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Committee on the Rights of the Child**Eighty-second session**

9-27 September 2019

Item 4 of the provisional agenda

Consideration of reports of States parties**List of issues in relation to the combined fifth and sixth reports of Australia**

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 May 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide information on the steps taken to develop a comprehensive child rights law at the national level with application throughout the country. In relation to paragraphs 11 and 12 of the State party's report, please inform the Committee on how the "Statement of compatibility with human rights" is effectively reflected in proposed legislation and in particular regarding children's rights and implementation thereof.
2. Please inform the Committee how the "streamlined Ministerial Council System" of the Council of Australia's Governments ensures in practice the coordination and coherence of policy initiatives regarding children across governments. Please also provide information about the role of the Office for Women within the Prime Minister's Department concerning children. Please provide information about steps taken to develop a comprehensive policy and strategy to implement the Convention and its Optional Protocols as a whole.
3. Please indicate the measures taken to establish a budgeting process with clear allocations to children, specific indicators and a tracking system to monitor and evaluate the impact of budgetary allocations to children's rights. Please provide information on disaggregated data collection about children. Please provide information about the mandate of the new Office of the National Data Commissioner regarding data relative to children.
4. Please provide information on measures taken to eliminate de facto discrimination against girls, Aboriginal and Torres Strait Islander children, children living in remote areas, refugee, asylum-seeking and migrant children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children, including to combat gender stereotypes, address disparities in access to services, evaluate the Northern Territory Emergency Response Bill (2007), and prohibit discrimination on the basis of sexual orientation or gender identity.
5. Please provide information on measures taken to explicitly prohibit by law all forms of corporal punishment in all settings, including "reasonable chastisement", in all states and territories. Please also describe measures to raise public awareness on the harmful effects of corporal punishment and to provide related training to professionals working with or for children. Please also indicate how the State party ensures that "reasonable chastisement" is not used as a defence to a charge of assault of a child.



6. Please provide information on the measures taken to address instances of child abuse, including sexual abuse, and neglect as well as family and domestic violence, including measures to avoid re-victimization. Please indicate the specific measures taken targeting girls, Aboriginal and Torres Strait Islander children and children with disabilities. Please provide information on cases of child marriage.
7. Please inform on how measures to support families resulted in less children placed in out-of-home care, particularly with regard to Aboriginal and Torres Island families. Please provide information on the criteria for the placement of a child in care, and measures taken to periodically review placements, to improve the training of child care workers, to ensure equal access to education and mental health, to prepare for out-of-care and to establish accessible and child-sensitive mechanisms for reporting cases of abuse.
8. Please provide information on the follow-up to the 2015-2016 evaluation of the National Disability Strategy concerning children. Please clarify why the National Disability Insurance Scheme does not aim to cover all children with severe or profound disability, what are the criteria for eligibility and the types of support covered. Please provide information about measures taken to support families, to promote inclusive education and to prohibit the forced non-therapeutically sterilization of children with disabilities.
9. Please provide information about:
 - (a) The measures taken to develop an anti-poverty strategy targeting children in vulnerable situations, including Aboriginal and Torres Strait Islanders;
 - (b) The challenges faced to reduce child homelessness as the number of these children is increasing;
 - (c) The efforts taken to address the problem of climate change and to reduce the vulnerabilities and risks for children owing to climate change.
10. Please inform the Committee about the efforts undertaken to review the Immigration Act 1946 with a view to establishing an independent guardianship entity for unaccompanied immigrant children; and to review the Migration Act 1958 to prohibit the detention of children in immigration proceedings. Please provide information about the measures taken to stop the detention of asylum-seeking, refugee and immigrant children in off-shore facilities and to provide the necessary support and redress to children who were detained.
11. Regarding Aboriginal and Torres Strait Islanders children, please inform about measures taken to:
 - (a) Decrease health disparities;
 - (b) Address the overrepresentation of Aboriginals in prison and the impact it has on their children such as family separation, low rates of family reunification;
 - (c) Increase school attendance, improve educational outcomes and ensure that school curriculums and pedagogical methods are relevant to children's contexts and future needs.
12. Please provide information about the measures taken to:
 - (a) Increase the minimum age of criminal responsibility;
 - (b) Ensure that children in conflict with the law are always separated from adults;
 - (c) Ensure that children with intellectual and/or psychosocial disabilities are not dealt with under judicial proceedings and do not remain in indefinite detention;
 - (d) Establish an effective mechanism to investigate and address cases of abuse in juvenile detention centres.
13. Please provide information on the measures taken to implement the Committee's previous recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/AUS/CO/1), including to:
 - (a) Establish a coordinating entity and a mechanism for data collection, analysis, monitoring and impact assessment;

- (b) Prohibit and criminalize the sale of children;
- (c) Investigate and sanction offences;
- (d) Provide reparations, redress and physical and psychosocial support to victims.

14. Please provide information on the measures taken to implement the Committee's previous recommendations on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/AUS/CO/1), including with regard to:

- (a) Prohibiting the handling and use of firearms by children under 18;
- (b) Establishing oversight and accountability of private military and security companies;
- (c) Identifying and supporting asylum-seeking and refugee children who have been or may have been involved in armed conflict.

Part II

15. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

16. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

17. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Cases of violence against children, child neglect and abuse and the number of investigations and prosecutions carried out and sentences issued;
- (b) Asylum-seeking and migrant children in reception centres;
- (c) Child victims of sale, trafficking, prostitution and pornography and the number of investigations and prosecutions carried out and sentences issued.

18. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Separated from their parents;
- (b) Living with relatives;
- (b) Placed in institutions ;
- (c) Placed with foster families, and of these the number of children placed in foster families of their ethnicity.

19. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

20. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) In pre-trial detention;
- (d) Serving a sentence in detention and the length of the sentence.

21. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including on child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

22. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.

23. 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
