Committee on the Rights of the Child
Eighty-second session

Summary record of the 2402nd meeting
Held at the Palais Wilson, Geneva, on Monday, 9 September 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

Contents

Consideration of reports of States parties

Combined fifth and sixth periodic reports of Australia
The meeting was called to order at 3 p.m.

Consideration of reports of States parties

Combined fifth and sixth periodic reports of Australia (CRC/C/AUS/5-6; CRC/C/AUS/Q/5-6 and CRC/C/AUS/Q/5-6/Add.1)

1. At the invitation of the Chair, the delegation of Australia took places at the Committee table.

2. Mr. Walter (Australia), introducing the combined fifth and sixth periodic reports of Australia (CRC/C/AUS/5-6), said that Australia was deeply committed to upholding the full range of children’s rights. The country was home to one of the world’s oldest continuous civilizations, and its Aboriginal and Torres Strait Islander communities continued to make vital contributions to the Australian national identity and spirit. Australia was also a migrant nation. Nearly a third of its people had been born overseas, and many more were first- or second-generation Australians. The country’s diversity was one of its greatest assets. Australia was also proud of its public institutions and high standards of health and education.

3. Most children in Australia had access to high-quality health services and education and were safe in their homes and communities. Some, however, including Aboriginal and Torres Strait Islander children, children with disabilities, children living in remote areas and children living with family instability and stress, still faced barriers to the full enjoyment of their rights.

4. Since its previous appearance before the Committee, in 2012, Australia had undertaken reforms to enhance children’s safety and well-being. Commissions established in recent years had shed light on various institutions’ failure to provide a safe environment for vulnerable children. Following the publication in December 2017 of a report on institutional responses to child sexual abuse, all Australian jurisdictions and a number of non-governmental organizations (NGOs) had made a commitment to report annually on the steps they were taking to act on the recommendations made in the report. The Government had also created the National Office for Child Safety, which, in consultation with organizations representing relevant population groups, was leading the development and implementation of a number of national initiatives, including the National Principles for Child-Safe Organizations, the Commonwealth Child Safe Framework and the National Strategy to Prevent Child Sexual Abuse. In late 2019, the Office would conduct a review of government agencies’ compliance with child safety requirements.

5. The Government had recently announced funding for a three-year study of the ill-treatment of children that would help close data and research gaps. In October 2018, the Prime Minister, on behalf of the country, had apologized to the victims and survivors of child sexual abuse, reflecting, as he spoke, on the country’s failure to listen to its children and on the trauma they had endured.

6. The Government of the Northern Territory had accepted the recommendations made by a royal commission set up to conduct an inquiry into the protection and detention of children in the Territory, and in April 2018 it had committed an additional 229.6 million Australian dollars ($A) over five years to implementing the recommendations. The Australian Government had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in December 2017 and was in the process of setting up mechanisms for the prevention of torture in each of the country’s jurisdictions, a step that would contribute greatly to improving conditions in juvenile detention facilities.

7. Other institutional changes since 2012 included the designation of a national children’s commissioner, whose office was part of the Australian Human Rights Commission (the national human rights institution), and recent high-level appointments that demonstrated the Government’s recognition that responsibility for children’s rights and well-being cut right across government actions and services.

8. The Australian Government was committed to helping children and young people achieve the highest attainable standard of mental health. In 2019, it had announced funding
amounting to $A 461 million for a strategy to prevent suicide and promote well-being among young people, those from Aboriginal and Torres Strait Islander communities in particular. Efforts to improve youth services were informed by young people’s views. The Youth National Reference Group and the Youth Health Forum, for example, enabled young Australian leaders to draw attention to the needs of young people, promote mental health and work with the Government to develop programmes and policies.

9. Approaches to disability support had undergone significant changes. The National Disability Insurance Scheme, set up in 2013, provided persons with disabilities or developmental delays with the support they needed to lead ordinary lives. Specialized partners helped the families of children with disabilities under the age of 7 gain access to the benefits provided under the Insurance Scheme. The aim was to help all children with disabilities and their families by providing them with appropriate support services in their local communities.

10. For all the country’s achievements, however, there were still obstacles to ensuring that all its children could fully exercise their rights. The rates at which children were placed in out-of-home care were troubling. Suicide rates among young people were unacceptably high. Aboriginal and Torres Strait Islander children were overrepresented in the juvenile justice and child protection systems. Australia was committed to addressing those obstacles.

11. **Mr. Nelson** (Coordinator, Country Task Force) said that, although most of the approximately 5 million children in the State party were clearly fortunate to live there, some, as had been noted, struggled to exercise their rights. A recent poll of the country’s children had shown that their three main concerns were (a) being safe, (b) having a proper home and being cared for and (c) having a clean environment. The Australian Government was surely aware that thousands of the country’s students were skipping school to protest its fossil-fuel projects and its failure to focus on renewable energy.

12. The State party, in addition to disregarding the environmental views expressed by its children, appeared not to have given effect to many of the recommendations made by the Committee in 2005 and 2012. There was little point in having interactive dialogues every seven years if the same issues were discussed at each one.

13. Turning to specific questions, he said that he wished to know when the State party intended to withdraw its reservation to article 37 (c) of the Convention, on the obligation to separate children and adults deprived of their liberty. He also wished to know whether the State party was still reluctant to adopt a comprehensive child rights law at the national level and, if so, whether there were obstacles to the adoption of such a law that the Committee could help the State party overcome.

14. Noting the work of the Parliamentary Joint Committee on Human Rights in assessing the compatibility of proposed legislation with the rights enshrined in the international human rights treaties to which Australia was a party, he asked whether the Joint Committee was required to consult with the National Children’s Commissioner or to hold public consultations. He said that it would be interesting to learn whether there was a legal obligation to redraft bills to remedy any incompatibilities identified by the Joint Committee, whether the members of that Committee received any training on children’s rights and how difficult it would be to produce child-rights impact assessments as part of the process of adopting legislation.

15. He would welcome a comment on the role to be played by the newly established National Office for Child Safety. It would be particularly interesting to know whether the Office had the funding and resources it needed. The State party might wish to consider having the Office broaden the scope of its review of compliance with child safety requirements beyond government agencies to include a wider range of bodies.

16. It would be interesting to know whether Australia, like some other countries such as Canada, had a national plan that encompassed every area covered by the Convention and its Optional Protocols. He would welcome more detail on the mandate and responsibilities of the Assistant Minister for Children and Families and whether, for example, the Assistant Minister had support staff. He wished to know whether the data collected by the State party
covered all areas of the Convention, whether those data made it possible to identify trends among vulnerable population groups, such as children from Aboriginal and Torres Strait Islander communities and asylum-seeking or refugee children, and how data were shared. Was there a national framework for data on children?

17. He asked whether the recommendations made by the National Children’s Commissioner were acted on, what public support the Commissioner received and what the responsibilities of the Aboriginal and Torres Strait Islander Social Justice Commissioner were. He also asked whether school curricula covered the Convention and the Optional Protocols and whether persons working with and for children were given training on the Convention and its Protocols. He wondered whether any special efforts had been made to raise public awareness of the Convention, in particular in view of its thirtieth anniversary. In addition, he wondered whether there were civil society organizations that worked with Aboriginal and Torres Strait Islander children and, if so, whether they took part in capacity-building efforts led by the Government and what forms of public support they received.

18. He would appreciate the delegation’s comments on whether the trade agreements to which Australia was a party provided for the protection of children’s rights and included mechanisms for sanctioning violations of those rights. He wondered whether the standards set out in the Child Protection Policy 2017 applied to all development projects funded by the Department of Foreign Affairs and Trade. An indication of what steps the State party had taken to act on the Committee’s recommendations on child rights and the business sector (CRC/C/AUS/CO/4, para. 28) would be welcome.

19. He asked whether the country’s various jurisdictions had raised or considered raising the minimum age of criminal responsibility and whether the Marriage Act 1961 had been amended with a view to abolishing child marriage. He also asked whether there were any published guidelines on the best interests of the child and what efforts were made to ensure that those interests were a primary consideration in all actions taken by the State, including in asylum and immigration proceedings.

20. He said that he would welcome further information on any progress made possible by the National Injury Prevention Strategy 2018–2019. He also wished to know whether the State party had a national report or other information on the causes of child mortality in its territory, whether the Government supported the work of the Australian and New Zealand Child Death Review and Prevention Group and what measures had been taken to identify and address the causes of the increase in suicide among children.

21. As proceedings in family courts sometimes made it difficult for children to express their views, he wished to know whether any plans had been made to amend the Family Law Act 1975. He also wondered whether children’s views were taken into consideration in proceedings under the Migration Act of 1958, whether lawyers were required by law to have direct contact with the children they represented and whether there was any support in Australia for setting up a children’s parliament.

22. Mr. Lumina (Country Task Force) said that he would appreciate more information on how public spending, particularly as it related to children, was monitored and evaluated and whether there were any plans to conduct periodic benefit-incidence analyses with a view to determining the extent to which different socioeconomic groups of children benefited from social investment by the Government. He also wished to know whether children participated in government budgeting processes.

23. Drawing attention to principle 2 of the Guiding Principles on Business and Human Rights, he asked how the Government ensured that the Export Finance and Insurance Corporation was held accountable for the impact on human rights of any business activities to which it gave financial support, and whether there were any plans to introduce a requirement for Australian companies operating abroad to report on their global operations.

24. He asked what measures were in place to ensure equal access to services for Aboriginal and Torres Strait Islander children, children with disabilities, and asylum-seeking, refugee and migrant children; what policies were in place to address the continued overrepresentation of Aboriginal and Torres Strait Islander children in the child protection
and youth justice systems; and what steps had been taken to combat the discrimination and racial profiling experienced by persons of African descent in places such as Melbourne.

25. Noting that the National Plan to Reduce Violence against Women and their Children 2010–2022 focused on young persons aged 12 to 20, he asked what measures were being taken to reduce violence against children aged under 12; whether there were plans to introduce federal and state legislation that would ban corporal punishment in all settings; and, if so, what the timeline for that process would be. He said that he would welcome information on the Government’s efforts to better prevent and respond to family violence; on the support provided to Aboriginal and Torres Strait Islander organizations working in that field; and on any counselling or early intervention programmes aimed at child victims of family and domestic violence.

26. He wondered whether there were plans to harmonize state and territory laws prohibiting female genital mutilation, so as to fully protect all girls, and what measures were in place to ensure that intersex children were not subjected to unnecessary medical or surgical treatment, to guarantee the bodily integrity of intersex children and to provide their families with support and counselling. Lastly, he said that he would like to know what was being done to improve the capacity of the Kids Helpline, which was reportedly unable to respond to all callers.

27. Ms. Khazova (Country Task Force) said that the Committee was concerned about the low rate of birth registration among the Aboriginal and Torres Strait Islander communities and the obstacles they faced in obtaining birth certificates. She wondered whether parents on low incomes were aware that they could apply for a waiver of the birth certificate fee and knew how to make an application. The Government might wish to consider abolishing all fees and penalties relating to birth registration. Although she welcomed the move to online registration, she wondered whether the Aboriginal and Torres Strait Islander communities would accept the idea or would be able to access the service. She wished to know whether they would receive information in their own languages about the procedure and the importance of birth registration.

28. She was concerned by reports that some Aboriginal children in the child protection system were unable to obtain identity documents that proved their Aboriginality and their nationality. She would appreciate more information on the legislative amendment that provided for the withdrawal of Australian citizenship where individuals had engaged in combat abroad or been convicted of terrorism-related conduct, as the Committee was concerned that its application could lead to children losing their nationality. She would like to know whether children born as a result of international surrogacy arrangements were able to promptly obtain a birth certificate; whether they were granted Australian nationality; and whether they could gain access to information about their origin later in life.

29. She wondered how the Government ensured that Aboriginal and Torres Strait Islander children, children living in remote areas, children in residential care and children with disabilities were able to express their opinions freely and access information online in appropriate formats and languages. She would like to know whether children throughout the country were taught how to use the Internet safely as part of the compulsory school curriculum. Lastly, noting that photographs of persons aged over 16 who were constrained under the Western Australian Prohibited Behaviour Orders Act 2010 could be published online, she said that she would appreciate information on the relevant procedure and its compatibility with the child’s right to privacy.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

30. Mr. Walter (Australia) said that the Government did not intend to withdraw its reservation to article 37 (c) of the Convention, because the reservation was consistent with the purpose of the Convention and had not given rise to objections from other States parties. Australia was such a large country that it was sometimes necessary to detain adults and children in the same facility so as to ensure that children had access to their families. On the question of a national law on children’s rights, he pointed out that the primary responsibility for many of the matters addressed in the Convention fell to state and territory governments, so, even though the federal Government provided leadership with respect to
the protection of children’s rights, it did not make much sense to enact legislation at the national level.

31. The Attorney-General’s Department provided training and support to government departments in preparing statements on the compatibility of proposed legislation with the international human rights conventions to which Australia was a party. While proposed legislation was being considered by the Parliamentary Joint Committee on Human Rights, external stakeholders could submit their views on its compatibility with the relevant conventions; however, in cases where legislation was being examined urgently, there was only limited opportunity for public input. The work of the National Children’s Commissioner was funded from the overall budget of the Australian Human Rights Commission and additional funding was provided for any specific projects to be carried out for other government departments and agencies.

32. Ms. Mandla (Australia) said that the Royal Commission into Institutional Responses to Child Sexual Abuse had taken into account submissions from survivors of child sexual abuse, including those from Indigenous communities. The National Office for Child Safety collaborated closely with civil society organizations, NGOs and state and territory governments. Its work included overseeing the design and implementation of the National Strategy to Prevent Child Sexual Abuse and working with researchers to improve the collection of data on child sexual abuse and ill-treatment. It also focused on sharing information about individual children across different jurisdictions. The Office currently had 18 staff members; it would review its staffing needs in due course.

33. The Government was committed to collecting comprehensive and reliable data on children and young persons for a broad range of indicators and using those data in order to improve its policies. In December 2018, the Prime Minister had agreed to fund the first national study on the prevalence and health impacts of child abuse; the first tranche of data from that study would be available by 2030.

34. Ms. Foreman (Australia) said that one key source of data was the early development census, which was conducted every three years and covered areas such as children’s social competence and emotional maturity. The data were publicly available and were disaggregated by socioeconomic status and disability, among other criteria. In addition, two longitudinal studies were underway. The first was a study of 10,000 children divided into two cohorts by age, that covered areas such as demographics, home environment and parenting. The second study concerned two cohorts of Aboriginal and Torres Strait Islander children and covered areas such as mental health, cognitive development and aspirations. The data from both studies were disaggregated by criteria such as socioeconomic status.

35. The child protection national minimum data set was published annually and contained information on children who had come into contact with the child protection services. That information included, for example, the number of cases of child abuse reported and protection orders issued. Studies on the Children’s Headline Indicators were conducted every few years and covered areas such as health, early learning and family and community. Disaggregated data from those studies were made available on a case-by-case basis.

36. Ms. Towler (Australia) said that the Government had pledged over $A 0.9 million for the development of a national injury prevention strategy that would focus on Aboriginal and Torres Strait Islander children as a priority group. Two round-table discussions had been held in March 2019 and a literature review had been completed in June 2019. The first meeting of the expert advisory group would be held in September 2019, consultations with stakeholders would be conducted before the end of 2019 and the strategy would be available by June 2020.

37. Ms. Rishniw (Australia) said that the Government had recently set aside $A 503 million for the implementation of a national youth mental health and suicide prevention plan. It had also allocated $A 15 million to the development of a new system for the collection of data on suicide prevention and self-harm. It had pledged $A 125 million over the next decade to support research into the causes of mental illness and suicide prevention.
strategies. A number of research projects had recently been commissioned, including one on how emergency departments dealt with children and young persons in crisis.

38. The Government had provided $A 18 million to assist professionals in identifying and supporting children with mental health issues and $A 52 million for integrated mental health programmes in early childhood services and in primary and secondary schools, and for promotion and prevention activities to help build resilience in children and young people. It had also provided resources for websites and telephone helplines, some catering for children aged as young as 5, and including $A 12 million for the Headspace programme designed to support young people at risk of mild and moderate mental illness. A special advisor on suicide prevention had recently been appointed to coordinate government programmes tackling the underlying causes of suicide.

39. Ms. Zakharoff (Australia) said that the best interests of the child were a primary consideration in all actions in the area of immigration and asylum, including any action affecting a parent or guardian that would also affect a child. Given that not all officials were likely to have specialist knowledge of child development or experience in children’s needs, the Department of Home Affairs had developed guidance on relevant policies and practice.

40. With regard to regional processing, family members arriving in Australia at different dates were occasionally subject to different policies. That could mean that one member of the family had access to protection assessment and possibly to temporary settlement while others might not have the same options. Australia continued to apply a firm policy whereby no individuals currently undergoing regional processing would be permitted to settle permanently in Australia, although they could seek resettlement through third countries as appropriate.

41. Her Government recognized the importance of family reunification and, through the “split family” provisions of its humanitarian programme, aimed to reunite refugees with their families in Australia. Priority was given to the immediate families of persons already resettled under the programme and most protection and humanitarian visa holders were entitled to propose family members for resettlement.

42. In onshore proceedings minors, including unaccompanied minors seeking asylum, could apply for a protection visa either in their own name or as part of a family unit. Although the Migration Act included no specific obligations for the protection of minors, the detailed policy guidance available to officials assessing their permanent visa applications emphasized the best interests of the child, prioritized the processing of unaccompanied minors’ applications and gave instruction on child-friendly interview techniques. An adult familiar with the case, an independent observer or a migration agent appointed under a visa application assistance scheme could be present during interviews with children, who also had the right to an interpreter. Interviewing officers were required to ensure that minors could speak for themselves and to explain the State party’s protection obligations and the protection visa assessment process. Officers took children’s particular needs and characteristics into account both during the interview and when reaching a decision on their application.

43. Interviews under the offshore humanitarian programme aimed to confirm applicants’ identity and family ties and gather further information about their claims of persecution or discrimination, as well as about child custody and post-settlement needs. Detailed interviews with minors aged under 16 were avoided unless they addressed issues of direct relevance to a case. Interviewing officers were mindful of the vulnerability of unaccompanied minors and the need to interview them sensitively, in the presence of a responsible adult.

44. Australian companies were required to comply with all domestic human rights legislation, and the Government promoted responsible business conduct, including in the supply chain. Under the National Action Plan to Combat Human Trafficking and Slavery (2015–2019), for example, it worked closely with business and civil society to address all serious forms of exploitation, while the Modern Slavery Act required large businesses and other entities to report annually on their actions to address modern slavery, including the worst forms of child labour, in their global operations. By implementing the Principles to Guide Government Action to Combat Human Trafficking in Global Supply Chains, the
Government supported the Australian Human Rights Commission in promoting responsible business conduct. The State party also adhered to voluntary initiatives such as the Guiding Principles on Business and Human Rights, which businesses were encouraged to apply in their operations in Australia and abroad. The Government participated in numerous other international initiatives to eradicate slavery and promote human rights in the trade and business sectors, including the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Global Alliance to Eradicate Forced Labour, Modern Slavery, Human Trafficking and Child Labour and the Better Work Programme of the International Labour Organization. It also applied international standards to tackle forced and child labour.

45. Decisions to enter into trade negotiations were informed by a consultation process, and human rights issues were taken into consideration. Australia did not routinely undertake child rights impact assessments prior to concluding trade agreements, believing that more targeted action had a greater effect.

46. Ms. Phillips (Australia) said that human rights education was part of the curriculum at all levels of the education system. Resources for human rights teaching were provided to educators by the Australian Human Rights Commission and by state and territory authorities during initial teacher training. As to corporal punishment, it was not a social norm, and child protection mechanisms and criminal sanctions applied in all states and territories when children suffered physical abuse or serious harm, including at the hands of a family member. Families were assisted in developing positive parenting strategies.

47. Ms. Foreman (Australia) said that parents were encouraged to seek assistance in developing evidence-based parenting techniques. The Government was working to remove the stigma attached to seeking such assistance, notably through an initiative to help professionals working with families to convey accurate and effective parenting messages, and a website offering tools and guides to promote lifelong health and well-being for children.

48. Ms. Davis (Australia) said that hospitals, doctors and midwives gave parents birth registration forms, to be submitted within 60 days of the birth, although that deadline was often missed. States and territories were responsible for registering births and providing copies of certificates, and fees could be waived on a number of grounds, including financial hardship. No fee was charged in New South Wales or Queensland. In the Northern Territory and Western Australia, Indigenous Australians were assisted in registering births by registry officials who visited their communities. Assistance was also available via telephone, and there were Torres Strait Islander liaison officers in hospitals. Health workers also assisted families in a culturally sensitive manner.

49. The Victorian Aboriginal Child Care Agency recognized that without confirmation of their aboriginality Torres Strait Islander children might be denied access to services and opportunities, and helped them obtain such confirmation.

50. Ms. Foreman (Australia) said that all governments in the State party had agreed to improve their procedures to identify children with disabilities, and also to improve the collection of data on Torres Strait Islander children.

51. Family violence was addressed by the National Framework for Protecting Australia’s Children (2009–2020) and the National Plan to Reduce Violence against Women and their Children 2010–2022. Additionally, by working with children to create safer homes, and with a particular focus on gender, systemic change was possible. National standards for out-of-home care had been developed under the National Framework, along with a national system to share child protection information in order to help track at-risk children who moved to another state or territory.

52. The Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children focused primarily on prevention, healthy relationships and gender equality. Accordingly, services to deal with family violence had been expanded to make special provision for children from diverse backgrounds; programmes had been implemented to encourage positive relationships among adolescents from aboriginal and Torres Strait Islander communities; and media campaigns had been run promoting
respectful relationships among young people. The Plan also supported men and boys, in particular through MensLine Australia, a telephone and online service that supported men with family and relationship concerns but also protected women and children by working with men at risk of committing gender-based violence.

53. **Mr. Walter** (Australia) said that the age of criminal responsibility was 10 but children between the ages of 10 and 14 could be prosecuted for a criminal offence only if there was no doubt that they had known that their actions were wrong. The Council of Attorneys-General was considering raising the age of criminal responsibility to 12, as recommended by the Northern Territory Royal Commission. The minimum age of marriage was 18, although the courts could grant permission to marry to children aged 16 in special circumstances. Female genital mutilation was comprehensively outlawed in all states and territories, as was the removal of a child from Australia to another country for that purpose. While there was very little evidence of it occurring in the State party, around 53,000 women and girls were thought to have been subjected to the practice prior to their arrival in Australia.

54. With regard to intersex children, giving consent on a child’s behalf to therapeutic medical treatment, including treatment that might cause infertility, was the parents’ responsibility provided such treatment was required as a result of a bodily malfunction, disease or psychotic disorder. In all other cases, and notably for invasive or irreversible treatment with no clear therapeutic value, the approval of the Family Court must be sought. The Australian Human Rights Commission was currently examining the issue and would report before the end of 2019.

55. Under the Australian Citizenship Act 2007, persons aged over 14 who held dual nationality could be deprived of their Australian citizenship if they had acted inconsistently with their allegiance to Australia by engaging in specified terrorism-related conduct offshore or serving in the armed forces of a country at war with Australia, or if they had been convicted of terrorism-related offences. The relevant provisions were currently being reviewed by the Independent National Security Legislation Monitor and the Parliamentary Joint Committee on Intelligence and Security.

56. The Australian Law Reform Commission had proposed significant reforms to the Family Law Act and the Government was considering what action to take, if any.

57. While children born overseas through international surrogacy arrangements were not automatically entitled to Australian citizenship, parents could make an application on grounds of descent. The relevant authorities would then examine the details of the arrangement, including the identity of the birth mother and whether she had given her consent. The Government was engaging with the Experts’ Group on Parentage/Surrogacy of the Hague Conference on Private International Law.

58. Courts in Western Australia had the power to place restrictions on persons aged over 16 who had a history of offences involving antisocial behaviour. The person’s name, photograph and district of residence could then be posted on a website alongside details of the restrictions imposed, but as of September 2017, there had been no applications to do so. The Government of Western Australia was aware of concerns about the procedure and was considering whether to discontinue it.

59. **Mr. Rodríguez Reyes** said that it would be useful to learn about any plans to train teachers and other professionals working with children and young people in detecting the warning signs of suicidal intentions. He wondered when the State party intended to raise the age of criminal responsibility to 12, as it had undertaken to do. It was unclear how the policy of allowing parents to authorize procedures that would alter the sexual characteristics of intersex children was compatible with the State party’s ban on female genital mutilation.

60. **Mr. Jaffé** asked whether the Government intended to introduce a complete ban on corporal punishment in all settings. Which groups, if any, were opposed to such a step?

61. **Ms. Todorova** said that she would like to know whether children with disabilities faced intersectional discrimination, in the form of forced sterilization or hormone treatment, for example. It was unclear how the best interests of the child were assessed when
removing children from parents with disabilities. She would appreciate more details of how disabilities were identified in children from Indigenous backgrounds and whether linguistic and cultural barriers were taken into account.

62. Mr. Gudbrandsson said that he wished to urge the State party to revisit its legal provisions on corporal punishment.

63. The Committee was concerned about reports of the revictimization of children who had experienced sexual abuse. It would welcome more information regarding the support infrastructure in place and any steps taken to address the alleged lack of trauma-focused services for such children.

64. Ms. Khazova said that she wondered whether there was any research into the reasons why children were placed in out-of-home care. What measures were in place to prevent children being removed from their families? In view of the variations in the criteria for child removal and placement across the various jurisdictions, it would be useful to know whether the State party had any plans to develop guidelines on assessing the best interests of the child in such cases. She would like to know whether reports that children were removed from parents with disabilities were accurate. She also wondered whether children who were placed in residential care were able to stay in contact with their biological family and why children aged under 12 who were being considered for adoption were not asked to give their opinion on the matter.

65. She would welcome the delegation’s comments on reports that conditions in residential care were intolerable and that women victims of domestic violence, especially those from Indigenous backgrounds, were often afraid to report incidents to the police in case their children were removed from their care.

66. She asked whether the National Disability Strategy 2010–2020 addressed inclusive education and how the Strategy’s effectiveness was evaluated. The Committee would be grateful for statistics on the number of children aged over 14 with disabilities.

67. She wondered how easy it was for all children, including those living in remote areas, to obtain access to health services. She would appreciate information on plans to tackle the high rate of child obesity. Could the delegation account for the sharp rise in the number of children with mental disorders and for the fact that Australia had the world’s highest rate of attention deficit hyperactivity disorder (ADHD) in 5 to 14-year-olds? It would be useful to know how decisions to prescribe psychostimulant drugs as opposed to non-medical alternatives were made. Had the State party considered conducting research into the correlation between suicide and the use of such drugs?

68. She would like to know why forced sterilization of intersex children was permitted.

69. Ms. Marshall-Harris (Country Task Force) said that she wished to urge the State party to extend the provisions on protection of the cultural rights of Indigenous Australians, contained in the Human Rights Act 2004 of the Australian Capital Territory, to all jurisdictions. She wondered how cultural rights were protected in the education system, and how the authorities were addressing the high rates of suspension and expulsion of Indigenous children and the racism and bullying they experienced in schools. What training programmes were being developed to help non-Indigenous teachers deal with those issues? She would appreciate clarification as to whether access to education for Indigenous children fell within the mandate of the Aboriginal and Torres Strait Islander Social Justice Commissioner.

70. She wondered whether the Closing the Gap initiative had achieved its objectives in terms of Indigenous children’s educational achievement and access to early childhood education, and what impact the 2017 investment package had had on their high dropout and low attendance rates. Did Indigenous children living in remote areas or with disabilities have access to quality inclusive education on an equal footing with other children? She would be grateful for information on school programmes to address obesity and bullying, including cyberbullying.

71. The Committee would appreciate an account of any initiatives to address the overrepresentation of Indigenous children in the juvenile justice system, to ensure that they
were not subjected to harsh treatment and racist abuse in custody and to end the practice of mandatory sentencing. Could the delegation provide an update on the Australian Law Reform Commission’s progress with its report on that subject, due in 2018? She would like to know whether the Don Dale Detention Centre was still open and whether the Office of the National Children’s Commissioner had adequate powers to monitor the plight of children in detention.

72. Mr. Nelson, noting the State party’s view that the Convention did not include a general right to the environment or to protection against climate change, said that he would welcome the delegation’s comments, given that the state of the environment clearly impacted on the rights to life, health and an adequate standard of living. What progress had the State party made towards the targets contained in the Paris Agreement? Children themselves had on many occasions communicated their environmental concerns to the Committee and he would be grateful for information on how their views were taken into account in the design of programmes to address climate change, including by reducing greenhouse gas emissions, phasing out coal mining and conducting research into sources of renewable energy.

73. He would like to know what steps were being taken to address the high levels of homelessness and overcrowding affecting children. He would appreciate details of the Government’s plans for the asylum-seeking and refugee children currently in Nauru. There appeared to be a conflict of interest in the dual role of the Minister for Home Affairs, who was the de facto guardian of those children and yet was also responsible for making decisions on immigration; he would be interested to hear the delegation’s comments.

74. The Committee would welcome an update on any action taken on the 227 recommendations issued by the Royal Commission into the Detention and Protection of Children in the Northern Territory. He wondered why there were so many children in pretrial detention and whether such detention was subject to weekly review; he would appreciate more information on diversion measures to keep young people out of the justice system.

*The meeting rose at 6.05 p.m.*