018 and, with reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, recalls its previous recommendations on data collection (CRC/C/AUS/CO/4, para. 22) and recommends that the State party:</p> <p>(a) Ensure that data collected on children's rights cover all areas of the Convention, in particular those relating to violence, alternative care, natural disasters and children in conflict with the law, that they are disaggregated by age, sex, disability, geographic location, ethnic origin, national origin and socioeconomic background, and that they identify children in situations of vulnerability,</p>

		<p>such as Aboriginal and Torres Strait Islander children, children with disabilities and asylum-seeking, refugee and migrant children;</p> <p>...</p> <p>C. General principles (arts. 2, 3, 6 and 12)</p> <p>Non-discrimination</p> <p>19. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations on non-discrimination (CRC/C/AUS/CO/4, para. 30) and urges the State party:</p> <ul style="list-style-type: none">(a) To address disparities in access to services by Aboriginal and Torres Strait Islander children, children with disabilities, children in alternative care and asylum-seeking, refugee and migrant children, regularly evaluate the enjoyment by those children of their rights and prevent and combat discrimination;(b) To strengthen its awareness-raising and other activities aimed at preventing discrimination, including through school curricula, and take affirmative action for the benefit of the groups of children mentioned above. <p>Respect for the views of the child</p> <p>22. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous recommendations on respect for the views of the child (CRC/C/AUS/CO/4, para. 34) and recommends that the State party:</p> <ul style="list-style-type: none">(a) Amend the Family Law Act of 1975 (Commonwealth of Australia) to provide all children, in accordance with their age and maturity, the opportunity to have their views heard in all matters concerning them, including in “non-court-based family services”;(b) Amend the Migration Act of 1958 (Commonwealth of Australia) to guarantee respect for the views of the child at all stages of the migration process;(c) Provide training and support to independent children’s lawyers so as to ensure that such lawyers have direct contact with the children they represent in the family courts; <p>...</p>
--	--	--

		<p>D. Civil rights and freedoms (arts. 7, 8 and 13–17)</p> <p>Right to an identity 24. The Committee recalls its previous recommendations on the preservation of identity (CRC/C/AUS/CO/4, para. 38) and recommends that the State party:</p> <ul style="list-style-type: none">(a) Ensure full respect for the rights of Aboriginal and Torres Strait Islander children, including those placed for adoption, to their identity, name, culture, language and family relationships; <p>...</p> <p>D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</p> <p>Corporal punishment</p> <p>28. The Committee recalls its previous recommendations on corporal punishment (CRC/C/AUS/CO/4, paras. 44–45) and urges the State party:</p> <ul style="list-style-type: none">(a) To explicitly prohibit corporal punishment in law in all settings, including in the home, in public and private schools, in detention centres and in alternative care settings, and to repeal the legal defence of “reasonable chastisement”; <p>...</p> <p>E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))</p> <p>Family environment</p> <p>32. The Committee recalls its previous recommendations on a family environment (CRC/C/AUS/CO/4, para. 50) and urges the State party:</p> <ul style="list-style-type: none">(a) To provide the necessary human, technical and financial resources for family support services to provide children and their families, particularly Aborigines and Torres Strait Islanders, with the support needed to prevent violence, abuse and neglect;
--	--	--

		<p>(b) Extend paid maternity leave to six months to support the appropriate care of newborn children.</p> <p>Children deprived of a family environment</p> <p>33. The Committee notes the efforts undertaken by the State party to improve the situation of children in alternative care but remains seriously concerned about:</p> <ul style="list-style-type: none">(a) The persistently high number of children in alternative care;(b) The continuing overrepresentation of Aboriginal and Torres Strait Islander children in alternative care, often outside their communities;(c) Different criteria being used across jurisdictions in making decisions on child removal and placement in care;(d) The fact that, despite the 25 enquiries conducted since 2012, the child protection systems still do not have sufficient human, technical and financial resources and are still unable to provide adequate professional support to children, which often results in:<ul style="list-style-type: none">(i) Badly trained and poorly supported staff;(ii) Children of different ages, experiences and backgrounds, in particular child offenders and child victims of abuse, being placed together;(iii) An excessive reliance on the police and the criminal justice system when dealing with children's behavioural problems and an insufficient reliance on appropriate therapeutic services;(e) Children with disabilities being more at risk of maltreatment in institutions than other children;(f) Children in alternative care having limited access to mental health and therapeutic services. <p>34. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recalls its previous recommendations on children deprived of a family environment (CRC/C/AUS/CO/4, para. 52) and urges the State party:</p> <ul style="list-style-type: none">(a) To strongly invest in measures for children and their families aimed at avoiding the removal of children from their families; to limit removal, when it is deemed necessary, to the shortest time possible; and to ensure that children, their families and communities participate in decision-making in order to guarantee an individualized and community-sensitive approach;
--	--	---

		<p>(b) To harmonize, make transparent and publicize across jurisdictions the criteria for removing and placing children in alternative care with a view to providing the highest level of protection;</p> <p>(c) To ensure adequate human, technical and financial resources to child protection services and proper training to those working with and for children in alternative care and in particular to enhance preventive measures in order to avoid children drifting from care into crime;</p> <p>(d) To strongly invest in measures developed and implemented by Aboriginal and Torres Strait Islander children and communities to prevent their placement in out-of-home care, provide them with adequate support while in alternative care and facilitate their reintegration into their families and communities;</p> <p>(e) To provide adequate training to child protection carers on the rights and needs of children with disabilities to prevent their maltreatment and abuse;</p> <p>(f) To ensure that children in alternative care have access to the mental health and therapeutic services necessary for healing and rehabilitation.</p> <p>F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)</p> <p>Health and health services</p> <p>36. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and recalling its previous recommendations on health and health services (CRC/C/AUS/CO/4, paras. 60–61), the Committee urges the State party:</p> <p>(a) To promptly address the disparities in health status of Aboriginal and Torres Strait Island children, children with disabilities, children living in remote or rural areas and children in alternative care;</p> <p>...</p> <p>Mental health</p> <p>37. The Committee is seriously concerned that the number of children with mental health problems is increasing and, while welcoming the adoption in 2017 of the Fifth National Mental Health and Suicide Prevention Plan, is concerned that the Plan does not include enough child-specific measures. The Committee is also particularly concerned:</p>
--	--	--

		<p>...</p> <p>(c) That children themselves have identified mental health as a main issue of concern, one that affects in particular Aboriginal and Torres Strait Islander children, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeking children, children from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex children;</p> <p>...</p> <p>38. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recalls its previous recommendations on mental health (CRC/C/AUS/CO/4, para. 65) and urges the State party:</p> <p>...</p> <p>(b) To prioritize mental health service delivery to children in vulnerable situations, in particular Aboriginal and Torres Strait Islander children, children with disabilities, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeking, refugee and migrant children, children from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex children;</p> <p>...</p> <p>G. Education, leisure and cultural activities (arts. 28–31)</p> <p>Education, including early childhood education and care</p> <p>43. The Committee is still concerned that the efforts made to close the gap for Aboriginal and Torres Strait Islander children remain insufficient. The Committee, taking note of target 4.1 of the Sustainable Development Goals, urges the State party:</p> <p>...</p> <p>(b) To invest more in improving education at the early childhood, primary and secondary levels, paying particular attention to children living in remote areas, Aboriginal and Torres Strait Islander children, children with disabilities, children in marginalized and disadvantaged situations, children in alternative care and children from refugee and migrant backgrounds;</p> <p>...</p>
--	--	---

		<p>H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)</p> <p>Asylum-seeking, refugee and migrant children</p> <p>44. The Committee notes that since 28 February 2019 there are no asylum-seeking, refugee or migrant children in regional processing countries but remains seriously concerned that:</p> <ul style="list-style-type: none">(a) The State party “is not intending to establish an independent guardianship entity for unaccompanied children” (CRC/C/AUS/Q/5-6/Add.1, para. 59) even though the Minister for Home Affairs is also responsible for granting immigration visas and approvals;(b) The Migration Act still prescribes mandatory detention for persons, including children, involved in irregular migration and that the State party “is not currently considering prohibiting the detention of children in all circumstances” (CRC/C/AUS/Q/5- 6/Add.1, para. 60);...(d) The policy of utilizing regional processing countries and detaining children has not been revoked;...(h) Inadequate mechanisms for monitoring the well-being of children involved in asylum, refugee and migration processes exist. <p>45. The Committee refers to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin and to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration and recalls its previous recommendations on asylum-seeking and refugee children (CRC/C/AUS/CO/4, para. 81). The Committee urges the State party immediately:</p> <ul style="list-style-type: none">(a) To amend the Immigration (Guardianship of Children) Act of 1946 (Commonwealth of Australia) to create an independent position of guardian for children;(b) To amend the Migration Act (Commonwealth of Australia) to prohibit the detention of asylum-seeking, refugee and migrant children;...
--	--	---

		<p>(d) To enact legislation prohibiting the detention of children and their families in regional processing countries;</p> <p>(e) To ensure that the best interests of the child are a primary consideration in all decisions and agreements related to the relocation of asylum-seeking, refugee and migrant children within Australia or to other countries;</p> <p>...</p> <p>(h) To implement durable solutions, including financial and other support, for all refugee and migrant children to ensure their early rehabilitation, reintegration and sustainable resettlement;</p> <p>(i) To introduce adequate mechanisms for monitoring the well-being of children involved in asylum, refugee and migration processes.</p>
		Country Report
		<p>CRC/C/AUS/5-6</p> <p>22 November 2018</p> <p>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2f5-6&Lang=en</p>
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;

		<p>(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> <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;(d) Fund and resource culturally suitable support for Indigenous children with disabilities and their families, in the local community;(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>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;(d) Collect data on the number of persons indefinitely detained and a number of cases on an annual basis, disaggregated by nature of offence, time of detention, disability, Aboriginal and other origin, sex, age and jurisdiction, with the aim to review their detention;(e) End the practice of detaining and restraining children with disabilities in any settings. <p>Living independently and being included in the community (art. 19)</p> <p>37. The Committee is concerned about:</p> <ul style="list-style-type: none">(a) The fact that the specialist disability accommodation (SDA) framework facilitates and encourages the establishment of residential institutions and will result in persons with disabilities having to live in particular living arrangements to access NDIS supports;(b) The lack of appropriate, affordable, and accessible social housing, which severely limits the capacity of persons with disabilities to choose their place of residence;(c) The Younger People in Residential Aged Care—Action Plan only outlines plans to reduce the number of persons, including persons with disabilities, under the age of 65 years living in aged care facilities, but does not end the practice. <p>38. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Develop a national framework for the closure of all disability-specific residential institutions, and the prevention of trans-institutionalisation including addressing how persons with disabilities not eligible for the NDIS can be supported to transition to live independently in the community;(b) Increase the range, affordability and accessibility of public and social housing for persons with disabilities, including by implementing a quota for accessible social housing and by developing
--	--	---

		<p>regulations and standards to guarantee the progressive application of universal design principles in accessible housing;</p> <p>(c) Revise the Younger People in Residential Aged Care—Action Plan to ensure that no person aged under 65 years should enter or live in residential aged care by 2025.</p> <p>Respect for home and the family (art.23)</p> <p>43. The Committee is concerned about:</p> <ul style="list-style-type: none"> (a) Parents with disabilities having their child more likely removed, often on the basis of disability, than other parents, and by the lack of support provided to parents with disabilities in their exercise of parental responsibilities for their children; (b) The reported discrimination, particularly of women with disabilities and LGBTIQ+ persons with disabilities in accessing assisted reproductive technologies. <p>44. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (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; (b) Adopt comprehensive and gender and culturally specific parenting and family support measures for parents with disabilities; (c) Ensure that women with disabilities and LGBTIQ+ persons with disabilities have equal access to assisted reproductive technologies.
UPR	Date of Consideration	Link to Page
	9 Nov 2015	https://www.ohchr.org/EN/HRBodies/UPR/Pages/AUIndex.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
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