

Statement of Youth Law Australia on the UPR Pre-Session on Australia

28 November 2025, Geneva

(Slide 1)

Youth Law Australia (YLA) is an independent, national, non-government legal service providing free, confidential services to children. YLA has received funding from successive Australian Governments and commends them for their support.

YLA is a Steering Group member of the Australian Child Rights Taskforce (Taskforce), Australia's peak civil society children's rights body. YLA and the Taskforce were lead authors on Australia's NGO Report and consulted with civil society in that process. YLA also consulted to the Australian Government's report through the Taskforce.

This submission focuses on critical children's rights violations. While these critical issues can apply to all Australian children, they disproportionately impact Aboriginal and Torres Strait Islander children, children with disability and children removed from their families.

(Slide 2)

Issue 1: Youth Justice

In previous cycles, multiple States made recommendations about Australia's youth justice system and the minimum age of criminal responsibility.

Youth justice systems in Australia are characterised by extensive non-compliance with international youth justice norms. Children as young as 10 continue to be criminalised and incarcerated in most of Australia. Children in detention continue to face solitary confinement, dangerous facilities including in adult watchhouses, and excessive force. Two children have died in youth detention within a year. Yet successive Australian Governments accept almost no responsibility for preventing or responding to these violations.

Recommendations

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 as a minimum.
- 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 its reservation to Article 37(c) of the UN Convention on the Rights of the Child (which requires children to be separated from adults in detention).

(Slide 3)

Issue 2: Violence against children, mental health and wellbeing

Multiple States have recommended that Australia acts on family, domestic and sexual violence; better resources mental health supports; and ensures children can enjoy their economic, social and cultural rights.

The 2023 Australian Child Maltreatment Study, funded by the Australian Government for which it is to be commended, revealed that Australian children experience high rates of physical, sexual and emotional abuse, neglect and exposure to domestic violence, resulting in severe mental health problems. Children removed from their families have a high prevalence of maltreatment at over 90%.

Suicide is the leading cause of death for young Australians aged 15-24.

One in six Australian children live in poverty.

These statistics demonstrate that Australia's National Framework for Protecting Australia's Children is not effective. It lacks adequate monitoring, coordination, data, and accountability.

Recommendations

We recommend that the Australian Government:

- Institutes a Minister for Children who develops a national plan for all children in all settings, especially those referred to in this statement that:
 - Establishes clear outcomes and priorities for children's safety, mental health and wellbeing and unifies existing strategies
 - Comprehensively monitors and protects children's rights, and
 - Includes a national children's data framework.
- 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 child maltreatment most strongly aligned to mental health and health risk behaviour consequences, sexual abuse and emotional abuse, and

- Focusing response efforts on children and adolescents who have already experienced a form of abuse or neglect, including those not already in contact with child protection systems.

(Slide 4)

Issue 3: General measures of implementation

Australia has not incorporated the UN Convention on the Rights of Child into domestic legislation. As a result, Australia is failing to implement its children's rights obligations across a range of settings, and most children in these settings cannot access effective remedies to redress violations.

Recommendations

We recommend that the Australian Government:

- Exercises its power under section 51 (xxix) of the Constitution (the external affairs power) to legislate a Children's Rights Act incorporating the UN 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, particularly in detention, when removed from their family, and for children experiencing maltreatment.
- Signs and ratifies the Third Optional Protocol to the UN Convention on the Rights of the Child (which provides a communication procedure to the UN Committee on the Rights of Child).