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**Committee on the Rights of the Child**  
**Sixtieth session**  
29 May–15 June 2012

## **Consideration of reports submitted by States parties under article 44 of the Convention**

### **Concluding observations: Australia**

1. The Committee considered the fourth periodic report of Australia (CRC/C/AUS/3-4) at its 1707th and 1708th meetings (see CRC/C/SR.1707 and 1708), held on 4 and 5 June 2012, and adopted, at its 1725th meeting, held on 15 June 2012 (see CRC/C/SR.1725), the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's fourth periodic report (CRC/C/AUS/4), submitted in accordance with the reporting guidelines of the Committee, as well as the written replies to its list of issues (CRC/C/AUS/Q/4/Add.1). The Committee appreciates the constructive dialogue with the State party's multisectoral delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/AUS/CO/1) and under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/AUS/CO/1).

#### **II. Follow-up measures undertaken and progress achieved by the State party**

4. The Committee welcomes as positive the adoption of the following legislative measures:

(a) The Human Rights (Parliamentary Scrutiny) Act 2011, which requires all the State party's legislation to be subject to a compatibility assessment, with the human rights and freedoms recognised or declared in the seven core international human rights instruments Australia is party, prior to them being passed;

(b) The Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (Cth), which prioritizes the safety of children in the family law system

while continuing to promote a child's right to have a meaningful relationship with both parents when this is safe; and

(c) The Education and Care Services National Law Act 2010, which establishes a national quality framework for early childhood education and care.

5. The Committee also welcomes the ratification or signature of:

(a) The Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2007;

(b) The Optional Protocol to the Convention against Torture and other Inhuman or Degrading Treatment or Punishment, in 2009;

(c) The Convention on the Rights of Persons with Disabilities, in 2009;

(d) The Optional Protocol on the Rights of Persons with Disabilities, in 2009; and

(e) The Optional Protocol to the Convention on the Elimination of Discrimination against Women, in 2008.

6. The Committee also welcomes the following institutional and policy measures:

(a) The National Plan to Reduce Violence against Women and their Children 2010-2022 in 2010;

(b) The National Framework for Protecting Australian Children 2009-2020, in 2009;

(c) The "National Early Childhood Development Strategy" in 2009;

(d) The creation of the National Youth Forum in 2008;

(e) The National Apology to the Stolen Generations regarding the Aboriginal and the Torres Strait Islander children, in 2008 and the National Apology by the Prime Minister to the Forgotten Australians and Former Child Migrants, in 2009; and

(f) The National Integrated Strategy for Closing the Gap in Indigenous Disadvantage in 2008.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

7. While welcoming the State party's efforts to implement the concluding observations on its previous report (CRC/C/15/Add.268), it is concerned that some of the recommendations contained therein have not been fully addressed.

8. The Committee urges the State party to take all necessary measures to effectively address the recommendations contained in the concluding observations on the combined second and third periodic report that have yet to be implemented, particularly those on the reservation to article 37(c) of the Convention, legislation, coordination, respect for views of the child, freedom of association, corporal punishment, and the administration of juvenile justice.

### Reservations

9. The Committee regrets that notwithstanding its previous recommendation (CRC/C/15/Add.268, para. 8), the State party has not withdrawn its reservation to article 37(c) of the Convention. The Committee reiterates its concern (CRC/C/15/Add.268, para. 7) that the State party's reservation to article 37 (c) is unnecessary since there appears to be no contradiction between the logic behind it and the provisions of article 37 (c) of the Convention. The Committee further reiterates its view on the concerns expressed by the State party in its reservation being well addressed by article 37 (c), which provides that every child deprived of liberty shall be separated from adults "unless it is considered in the best interests of the child not to do so" and that the child "shall have the right to maintain contact with his or her family".

**10. The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 8), in light of the 1993 Vienna Declaration and Programme of Action, for the State party to continue and strengthen its efforts towards a full withdrawal of its reservation.**

### Legislation

11. The Committee notes as positive the State party's efforts to passing several acts of legislation at federal and state level to implement aspects of the Convention. However, the Committee remains concerned that there continues to be no comprehensive child rights Act at national level giving full and direct effect to the Convention in the State party's national law, and that only two states have passed such legislation. In this context, the Committee further notes that due to the State party's federal system, the absence of such legislation has resulted in fragmentation and inconsistencies in the implementation of child rights across its territory, with children in similar situations being subject to variations in the fulfilment of their rights depending on the state or territory that they reside in.

**12. The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 10), for the State party to strengthen its efforts in bringing its domestic laws and practice into conformity with the principles and provisions of the Convention, and to ensure that effective remedies are consistently available in cases of violation of the rights of the child. Furthermore, the Committee recommends that the State party consider enacting a comprehensive child rights Act at national level, which fully incorporates the provisions of the Convention and its Optional Protocols and provides clear guidelines for their consistent and direct application throughout the territory of the State party.**

### Coordination

13. The Committee takes note of the State party's submission on its Minister for Families, Housing, Community Services and Indigenous Affairs retaining national responsibility for children's rights following its change in government in 2007. However, the Committee remains concerned that the federal system presents practical challenges to the coordination of activities for the consistent implementation of the Convention, resulting in significant disparities in the implementation of the Convention across the State party's states and territories.

**14. The Committee recommends that the State party consider establishing a technical body or mechanism, with adequate human, technical and financial resources, for advising the Council of Australian Governments on the coherence of the policies and strategies of its entities and ministries responsible for the implementation of the Convention throughout its territory and that the Ministry for Families, Housing, Community Services and Indigenous Affairs is provided with the specific**

**mandate, capabilities and resources to undertake its coordination responsibilities regarding child rights.**

#### **National plan of action**

15. While noting the adoption of the National Plan to Reduce Violence against Women and their Children, the National Framework for Protecting Australian Children 2009-2020 and the “National Early Childhood Development Strategy”, the Committee remains concerned at the absence of a comprehensive National Plan of Action for implementing the Convention as a whole and the lack of a clear mechanism to link the implementation of these plans.

**16. The Committee recommends that the State party develop and implement a comprehensive strategy, in consultation with children and civil society, for the overall realisation of the principles and provisions of the Convention and which can provide a framework for states and territories to adopt similar plans or strategies. The Committee further recommends that the State party allocate adequate human, technical and financial resources for the implementation of this comprehensive strategy and plan of action.**

#### **Independent monitoring**

17. The Committee appreciates that the State party has Children’s Commissioners or independent guardians in all its states and territories. It also welcomes that the State party has introduced legislation for the establishment of a National Children’s Commissioner (NCC). However, the Committee is concerned that the resources initially allocated to the NCC are not adequate to ensure the full realisation of its mandate, particularly with regards to having effective capacity to fully and promptly address and remedy complaints from or for children. Furthermore, the Committee is concerned at the inadequacy of Aboriginal and Torres Strait Islander representation in the existing children’s rights independent monitoring mechanisms and other related institutions.

**18. Taking into account the Committee’s general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and article 4 of the Convention, the Committee recommends that the State party take appropriate measures to ensure that its National Children’s Commissioner is provided with adequate human, technical, and financial resources as well as the immunities required for it to effectively function, including with regards to dealing with complaints from or for children in a child-sensitive and expeditious manner. Furthermore, the Committee recommends that the State party consider appointing a Deputy Commissioner for Aboriginal and Torres Strait Islander children’s issues at national and/or state/territory level to ensure the effective monitoring of child rights in those communities.**

#### **Allocation of resources**

19. Bearing in mind that the State party is one of the most affluent economies of the world and that it invests sizeable amounts of resources in child related programmes, the Committee notes that the State party does not use a child specific approach for budget planning and allocation in the national and state/territories level budgets, thus making it practically impossible to identify, monitor, report and evaluate the impact of investments in children and the overall application of the Convention in budgetary terms.

**20. In the light of the Committee’s recommendations during its Day of General Discussion in 2007 on “Resources for the Rights of the Child - Responsibility of States” and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee**

recommends that the State party establish a budgeting process which adequately takes into account child needs at the national, state and territory levels, with clear allocations to children in the relevant sectors and agencies, as well as specific indicators and a tracking system. In addition to this, the Committee recommends that the State party establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention. Furthermore, the Committee recommends that the State party define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures (for example, children of aboriginal and/or Torres Strait Island descent and children with disabilities) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies.

#### **Data collection**

21. The Committee welcomes on-going work of the Australia Bureau of Statistics to improve its collection of data relevant to the implementation of the Convention, especially the Longitudinal Study of Australian Children and the Longitudinal Study of Indigenous Children focussing on the development of children and the context in which it occurs. It also notes as positive the State party's data collection initiatives such as the Australian Early Development Index, and the collation of nationally comparable data on government funded services for persons with disabilities. However, the Committee remains concerned that this data is not disaggregated and analysed in important areas of the Convention and are sparse or not available, such as on ethnicity, refugee, migrant and internally displaced children, child abuse and neglect and children who are victims of sexual exploitation.

22. **The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 20) to strengthen its existing mechanisms of data collection in order to ensure that data are collected on all areas of the Convention in a way that allows for disaggregation, inter alia by children in situations that require special protection. In that light, the Committee specifically recommends that the data should cover all children below the age of 18 years and pay particular attention to ethnicity, sex, disability, socio-economic status and geographic location.**

#### **Dissemination, awareness-raising and training**

23. The Committee appreciates the State party's effort to make its reports and those of other treaty bodies available on the website of the Attorney-General, the funding it provides for its National Children's and Youth Law Centre, and, in general, its promotion of human rights education. However, the Committee remains concerned that awareness and knowledge of the Convention continues to be limited amongst children, professionals working with or for children, and the general public.

24. **The Committee recommends that the State party include public education on child rights as a core objective of its proposed National Human Rights Action Plan. The Committee further recommends that the State party consider including mandatory modules on human rights and the Convention in its school curriculum and in training programmes for all professionals working with or for children.**

#### **International cooperation**

25. The Committee notes as positive the intention of the State party to increase its present level of Overseas Development Assistance (ODA) from 0.35% to 0.5% of GNI in 2016-2017. However, it regrets that, notwithstanding the State party's advanced state of economic development, this level is far below the internationally agreed 0.7 per cent of the GNI to be spent on ODA. The Committee also notes that the State party does not have a

specific policy requiring all its ODA programmes to be consistent with a human rights-based approach to development.

26. **The Committee urges the State party to adopt a consistent human rights approach for all its development aid policy and programmes, focussing where possible on child rights, to ensure sustainable development and to guarantee that all recipient countries are able to fulfil their human rights obligations. In doing so, the Committee suggests that the State party include a child rights-based approach to its assistance programs and take into account the concluding observations of the Committee on the Rights of the Child for the recipient country in question. Furthermore, the Committee urges the State party to accelerate its road map for the achievement of the internationally agreed ODA target of 0.7 percent of GNI.**

#### **Child rights and the business sector**

27. The Committee is concerned at reports on mining Australian companies' participation and complicity in serious violations of human rights in countries such as the Democratic Republic of Congo, the Philippines, Indonesia and Fiji, where children have been victims of evictions, land dispossession and killings. Furthermore, the Committee is concerned on reports of child labour and conditions of work of children that are in contravention of international standards in fishing industry enterprises operated by Australian enterprises in Thailand. Furthermore, while acknowledging the existence of a voluntary code of conduct on a sustainable environment by the Australian Mining Council ("Enduring Values"), the Committee notes the inadequacy of this in preventing direct and/or indirect human rights violations by Australian mining enterprises.

28. **In light of the Human Rights Council Resolution 8/7 of 2008 adopting the report "Protect, Respect and Remedy" Framework and of Resolution 17/4 of 16 June 2011, in which it is noted that the rights of the child should be included when exploring the relationship between business and human rights, the Committee recommends that the State party:**

(a) **Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of Australian companies and their subsidiaries regarding abuses to human rights, especially child rights, committed in the territory of the State party or overseas and to establish monitoring mechanisms, investigation, and redress of such abuses, with a view towards improved accountability, transparency and prevention of violations;**

(b) **Take measures to strengthen cooperation with countries in which Australian companies or their subsidiaries operate to ensure respect for child rights, prevention and protection against abuses and accountability; and**

(c) **Establish that human rights impact assessment, including child rights impact assessments, are conducted prior to the conclusion of trade agreements with a view to ensuring that measures are taken to prevent child rights violations from occurring and establish the mechanisms for the ECA to deal with the risk of abuses to human rights before it provides insurance or guarantees to facilitate investments abroad.**

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

29. While welcoming the People of Australia – Australia's Multicultural Policy and the State party's National Anti-Racism Partnership and Strategy, the Committee notes with

concern that racial discrimination in general remains a problem. It is particularly concerned at the:

- (a) Serious and widespread discrimination faced by Aboriginal and Torres Strait Islander children, including in terms of provision of and accessibility to basic services and significant over-representation in the criminal justice system and in out-of-home care;
- (b) Absence of an independent evaluation of the effectiveness of programmes for the 'Closing the Gap' targets in the specific context of child protection, development and well-being;
- (c) Punitive nature of the State party's Northern Territory Emergency Response Bill (2007), including the student enrolment and attendance measure which allows for punitive reductions to welfare payments for parents whose children are truant;
- (d) Inadequate consultation and participation of Aboriginal and Torres Strait Islander persons in the policy formulation, decision-making and implementation processes of programmes affecting them; and
- (e) Absence of federal legislation protecting against discrimination on the basis of sexual orientation or gender identity.

**30. In accordance with article 2 of the Convention, the Committee reiterates its previous recommendation to the State party to regularly evaluate disparities in the enjoyment by children of their rights and on the basis of that evaluation undertake the necessary steps to prevent and combat discriminatory disparities. In doing so, the Committee recommends that the State party strengthen its awareness-raising and other preventative activities against discrimination, including through integrating such activities within school curricula, and if necessary taking affirmative action for the benefit of children in vulnerable situations, including Aboriginal and Torres Strait Islander children and children from non-Anglo-Australian background. Furthermore, the Committee calls upon the State party to:**

- (a) Take urgent measures to address disparities in access to services by Aboriginal and Torres Strait Islander children and their families;**
- (b) Consider establishing and resourcing an Aboriginal and Torres Strait Islander Steering Group to inform the development, planning, implementation and review of each 'Closing the Gap' target in the specific context of child development, well-being and protection;**
- (c) Thoroughly evaluate the Northern Territory Emergency Response Bill (NTERB) (2007), particularly its student enrolment and attendance measure, with a view to ensuring that the NTERB measures are proportionate, and non-discriminatory in form as well as effect;**
- (d) Ensure the effective and meaningful participation of Aboriginal and Torres Strait Islander persons in the policy formulation, decision-making and implementation processes of programmes affecting them; and**
- (e) Enact federal legislative protection against discrimination on the basis of sexual orientation.**

#### **Best Interests of the Child**

31. The Committee is concerned that the principle of the best interests of the child is not widely known, appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and in policies, programmes and projects relevant to and with an impact on children. In this context, the Committee is particularly concerned

at the inadequate understanding and application of the principle of the best interests of the child in asylum-seeking, refugee and/or immigration detention situations.

32. **The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is widely known and appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to public and private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle, specifying the criteria used in the individual assessment of the best interests of the child. In implementing this recommendation, the Committee stresses the need for the State party to pay particular attention to ensuring that its policies and procedures for children in asylum seeking, refugee and/or immigration detention give due primacy to the principle of the best interests of the child.**

#### **Respect for the views of the child**

33. The Committee welcomes the State party establishing the Australian Youth Forum as a communication channel between the Government, the youth sector and young people. However, the Committee remains concerned that there continues to be inadequate fora for taking into account the views of children who are below the age of 15 years and/or of Aboriginal or Torres Strait Islander descent. The Committee is further concerned that there are inadequate mechanisms for facilitating meaningful and empowered child participation in the policies and decision-making affecting them in schools. Furthermore, the Committee is concerned that the State party's Migration Act 1958 (Cth) does not provide for the compulsory separate interviewing of children, who arrive with their families, by immigration officials.

34. **The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard and recommends that it continues to ensure the implementation of the right of the child to be heard in accordance with article 12 of the Convention. In doing so, it recommends that the State party promote the meaningful and empowered participation of all children, at all levels of government and within the family, community, and schools, including within student council bodies – with particular attention to children in vulnerable situations. Furthermore, the Committee recommends that the State party take all necessary measures to ensure that the Migration Act 1958 ensures respect for the views of the child at all stages of the migration process, including in situations of irregular migration.**

### **C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

35. The Committee is concerned about the difficulties faced by Aboriginal persons in relation to birth registration. In particular, the Committee is concerned that obstacles to birth registration arising from poor literacy levels, the lack of understanding of the requirements and advantages of a birth registration as well as inadequacies in the support provided by authorities have not been resolved. The Committee further notes with concern

that a birth certificate is subject to administrative costs, posing an additional hindrance for persons in economically disadvantaged situations.

36. **The Committee urges the State party to review its birth registration process in detail to ensure that all children born in Australia are registered at birth, and that no child is disadvantaged due to procedural barriers to registration, including by raising awareness among the Aboriginal population on the importance of birth registration and providing special support to facilitate birth registration for illiterate persons. It further urges the State party to issue birth certificates upon the birth of a child and for free.**

#### **Preservation of identity**

37. The Committee is concerned at the large numbers of Aboriginal and Torres Strait Islander children being separated from their homes and communities and placed into care that, inter alia, does not adequately facilitate the preservation of their cultural and linguistic identity. The Committee further notes that a child's citizenship can be revoked where a parent renounces or loses citizenship in the State party.

38. **The Committee recommends that the State party review its progress in the implementation of the recommendations of its *Bringing Them Home Report*, including as recommended by the United Nations Human Rights Committee and the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People to ensure full respect for the rights of Aboriginal and Torres Strait Islander children to their identity, name, culture, language and family relationships. With reference to article 8 of the Convention, the Committee further recommends that the State party undertake measures to ensure that no child be deprived of citizenship on any ground regardless of the status of his/her parents.**

#### **Freedom of association**

39. The Committee reiterates its previous concern (CRC/C/15/Add.268, para 73(e)) about legislation in certain states and territories allowing police to remove children and young people who are assembling in groups peacefully.

40. **The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 74(h)) to the State party to address the problems that may be related to the gathering of young people in certain places with measures that are in alternative to policing and/or criminalization, and consider reviewing legislation in this respect.**

#### **Protection of privacy**

41. The Committee notes as positive that the Office of the Australian Information Commissioner has issued guidelines on the application of the Australian Privacy Act on handling the personal information of children. However, the Committee is concerned that the State party does not have comprehensive legislation protecting the right to privacy of children. Furthermore, while noting that the Office of the Australian Information Commissioner is empowered to hear complaints about breaches of privacy rights under the Privacy Act 1998 (Cth), it is concerned that there are no child-specific and child-friendly mechanisms and those available are limited to complaints made against government agencies and officers and large private organisations. The Committee is also concerned at the inadequacy of privacy protection of children involved in penal proceedings, including legislation in Western Australia and the Northern Territory permitting the publication of personal details of a person, including minors, who has carried-out 'anti-social behaviour'. Furthermore, the Committee is concerned that children receiving health services, particularly sexual and reproductive health, are not ensured their right to privacy.

42. **The Committee recommends that the State party consider enacting comprehensive national legislation enshrining the right to privacy. It also urges the State party to establish child-specific and child-friendly mechanisms for children complaining against breaches to their privacy and to increase the protection of children involved in penal proceedings. In particular, the Committee urges the State party to abolish legislation, such as the Prohibited Behaviour Orders Act 2010 (WA), which allows the publication of child offender details.**

#### **Corporal punishment**

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”.

44. **The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 36) to the State party to:**

**(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;**

**(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;**

**Additionally, the Committee recommends that the State party:**

**(c) Ensure that “reasonable chastisement” is not used as defence to a charge of assault of a child; and**

**(d) Ensure the training of all professionals working with or for children, including law enforcement, medical, education professionals, to promptly identify, address and report all cases of violence against children; and,**

**(e) Consider undertaking an independent study on the probable linkages between domestic violence and corporal punishment.**

#### **Violence against children and women**

45. The Committee is gravely concerned at the high levels of violence against women and children prevailing in the country and notes that there is an inherent risk that the co-existence of domestic violence, lawful corporal punishment, bullying, and other forms of violence in the society are inter-linked, conducing to an escalation and exacerbation of the situation. The Committee is particularly concerned that:

(a) Women and children of Aboriginal origin are particularly affected;

(b) Sterilisation of women and girls with disabilities continues;

(c) Programmes for the reintegration of child victims of domestic violence remain inadequate including because of the absence of monitoring systems of children victims who are reintegrated with their families;

(d) There is a lack of attention and specific procedures in cases where family members are the perpetrators of violence and/or women are perpetrators rather than victims; and

(e) There are no regular and systematic evaluations of the existing measures addressing violence against children in the school, Internet and other contexts.

46. **Emphasising the State party's obligations under articles 19 and 37(a) of the Convention and the Committee's General Comment 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to develop federal legislation as a general framework to reduce violence and promote the enactment of similar and complementary legislation at state and territory level. It also recommends that the State party adopt a specific plan of action to make operational the provisions under the National Plan to Reduce Violence against Women and Their Children (2010-2022), including such measures as:**

(a) **Ensuring that the factors contributing to the high levels of violence among Aboriginal women and children are well understood and addressed in national and state/territory plans;**

(b) **Developing and enforcing strict guidelines to prevent the sterilisation of women and girls who are affected by disabilities and are unable to consent;**

(c) **Establishing mechanisms for ensuring effective follow-up support for child victims of domestic violence upon their family reintegration;**

(d) **Developing alternatives for cases where a parent or other family member is the perpetrator; and**

(e) **Monitoring implementation of anti-violence measures (including corporal punishment and bullying in schools, through Internet, and in other settings) within specific plans and as part of the 3-year action plan of the National Framework for Protecting Australia's Children.**

47. **With reference to the United Nations study on violence against children (A/61/299) and the Committee's general comment no. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee further encourages the State party:**

(a) **To prioritize the elimination of all forms of violence against children, including by ensuring the implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender;**

(b) **To provide information concerning the implementation by the State party of the recommendations of the study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on Violence against children, in particular:**

(i) **The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;**

(ii) **The introduction of an explicit national legal ban on all forms of violence against children in all settings; and**

(iii) **The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.**

**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)****Family environment**

48. While welcoming the State party's on-going 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 child care remains.

**49. 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 that is 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 child care facilities, the adequacy of family assistance payments and of the recently approved paid parental leave entitlement.**

**Children deprived of their family environment**

50. The Committee is deeply concerned at the significant increase, of approximately 51% 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:

- (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; 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, wellbeing and development;
- (e) Abuse and neglect of children in care;
- (f) Inadequate preparation provided to children leaving care when they turn 18; and
- (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.

**51. The Committee urges the State party to take all necessary efforts to examine the root causes of the extent of child abuse and neglect as well as to provide general data on the reasons that children are being placed in care with a view to addressing them in order to reduce the number. It further reiterates its previous recommendations to the State party to take measures to strengthen the current programmes of family support, among others, by targeting the most vulnerable families, in order to reduce the number of children placed in out-of-home care and, if needed, to prefer family-based care. Furthermore, the Committee calls upon the State provide all the necessary human, technical and financial required for improving the situation of children in alternative care placements and to:**

- (a) Periodically review placements as required under article 25 of the Convention and in doing so to pay particular attention to signs of maltreatment of children;
- (b) Develop criteria for the selection, training and support of child-care workers and out-of-home carers and ensure their regular evaluation;
- (c) Increase the number of social workers to ensure that the individual needs of each child can be effectively addressed;
- (d) Ensure equal access to health care and education for children in care;
- (e) Establish accessible and effective child-friendly mechanisms for reporting cases of neglect and abuse and commensurate sanctions for perpetrators;
- (f) Adequately prepare and support young people prior to them leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure; and
- (g) Observe the Committee's previous recommendations to fully implement the Indigenous Child Placement Principle and intensify its cooperation with indigenous community leaders and communities to find suitable solutions for indigenous children in need of alternative care within indigenous families.

### **Adoption**

52. The Committee is concerned that only three out of eight jurisdictions in the State party require the consent of the adopted child (as of 12 years of age) prior to adoption. Furthermore, the Committee is concerned that adoption proceedings are not undertaken with the best interests of the child as the paramount consideration.

**53. The Committee recommends that the State party undertake measures to ensure that all its states and territories amend legislation on adoption, as required, in order to comply with its obligations under the Convention and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, to give full effect to the provisions on consent, access to legal representation in adoption proceedings, and ensuring that adoption proceedings are decided upon with the best interests of the child as the paramount consideration.**

### **Abuse and neglect**

54. The Committee welcomes the amendment to the national Family Law, which prioritizes the safety of children in the family law system while continuing to promote a child's right to a meaningful relationship with both parents where this is safe. However, it notes that the rates of domestic violence continue to be high and that the training approaches adopted by the State party to recognise and address potential cases of abuse and neglect by professionals working with or for children, including doctors and other medical personnel as well as teachers, remain inadequate.

**55. The Committee recommends that the State party prioritise early intervention approaches, including at the antenatal period, to provide support to families in situations of heightened vulnerability and prevent or mitigate abuse and neglect of children and violence in the home. It further recommends that the State party complements this with a national review of stigma-free best practices policy and programmes that prioritise and support positive reunification of child victims of abuse with their families at the various stages of child protection decision-making, including through intensive family support services.**

**E. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

56. The Committee appreciates the State party's assessment of its disability support system with its Productivity Commission in July 2011. However, taking note of the findings of the Commission, the Committee shares the concerns that the current disability support system is "under-funded, unfair, fragmented and inefficient, and gives people with a disability little choice and no certainty of access to appropriate supports, with children with disabilities frequently failing to receive crucial and timely early intervention services, support for life transitions, and adequate support for the prevention of family or carer crisis and breakdown." Furthermore, while noting the State party's five-year implementation of its Disability Standards for Education 2005, the Committee remains concerned that a significant disparity remains between educational attainments for children with disabilities compared to children without disabilities. Further elaborating on its concerns on the non-therapeutic sterilization stated earlier in this report, the Committee is seriously concerned that the absence of legislation prohibiting such sterilisation is discriminatory and in contravention of article 23(c) of the Convention on the Rights of Persons with Disabilities. Furthermore, the Committee is concerned that the State party's legislation allows for disability to be the basis for rejecting an immigration request.

57. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

(a) **Establish a clear legislative definition of disability, including for learning, cognitive and mental disabilities, with the aim of promptly and accurately identifying children with disabilities to effectively address their needs in a non-discriminatory manner;**

(b) **Strengthen support measures for parents to care for their children with disabilities, and, where such placement in care is considered, to ensure that it is done with full regard to the principle of the best interests of the child;**

(c) **Adopt a social model approach that is in accordance with the Convention on the Rights of Persons with Disabilities, addressing attitudinal and environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis, and train all professionals working with or for children with disabilities accordingly;**

(d) **Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

(e) **Ensure that children with disabilities are able to exercise their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible, including by considering developing a Disability Education Action Plan to specifically identify current inadequacies in resources, establishes clear objectives with concrete timelines for the implementation of measures to address the educational needs of children with disabilities;**

(f) **Enact non-discriminatory legislation that prohibits non-therapeutic sterilization of all children, regardless of disability; and ensure that when sterilisation that is strictly on therapeutic grounds does occur, that this be subject to the free and informed consent of children, including those with disabilities; and**

**(g) Ensure that all of the State party's legislation, including its migration and asylum legislation, does not discriminate against children with disabilities and is in full compliance with its legal obligations under article 23 of the Convention on the Rights of Persons with Disabilities.**

#### **Health and health services**

58. The Committee appreciates generally satisfactory level of children's health in the State party. However, it is concerned about health disparities of children living in rural and remote areas, children in out-of-home care as well as children with disabilities and particularly about the gap in health status between Aboriginal and non-Aboriginal children.

**59. The Committee reiterates its previous recommendation (CRC/C/15/Add.268, para. 48) to the State party to undertake all necessary measures to ensure that all children enjoy the same access to and quality of health services with special attention to children in vulnerable situations, especially indigenous children and children living in remote areas. It further urges the State party to address socio-economic disadvantages, which constitute important root causes for the existing health deficits.**

**60. Furthermore, the Committee recommends that the State party consider the recommendation by the UN Special Rapporteur on the Right to Health to support the implementation of mandatory training in child rights for all health professionals.**

#### **Breastfeeding**

61. The Committee is concerned that only approximately 15% of all mothers continue exclusively breastfeeding until their child is six months old. While it welcomes the State party initiative allocating specific funding to Breastfeeding Education and Support in its 2007–2008 Budget, the Committee remains concerned that the International Code of Marketing of Breastmilk Substitutes is not effectively enforced in the State party.

**62. The Committee recommends that the State party review its newly enacted Paid Parental Leave scheme and other related legislative and administrative measures with a view to considering amendments that would support exclusive breastfeeding for 6 months by working mothers. It also recommends establishing a monitoring mechanism to give effect to the International Code of Marketing of Breastmilk Substitutes and subsequent relevant resolutions. Furthermore, the Committee recommends that the State party prioritise promotion, protection and support of breastfeeding by adequately funding the National Breastfeeding Strategy and discontinuing the practice of including industry representatives as stakeholders in the implementation of the National Breastfeeding Strategy. The State party should also further promote Baby-Friendly Hospitals Initiative and encourage breastfeeding to be included in training for nurses.**

#### **Mental Health**

63. The Committee is concerned that the State party's level of funding for mental health continues to be substantially below that of other developed countries, with children and young persons seeking mental health services often facing limited access to and substantial delays in receiving such services. In this context, the Committee shares the concerns stated in the health study published by the Australian Institute of Health and Welfare in 2010 indicating that mental ill-health is the leading health issue for children and young people and largest contributor to the burden of disease in children aged 0-14 years (23 per cent) and young people aged 15-24 years (50 per cent). Furthermore, the Committee is concerned about the high rate of suicidal deaths among young people throughout the State party, particularly among the Aboriginal community. The Committee notes as positive that the

State party's territory of Western Australia has carried out research investigating the effectiveness of drugs currently used to treat Attention Deficit Hyperactivity Disorder (ADHD) and Attention Deficit Disorder (ADD). However, the Committee remains concerned that current diagnosis procedures may not be adequately addressing the underlying mental health issues linked to it resulting in significant increases and/or erroneous prescription of psycho-stimulants to children diagnosed with ADHD and ADD which is of serious concern.

**64. Emphasising the importance of access to child and youth friendly mental health support and services, the Committee recommends that the State party:**

(a) **Follow-up on the Australian Institute of Health and Welfare health study with measures designed to address the direct and underlying causes of the high rates of mental health problems in children and young people, focussing especially on suicides and other disorders linked to, inter alia, substance abuse, violence and inadequate quality of care in alternative care settings;**

(b) **Allocate specific resources for improving the availability and quality of early intervention services, training and development of teachers, counsellors, health professionals and others working with children, as well as support to parents;**

(c) **Develop specialised health services and targeted strategies for children at particular risk of mental health problems, and their families, and ensure accessibility for all those requiring such services with due consideration to their age, sex, socio-economic background, geographical and ethnic origin, etc;**

(d) **In planning and implementing the above, consult with children and youth for the development of these measures while undertaking awareness-raising on mental health, with a view to ensure better family and community support as well as to reduce the associated stigma; and**

(e) **Carefully monitor the prescription of psycho-stimulants to children and take initiatives to provide children diagnosed with ADHD and ADD, as well as their parents and teachers, with access to a wider range of psychological, educational and social measures and treatments; and, consider undertaking the collection and analysis of data disaggregated according to substance-type and age with a view to monitoring the possible abuse of psycho-stimulant drugs by children.**

#### **HIV/AIDS and sexual and reproductive health**

65. The Committee is deeply concerned at the marked increases in the rates of Sexually Transmissible Infections (STIs) among young people in the State party and the reported low proportion of youth practicing safe sex and the low level of awareness on STIs other than HIV/AIDS. The Committee further notes with concern that Aboriginal peoples and people in the most socioeconomically disadvantaged areas have much higher rates of infection for STIs.

**66. Highlighting the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party intensify efforts to provide adolescents with education on sex and reproductive health, particularly with regard to other STIs in addition to HIV, and improve the accessibility of contraception, counselling, and confidential health services, particularly among Aboriginal and socioeconomically disadvantaged communities.**

### Standard of living

67. The Committee welcomes the recent approval of Paid Parental Leave for 18 weeks for eligible parents, including women in casual, part-time or seasonal employment. However, it notes with concern that the scheme is fixed at the national minimum wage, which may not be enough income for many households and is shorter than the required 6 months to exclusively breastfeed children. Given that the percentage of persons living under the poverty line in the State party is at approximately 12%, especially among the aboriginal population, migrants and asylum seekers, and people with disabilities, the Committee notes with appreciation that there are range of measures including various types of subsidies, tax reductions and returns and other support for lower income families. Nevertheless, it remains concerned that these are not equitably available to all families in need and provide it without distinction of place of residence or other discriminating factors.

**68. The Committee recommends that the Paid Parental Leave scheme is monitored closely to ensure that parents, especially mothers, are still able to earn an adequate living, while caring and breastfeeding their new-borns and that, after the 18-weeks payment period, appropriate facilities are made available to maintain high quality care of young children and continue breastfeeding until at least 6 months. The Committee also concurs with the Committee on Economic Social and Cultural Rights recommendation (E/C.12/AUS/CO/4, para. 24) for the State party to develop a holistic anti-poverty strategy that allows a better understanding of its determinants, situate it socially and geographically and adopt specific measures according to gender, age, origin, place of residence, level of education and other such factors.**

69. While welcoming additional funding of housing reforms for Aboriginal Australians, as well as the Closing the Gap strategy aiming at the improvement of socio-economic conditions of Aboriginal Australians, the Committee is deeply concerned at the extent of child and youth homelessness in the State party, with State-provided social accommodation facing severe capacity constraints. Furthermore, the Committee is concerned that the State party has been unable to provide culturally appropriate housing services to reflect the specific needs of different groups.

**70. The Committee recommends that the State party expeditiously undertake a review of its efforts to address the issue of homelessness of children and young people, with a view to using the findings of the review to guide the improvement and further development of a framework for addressing this issue with due regard for the specific experiences and needs of children and young people. In doing so, it is further recommended that the State party develop specific strategies for Aboriginal children, children from newly arrived communities, children leaving care, and children in regional and remote communities. The Committee further recommends that the State party improve its social services, including education, income support, health system, disability service system and employment systems and the coordination amongst these, to strengthen their responsiveness to the needs of children and youth who are at risk of homelessness.**

### Children of incarcerated parents

71. While noting as positive that the State party has legislation requiring courts to take into account “the probable effect” of a sentence on a convicted person’s family, it notes with concern that Aboriginal Australians are severely over-represented in prison, with a particularly serious overrepresentation of Aboriginal women often resulting in their children being subject to ad-hoc and insecure placement in alternative care that is not culturally appropriate and with low rates of family reunification.

72. With reference to the Committee's recommendations in its report of the 2011 Day of General Discussion on the Rights of Children of Incarcerated Parents, the Committee recommends that the State party:

(a) Review all judicial and administrative arrangements to prevent imprisonment by providing support services to families at risk and use diversion and other alternative measures to avoid imprisonment and separation of children from their family members;

(b) Resource and support the implementation of targeted programmes which facilitate tackling the root causes of the offences committed and providing preventive and early intervention services to families at risk;

(c) Where it is in the child's best interests, resource and support the maintenance of the relationship between parent(s) and child throughout the duration of the latter's incarceration; and

(d) Respect and fulfil the child's right to information regardless of whether the child was present at the time of the arrest, and fulfil the duty to ensure that a request for information or the sharing of information from the child is addressed in a child-friendly manner while avoiding adverse consequences for the person(s) concerned while taking into account the best interests of the child.

## **F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

73. The Committee welcomes the State party's National Indigenous Education Action Plan 2012 – 2014 and the National Partnership Agreement on Indigenous Early Childhood Development. However, the Committee reiterates its previous concerns (CRC/C/15/Add.268, para. 59) on there being serious difficulties accessing education faced by indigenous children and children living in remote areas, with attendance, literacy, numeracy and other attainment levels for Aboriginal students continuing to be significantly lower than for non-Aboriginal students. The Committee is further concerned that this is exacerbated by the education system not having adequate measures for catering to the needs of non-English-speaking children resulting in them being more vulnerable to non-enrolment, poor attendance, repetition and are less likely to complete secondary level education.

74. The Committee recommends that within the "Closing the Gap" policy framework, the State party provide effective coordination and oversight of its state and territory governments to ensure that individual Aboriginal education strategies are based on previous policy success and undertaken with a long-term approach of collaboration with Aboriginal communities, the education sector, community organisations and professional groups such as social workers, researchers, health workers and police. It further recommends that the State party ensure adequate human, technical and financial resources for the protection and promotion of bilingual models of education, both at national and state level.

### **Early childhood care and education**

75. The Committee welcomes the State party's Children's Education and Care Quality Authority implementing and monitoring a National Quality Framework for early childhood education and care. However, the Committee notes that early childhood care and education continues to be inadequate for children under four years of age. Furthermore, the

Committee is concerned that the majority of early childhood care and education in the State party is provided by private, profit-driven institutions, resulting in the services being unaffordable for most families. The Committee is further concerned that the large proportion of providers of such services being private has limited the applicability and compliance with the National Quality Framework for Early Childhood Education and Care.

**76. The Committee recommends that the State party further improve the quality and coverage of its early childhood care and education, including by:**

**(a) Prioritising the provision of such care to children between the age of 0 and 3 years and with a view to ensuring that it is provided in a holistic manner than includes overall child development and strengthening parental capacity;**

**(b) Increasing the availability of early childhood care and education for all children, by considering providing free or affordable early childhood care whether through State-run or private facilities; and**

**(c) Ensure that adherence, by all providers of early childhood care and education, to the National Quality Framework for Early Childhood Education and Care.**

#### **School bullying**

77. While welcoming the State party's measures to combat bullying in schools, such as the National Safe School Framework and the "Bullying. No Way!" programme, the Committee remains concerned that bullying continues to be widespread, indicating that current frameworks remain inadequate in fully addressing all forms of bullying.

**78. With reference to its General Comment No. 13, the Committee recommends that the State party continue and intensify its efforts to prevent and address bullying in schools, particularly by introducing and strengthening in all schools educational and socio-pedagogical methods for teachers and school staff, involving parents as well as children, establish appropriate monitoring of school plans, and capacity to investigate and address bullying instances.**

### **G. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)**

#### **Asylum-seeking and refugee children**

79. The Committee notes the State party's efforts to move children and vulnerable families in immigration detention facilities to alternative forms of detention, including community-based detention arrangements and immigration transit accommodation. However, the Committee is deeply concerned about:

**(a) The State party's Migration Act stipulating the mandatory detention of children who are asylum-seeking, refugees or in an irregular migration situation, without time limits and judicial review;**

**(b) The best interests of the child not being the primary consideration in asylum and refugee determinations and when considered, not consistently undertaken by professionals with adequate training on best interests determination;**

**(c) The high risk of conflict of interest where the legal guardianship of unaccompanied minors is vested with the Minister of Immigration who is also responsible for immigration detention and determinations of refugee and visa applications; and**

(d) Notwithstanding the August 2011 decision of its High Court (Plaintiff M70/2011 v. Minister for Immigration and Citizenship), which held that the State party's attempted "refugee swap" with Malaysia was in violation of international law and its own domestic law to provide access for asylum seekers to effective procedures for assessing their need for protection; provide protection for asylum seekers pending determination of their refugee status; and provide protection for persons given refugee status pending their voluntary return to their country of origin or their resettlement in another country, the State party continues to pursue its policy of so-called "offshore processing" of asylum and refugee claims.

**80. The Committee urges the State party to bring its immigration and asylum laws into full conformity with the Convention and other relevant international standards. In doing so, the State party is urged to take into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin. Furthermore, the Committee reiterates its previous recommendations (CRC/C/15/Add.268, para 64). In addition to that, the Committee urges the State party to:**

(a) **Reconsider its policy of detaining children who are asylum-seeking, refugees and/or irregular migrants; and, ensure that if immigration detention is imposed, it is subject to time limits and judicial review;**

(b) **Ensure that its migration and asylum legislation and procedures have the best interests of the child as the primary consideration in all immigration and asylum processes; and ensure that determinations of the best interests are consistently conducted by professionals who have been adequately trained in best interests determination procedures;**

(c) **Expediently establish an independent guardianship/support institution for unaccompanied immigrant children; and**

(d) **Adhere to its High Court ruling in Plaintiff M70/2011 v. Minister for Immigration and Citizenship, and, inter alia, ensure adequate legal protections for asylum seekers and conclusively abandon its attempted policy of so-called "offshore processing" of asylum claims and "refugee swaps"; and evaluate reports of hardship suffered by children returned to Afghanistan without a best interests determination.**

**Furthermore, the Committee recommends that the State party consider implementing the United Nations High Commission for Refugees Guidelines on International Protection No.8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and ratifying the 1967 Protocol relating to the Status of Refugees.**

#### **Administration of juvenile justice**

81. The Committee regrets that despite its earlier recommendations, the juvenile justice system of the State party still requires substantial reforms for it to conform to international standards, in particular the Committee is concerned that:

(a) No action has been undertaken by the State party to increase the minimum age of criminal responsibility (CRC/C/15/Add.268, para. 74(a));

(b) No measures have been taken to ensure that children with mental illnesses and/or intellectual deficiencies who are in conflict with the law are dealt with using appropriate alternative measures without resorting to judicial proceedings (CRC/C/15/Add.268, para. 74(d));

(c) Mandatory sentencing legislation (so-called “three strikes laws”) still exists in the Criminal Code of Western Australia for persons under 18 (CRC/C/15/Add.268, para. 74(f));

(d) All 17-year-old child offenders continue to be tried under the Criminal Justice system in the State party’s territory of Queensland (CRC/C/15/Add.268, para. 74(g));

Furthermore, the Committee is concerned that:

(e) Although the majority of 17 year olds are held separately from the wider prison population, they are still cases of children being held within adult correctional centres; and

(f) There have been instances of abuse of child detainees reported in the State party’s Quamby Youth Detention Centre and Bimberi Youth Detention Centre.

**82. The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee’s General Comment No. 10 (2007) on the rights of the child in juvenile justice (CRC/C/GC/10). Furthermore, the Committee reiterates its previous recommendations to:**

(a) Consider raising the minimum age of criminal responsibility to an internationally acceptable level (CRC/C/15/Add.268, para. 74(a));

(b) Deal with children with mental illnesses and/or intellectual deficiencies who are in conflict with the law without resorting to judicial proceedings (CRC/C/15/Add.268, para. 74(d));

(c) Take measures with a view to abrogating mandatory sentencing in the criminal law system of Western Australia (CRC/C/15/Add.268, para. 74(f)); and, consider refraining from the enactment of a similar law in its state of Victoria;

(d) Remove children who are 17 years old from the adult justice system in Queensland (CRC/C/15/Add.268, para. 74(g));

(e) Allocate the necessary human, technical and financial resources for ensuring that all child offenders are held in separate correctional centres; and

(f) Expeditiously establish an accessible and effective mechanism for investigating and addressing cases of abuse at its youth detention centres.

## **H. Ratification of international human rights instruments**

**83. The Committee encourages the State party, in order to further strengthen the fulfilment of children’s rights, to accede to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure and all core human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Labour Organisation Convention No. 189 on Domestic Workers.**

## **I. Follow-up and dissemination**

84. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the members of the Government, the Parliament, regional bodies, and other local Governments, when applicable, for appropriate consideration and further action.

85. The Committee further recommends that the fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its implementation.

## **J. Next report**

86. The Committee invites the State party to submit its combined fifth and sixth periodic report by 15 January 2018, including specific information on the implementation of and follow-up to the recommendations contained in these present concluding observations of the Committee. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. Should a report exceeding the page limitations be submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

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