

Human Rights Council (19th session, 27th February to 23rd March 2012)

Defence for Children International (DCI) Australian section oral statement

Thank you Mr/Madam Chairperson,

We would like to thank the Council for the opportunity to make this statement, and we welcome the opportunity to discuss substantive issues relating to child rights in Australia and around the world.

In 2011, the Child Rights Taskforce submitted a report on behalf of Australian Non-Government Organisations to the Australian Government entitled *Listen To Children*. Since the publication of this report, there has been no change. **Defence for Children Australia would like to re-assert the importance of the issues discussed in the report, and once again commend the recommendations to Government.**

Australia remains a wonderful place for most of its children, but our nation provides a far from ideal childhood for many disadvantaged groups, **including our Aboriginal children, children from migrant and refugee backgrounds, and children requiring out-of-home care.** The Convention on the Rights of the Child still remains unincorporated into our legislative framework, and Government policy is dismissive of the Convention as a tool for change.

The concerns outlined in *Listen To Children* are today more relevant than ever.

- i) **Aboriginal children continue to experience considerable disadvantage relative to their non-Indigenous peers**, with Aboriginal children aged 10 to 17 being 24 times more likely to be jailed and 10 times more likely to enter out-of-home care. Whilst this has been recognised by the Australian Government through the National Indigenous Reform Agreement *Closing The Gap*, the Ombudsman, in monitoring the circumstances of many Aboriginal children and young people, notes that there are still many who are failing to regularly attend school, engaging in anti-social behaviour, becoming involved in the criminal justice system, and being subjected to chronic levels of abuse and neglect;
- ii) Despite statements from the Government flagging an intention to end the detention of child migrants, **many children remain in immigration detention in unacceptable circumstances resulting in mental and physical health concerns, social isolation, and educational disadvantage;**
- iii) Despite some limited additional investment in service provision, **rates of children in out-of-home care continue to rise**, with significant increases recorded in every state and territory over the 2010-2011 financial year;
- iv) Rates of homeless children and families continue to be inadequately addressed by Government, with **children making up almost half of the homeless population in Australia.**

Despite the persistence of these concerns, **no noticeable progress in implementing the recommendations of the report has been made.**

- i) The Convention on the Rights of the Child has not been comprehensively incorporated into Australian law;
- ii) A National Plan of Action for children has not been created or implemented;
- iii) And an Independent National Children's Commissioner has not been appointed, despite legislation being tabled in Parliament.

The latest Australian Institute of Health and Welfare review reports that notifications made to child protection agencies have reduced in number, although a number of changes to reporting and recording requirements makes data difficult to compare to previous years, including the raising of the threshold for mandatory reporting of suspected abuse or neglect in Australia's most populous state, New South Wales. **The rate of children who are subject to a substantiation of a notification remains steady at 6.1 children per 1,000.**

More children than ever are on care and protection orders, with 7.6 children in every 1,000 being subject to an order. This figure rises to as high as 11.6 in the Northern Territory, and has increased among Aboriginal and Torres Strait Islander children to **51.4 children per 1,000**, nine times higher than non-Indigenous children.

The National Framework for Protecting Australia's Children represents the first united attempt by all Australian states and territories to arrest these worrying trends and address the significant problems of child abuse and neglect across Australia. However, progress with the development and implementation of the Framework has been difficult.

It has been recognised that priorities for improvement must include:

- More connected service delivery;
- Improving health outcomes for Indigenous children;
- Improving support for kinship and foster carers;
- Developing national standards for the provision of out-of-home care;
- Building workforce capacity;
- Enhancing the evidence base for good practice and filling gaps in research;
- Supporting young people to successfully transition from out-of-home care;
- Responding appropriately to sexual abuse;
- Advocating at a national level for the needs and rights of children;
- And improving our capacity to recognise and respond early to indicators of abuse and neglect.
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Early intervention is particularly crucial, and our definition of such intervention needs to be extended to include timely intervention at all key times in the lives of children and young people. This means that whilst intervention in the early years remains critical, this should not preclude appropriate supports and interventions during school years and adolescence. In a report by the Australian Institute of Family Studies last year, Dr Judy Cashmore highlighted the links between childhood abuse and neglect and involvement in juvenile offending, and the lack of any coordinated response to these links around Australia. Similarly, there is a paucity of mental and specialist health and educational supports which are easily accessible for children and young people in times of need.

Our continued inability to provide timely and appropriate responses to the needs of children and young people is an unfortunate reality in modern Australia, and one which we urge our Government to address as a matter of urgency.

Thank you Mr/Madam Chairperson.