

Australia's initial report (CRC/C/8/Add.31 and Annex) was considered by the Committee at its September/October 1997 session. The report prepared by the government is exhaustive in both detail and scope and includes information on: measures taken to harmonize national law and policy with the Convention; mechanisms for coordinating policies related to children; the definition of the child in laws and regulations — related to, *inter alia*, age of majority, health, education, legal counselling, employment, sexual consent, criminal liability, deprivation of liberty, consumption of alcohol; civil rights and freedoms — related to, *inter alia*, name and nationality, preservation of identity, freedom of expression, association, peaceful assembly, privacy, freedom of thought, conscience and religion; family environment and alternative care — related to, *inter alia*, parental guidance and responsibilities, adoption, illicit transfer and non-return, abuse and neglect; basic health and welfare — related to, *inter alia*, survival and development, children with disabilities, social security, standard of living; education, leisure and cultural activities; and, special protection measures. The report includes a number of annexes containing statistical data related to such areas as mortality rates, suicide death rates and education.

The Committee's concluding observations (CRC/C/15/Add.79) regretted that the report did not include full information on the external territories administered by Australia. The Committee welcomed, however: the wide range of welfare services for children and their parents; the provision of universal and free education; the advanced health system; efforts made in law reform, such as amendments to the Family Law Act, 1975 and the Crimes (Child Sex Tourism) Amendment Act, 1994; and, the intention of the government to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

The principal subjects of concern identified by the Committee were: the absence of a right of citizens to launch complaints in local courts on the basis of the Convention; the absence of a comprehensive federal policy for children and the lack of monitoring mechanisms at federal and local levels; the disparities between different states' legislation and practices, including budgetary allocations; the fact that employment legislation does not specify minimum age(s) for employment; lack of a prohibition on the employment of children who are still in compulsory education; the fact that the minimum age of criminal responsibility is set very low, 7 to 10 years, depending on the state; the failure to apply fully the Convention's provisions on non-discrimination and respect for the views of the child; the problems faced by Aboriginals and Torres Strait Islanders, as well as by children of non-English-speaking backgrounds, in terms of standards of living and levels of services, particularly in health and education; the fact that children can be deprived of citizenship in situations where one of the parents loses citizenship; the lack of prohibition in local legislation on the use of corporal punishment in schools, at home and in institutions; the existence of child abuse and violence within the family; the existence of local legislation that allows police to remove gatherings of children and young people in violation of their civil rights and the right to assembly; the fact that women working in the private sector are not systematically entitled to maternity leave; the spread of homelessness among young people, putting

them at risk of involvement in prostitution, drug abuse, pornography, other forms of delinquency and economic exploitation; the incidence of suicide among young people; the continued practice of female genital mutilation in some communities and the fact that there is no legislation prohibiting it in any of the states; the treatment of asylum seekers and refugees and their children, including placement in detention centres; the functioning of the juvenile justice system and the treatment of children deprived of liberty; the unjustified, disproportionately high percentage of aboriginal children in the juvenile justice system and the tendency normally to refuse their application for bail; and, the enactment, in two states where a high percentage of aboriginal people live, of new legislation providing for mandatory detention and punitive measures which result in a high percentage of aboriginal juveniles in detention.

The Committee recommended that the government:

- ▶ create a federal body to draw up programmes and policies for implementation and monitoring of the Convention;
- ▶ allocate special funds in its international programmes to children and use the principles and provisions of the Convention as a framework for its programme of international development assistance;
- ▶ take all appropriate measures, including legislative ones, to prohibit corporal punishment in private schools and at home and conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered;
- ▶ investigate properly, apply sanctions to perpetrators and give publicity to decisions taken in cases of abuse and ill-treatment of children, including sexual abuse within the family;
- ▶ take further measures to ensure the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation;
- ▶ conduct awareness-raising campaigns on the Convention, with a focus on its general principles and the importance it places on the role of the family;
- ▶ disseminate the Convention in languages used by aboriginal people, Torres Strait Islanders and people from non-English-speaking backgrounds;
- ▶ incorporate the rights of the child into school curricula;
- ▶ incorporate the Convention into the training provided to law enforcement officials, judicial personnel, teachers, social workers, care givers and medical personnel;
- ▶ carry out training to enhance the ability of specialists, especially care givers and those involved in the juvenile justice system, to solicit the views of the child and help the child express these views;
- ▶ set a specific minimum age, at all levels of government, for employment of children; establish clear and consistent regulations in all states on maximum allowed work hours; and, consider ratifying ILO Convention 138 (minimum age);
- ▶ introduce legislation and undertake policy reform to ensure that children of asylum seekers and refugees are reunified with parents;