

# Children's rights in Australia

UPR Pre-session 51

# Issue 1 – Youth Justice

We recommend that the Australian Government urgently:

- Introduces **national standards** for the treatment of children in child justice and detention systems that are compliant with international laws, norms and standards.
- Exercises its power under section 51 (xxix) of the Constitution (the external affairs power) **to legislate a national minimum age of criminal responsibility of 14 years.**
- **Withdraws the reservation to Article 37(c) of the Convention on the Rights of the Child,** which requires children to be separated from adults in detention.

# Issue 2 – Violence against children, mental health and wellbeing

We recommend that the Australian Government:

- Institutes a **Minister for Children** who develops a **national plan for children**.
- **Invests in primary prevention and early intervention of childhood maltreatment** including:
  - Funding evidence-based approaches to the delivery of parenting supports.
  - Targeting and preventing forms of maltreatment most strongly aligned to mental health and health risk behaviours.
  - Focusing response efforts on children who have already experienced maltreatment.

# Issue 3 – General measures of implementation

We recommend that the Australian Government:

- Exercises its power under section 51 (xxix) of the Constitution **to legislate a Children’s Rights Act, incorporating the Convention on the Rights of the Child** and remedies for rights violations into domestic law.
- Funds and ensures the **provision of adequate independent, accessible legal assistance** for children to address rights violations.
- Signs and ratifies the **Third Optional Protocol to the United Nations Conventions on the Rights of the Child.**