



Australian Children's Rights News

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SEEKING ASYLUM ALONE: THE TREATMENT OF UNACCOMPANIED AND SEPARATED CHILDREN IN AUSTRALIA'S REFUGEE DETERMINATION PROCESS

By Mary Crock¹

In 2003 I was privileged to join an international research team to inquire into a phenomenon that is sweeping the world – and from which Australia has not been immune. Children are travelling the world in increasing numbers, all alone, as migrants and as refugees in search of protection. The resulting study was released in early August 2006.² This short article provides an

overview of the research and highlights some of the matters that have made the work highly topical. More importantly, it summarises the main areas where Australia needs to re-think its laws, policies and practices regarding the most vulnerable of child migrants. Some of these are matters that can only be addressed by our politicians; others are matters that are within the province of the bureaucrats and administrators. It is a source of great encouragement that the Department of Immigration and Multicultural Affairs (DIMA) is committing itself to work at an operational level to ensure that the poor practices documented in *Seeking Asylum Alone* are consigned to the past. It is my great hope that this document will quickly become a testament to (past) historical practices. Sadly, it is not yet possible to make this claim, although substantial improvements are being made.



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President's comments:

An important article based on a comprehensive research report by Mary Crock on unaccompanied minors and trafficked children in Australia is featured in this issue of *Australian Children's Rights News*. Associate Professor Crock has a long-standing interest and commitment to refugee law and advocacy and we are privileged to be able to publish this summary of her very thorough and thoughtful account of the legal, administrative and human barriers to better treatment of young people who need, deserve and are entitled to much better treatment than Australia affords them. Australia is obliged as a signatory and ratifier of the UN CRC to provide assistance. "In June 2005 the UN Committee on the Rights of the Child issued a "General Comment" on unaccompanied and separated children. This calls on States to take seriously their obligations under the CRC not to discriminate against these children on the basis of their alienage and lack of legal standing. The Committee called on States to accord these children access to the same services and benefits afforded to vulnerable local children in matters such as health, housing, and education."

Dr Crock has summarised the main areas where Australia needs to re-think its laws, policies and practices regarding the most vulnerable of child migrants. As she points out, "Some of these are matters that can only be addressed by our politicians; others are matters that are within the province of the bureaucrats and administrators. It is a source of great encouragement that the Department of Immigration and Multicultural Affairs (DIMA) is committing itself to work at an operational level to ensure that the poor practices documented in *Seeking Asylum Alone* are consigned to the past." DCI-A echoes Dr Crock's hope that her report "will quickly become a testament to (past) historical practices. Sadly, it is not yet possible to make this claim, although substantial improvements are being made."

This month also marked the publication by UNICEF of an important report on the state of the world's

children and the executive summary of this report and the implications of womens' status and treatment for children's health, welfare and wellbeing are highlighted.

DCI-Australia also held its Annual General Meeting on 1 December 2006 in Melbourne with a record attendance at a face-to-face meeting and a useful planning discussion before the main meeting. The new Committee in the past and Executive are as follows:

President: Judy Cashmore
Vice-President: Moira Rayner
Secretary: Janet Jukes
Treasurer: Helen Bayes

Committee:
ACT: Sue Packer
Qld: Tina Previtiera
NT: Simon Quilty
SA: Vacant
NSW: June Wangmann
TAS: Peter Briffa
Vic: Diana Batzias
WA: Cheryl Vernon

I am delighted to welcome back Helen Bayes and Moira Rayner onto the Committee and the Executive. Helen was the founder and first President and driving force behind DCI-A for many years and has worked for DCI in Geneva on several occasions. Moira has also been a long-standing advocate for children's rights and after a very difficult period has now felt able to come back onto the Committee. DCI-A will be all the richer for both Helen's and Moira's contribution. Welcome back too to the continuing members of the Committee – your contributions are needed and appreciated, and a special welcome to a new member for Queensland, Tina Previtiera. Still needed is a SA representative so if a SA member is willing to play this role, please contact us.

Best wishes for a peaceful and successful 2007
Judy Cashmore
President, DCI Australia

1. Background to the Research

Consistent with international trends, the number of unaccompanied and separated children seeking asylum in Australia has increased steadily in recent years. The UN Refugee Agency, UNHCR, estimates that between 5 and 7% of child migrants around the world are unaccompanied or separated children. In Australia, DIMA uses the term “unaccompanied minors” to encompass both children who arrive in Australia without a parent or other adult relative to care for them; and those who do not have a parent, but are in the care of a relative over the age of 21.³ In this respect, the Departmental category roughly corresponds to the international category of “separated children”. The term “separated children” is used to describe children under the age of 18 years who are outside their country of origin and separated from both parents or from their previous legal or customary care-giver.⁴ Experience has shown that many children fleeing situations of conflict and turmoil are not truly “unaccompanied”. They travel in the care of an adult or extended family member, but nevertheless face similar risks to those encountered by unaccompanied refugee children.⁵

For the *Seeking Asylum Alone* study, the research was focussed on a particular group of children who arrived in Australia as asylum seekers between 1999 and 2003.⁶ Of 4089 asylum seekers who were registered as being under the age of 18 at the time of arrival, 290 were classified as “unaccompanied minors”. Such children continue to arrive: for example, 5 of the 43 fugitives from West Papua in 2006 were unaccompanied children and virtually every boatload of illegal fishers apprehended includes such children, working as crew.

DIMA asserts that of these 290 unaccompanied children, 3 arrived by air on a visa, 4 arrived by air without a visa, and 283 arrived by boat without a visa. The majority were young males from Afghanistan aged between 13 and 17. The youngest was 8 years old. In *Seeking Asylum Alone* particular study was made of 85 of these young people: 77 were from Afghanistan; with two each from Kenya, Vietnam and China and one from Sudan and Rwanda. All but two were males, with ages ranging from 11 to 17. Immigration detention was

experienced by all but two, with at least half (42) being detained between 5 months and 4 years.⁷ The children studied all fit the description of “smuggled” children, as they were conveyed to Australia in an irregular fashion in exchange for payment.

The children we were privileged to get to know over the course of the three year study were and are remarkable. The young people showed great courage and patience in agreeing to recount – yet again⁸ - their experiences as travellers and as asylum seekers.

The report opens with the accounts of “Ghandi” and of “Halimi”⁹ and her little brother. *Ghandi* was smuggled out of his village at the dead of night in a coffin-shaped space made in a pile of bricks strewn with animal offal. He was 16 years old; already married (his wife was with child). He was being targeted by the Taliban commanders in his area because he bore a physical resemblance to the son of the village leader who had unwisely killed one of the Taliban. When the village leader’s wife was abducted and returned in pieces, Ghandi’s brother in law arranged for his escape. Unlike many of the other boys we interviewed, he was smuggled from Iran to Singapore in a cargo vessel on board a freight ship in a trip that took 6 weeks and left him barely alive. He was nursed back to health in Singapore before travelling on to Malaysia and Indonesia from whence he made his way by boat to Australia. Ghandi was incarcerated in Woomera Detention centre for only 3 months. He went on to complete his high school education, emerging as dux of his high school. Although he earned a scholarship to go to university, he is now driving taxis, having dropped out of university twice.

Thirteen year old Halimi and her 11 year old brother were two orphaned children who were put on the road by their grandparents. The pair endured great dangers to make it to Australia, only to be incarcerated in Woomera Detention Centre at the height of the riots, disturbances and general unhappiness that characterised immigration detention in Australia following the *Tampa* controversy in 2001. The young pair gained recognition as refugees after enduring nearly 8 months in detention, much of it in a part of the centre reserved for persons “screened out” or deemed not to engage Australia’s

protection obligations. This situation appears to have developed out of an initial interview process where the young (obviously Hazara-Afghan) Halimi was interviewed by officials without the aid of any form of guardian or adviser. The girl's failure to use the correct "trigger" words so as to articulate a "well-founded fear of persecution" appears to have led the officials to rule that she could not be considered for refugee status. Only after long delays and her discovery by refugee advocates were Halimi and her brother transferred into the full status determination process. The young people are haunted to this day with worries about what happened to their grandparents, of whom they have heard nothing since leaving Afghanistan in 2001. Next week, against everyone's advice, Halimi is planning to travel to Pakistan by herself in an effort to find them. She is not able to tell me their full names or to give any description other than to say that she looks like a young version of her grandmother.

What, then, are the main findings of the *Seeking Asylum Alone* study? In a meeting with the leadership team of DIMA in late September¹⁰, Secretary Andrew Metcalfe noted that the book touches on virtually every aspect of the Department's functions – from the interdiction program known as the "Pacific Solution" through compliance operations, on-shore refugee processing and detention to refugee and humanitarian resettlement. In truth, the work is not happy reading. It suggests that in the past we have failed to both identify and cater for vulnerable non-citizen children travelling alone. In too many respects the governing legislation – the *Migration Act* 1958 (Cth) and accompanying Regulations – makes no distinctions whatsoever between adults and children. Australian officials have been given scanty guidance and even less training in dealing with unaccompanied and separated child refugees. Decision makers and migration agents/ lawyers and advocates have not thought properly about how legal principles can and should be adapted to deal with the protection needs of these children. The regime for the grant of temporary protection visas to asylum seekers in Australia – with consequential restrictions on family reunification – has been debilitating for unaccompanied child refugees.

It is beyond the scope of this short article to deal with all of the matters canvassed in *Seeking Asylum*

Alone.¹¹ Rather, an attempt will be made to provide an introduction to some key aspects of the research. The objective is to increase awareness of the problems engendered by vulnerable children travelling alone and to start a discussion about how solutions are to be found.

2. Noticing the Children: How and Why They Travel.

When we began work on the *Seeking Asylum Alone* project, immediate problems were encountered in trying to determine how many children have been coming to Australia as solo travellers in need of protection. The statistics supplied through requests to Parliament over the years are best described as contradictory and confusing, if not radically unreliable. According to DIMA,¹² this situation reflects serious problems facing the bureaucracy hampered by aging computing systems that made the collection and reporting of statistical data problematic. Even if this is the case, the poor record keeping is rather shocking given the relatively modest number of children categorised as unaccompanied minors (see above). It is difficult to avoid the conclusion that at least in the early days of the period studied the Australian authorities were not paying sufficient attention to the humanitarian challenge unfolding before them. It is to be hoped that the injection of funds into DIMA to upgrade its computing systems after the Cornelia Rau and Vivienne Alvarez-Solon scandals¹³ will make this problem a thing of the past.

Information was sought also on how many children had been *trafficked* into Australia in recent years. The distinction here is that victims of trafficking are conveyed across borders for exploitative purposes that involve a continuing (post arrival) relationship with the trafficker. Children are trafficked typically to work as sex slaves or as child labour. In response, the government asserted that one child was trafficked into Australia from Thailand in 1994. This is in spite of the fact that the US State Department has recently listed Australia as a category 1 country on the estimation that between 300 and 1000 people are being trafficked into Australia each year – predominantly to work in the sex industry.¹⁴ Either Australia is in a unique position in this part of

the world in avoiding almost completely the regional and global pandemic of trafficking in children, *or* we are not noticing the trafficked children when they arrive or after they are taken into the community. In the absence of programs akin to “Operation Paladin Child”¹⁵ (through which British immigration officials are locating and “redeeming” trafficked children in the United Kingdom), it is difficult to avoid the conclusion that Australia’s vigilance is not as good as it might be.

Amongst the children studied for *Seeking Asylum Alone*, it is interesting to note that few if any could really be described as “agents” of their own predicament. While children do arrive sometimes as stowaways on large ships, in recent years most children have come to Australia embedded in a larger group of smuggled persons. In many instances it is remarkable that the children have made it all the way to Australia alive and (more or less) in one piece. The vast majority had tales of great endurance and hardship. A common feature in the Australian cohort¹⁶ is that many had no control over any aspect of their travel to Australia. Most appear to have been put on the road by adult relatives in response to an immediate personal threat to the children’s safety and well being. Many were the oldest surviving sibling in a family where the older brother or father, brothers, cousins or uncles had been abducted, killed or mutilated. They spoke of payments made to strangers; of a signet ring handed over at point of arrival to be returned to a family member as proof of safe delivery. Many left in the dead of night: smuggled out in the true sense of that word. *Ghandi’s* experience was not so unusual; another boy was secreted under bales of hay. Some left in groups of young boys – all fugitives of Taliban forces. Others left in the care of adults, with at least one of the young boys studied reporting that his smuggler sexually abused him. In view of the shame and guilt associated with such abuse, it was rare indeed for the young people to disclose these types of experiences.

How much the children understood of what was happening to them varied according to age and experience. Some had been so cosseted by their families for fear of the Taliban that they appear to have been exquisitely ill-prepared for the rigours of either the voyage to Australia or the challenges that

awaited for them upon arrival. Others were more streetwise and toughened to hardship. All were bewildered by their reception in Australia.

3. The Burning Issue: Access to Protection for Vulnerable Children

In the context of the debate over the “Pacific Strategy” and refugee processing “offshore” on Nauru, the first issue warranting consideration is that of access to territory. Guidelines from the UNHCR and international bodies such as the Separated Children in Europe Programme all emphasise that separated children should be immediately allowed to enter the territory of the destination State.¹⁷ In the course of the UNHCR’s Global Consultations on Refugee Children in 2002, it emerged that in some destination States, separated children are routinely denied access to territory altogether, and are given no opportunity to seek asylum.¹⁸ In Australia, children who make landfall in Australia have generally been admitted into the asylum process, with full entitlement to legal assistance and appeal rights. The same has not been true of children intercepted as part of the “Pacific Strategy”. Asylum seekers processed on Nauru have no access to legal or other assistance in articulating their refugee claim and no right to access Australia’s refugee appeal system. No exceptions are made for unaccompanied and separated children. In the result, children processed under the “offshore” system have been much more likely to have their refugee claims rejected. They are also more likely to be sent back to their country of origin and into unsafe circumstances.

According to the International Organisation of Migration (IOM), 55 unaccompanied or separated children were registered among the asylum seekers prevented from landing on Australian shores in 2001-2002, and taken to Nauru for processing. None of the 290 unaccompanied and separated children whose refugee claims were processed in Australia was expelled from the country. In contrast, IOM reported that 32 of the 55 children processed on Nauru were returned to Afghanistan in 2002-2003. These numbers may reflect a higher failure rate; and/or the general despair experienced by Nauru children.

The number of returnees may also reflect the promotion by officials of the government's policy of paying \$2,000 AUD to individuals who agreed to return to their country of origin voluntarily. According to research undertaken by the Edmund Rice Centre,¹⁹ at least one of the Afghan children was killed upon return to that country.

The measures instituted by Australia constitute a significant impairment of the right of separated children to enter Australia as a country of refuge. There are also strong grounds for arguing that they place Australia in breach of its fundamental obligation not to *refouler* or send back to persecution genuine refugees.

4. The Identification and Initial Reception of Unaccompanied Child Migrants

The next step issue that merits inquiry is the means by which unaccompanied and separated children are identified, and the action taken following such identification. Relevant international guidelines all recommend that specific procedures be put in place for the identification of unaccompanied and separated children.²⁰ Where children are accompanied by an adult, the guidelines also recommend that care be taken in determining the nature and implications of their relationship.²¹ The SCEP also notes that if an age assessment is necessary, a qualified expert should complete the assessment and any benefit of the doubt should be given to the child.²² After having been identified as a separated child, international principles mandate that a legal advisor or guardian be appointed.²³ The guardian or advisor should have the necessary expertise in children's issues, and be able to represent the best interests of the child.²⁴ The guidelines then state that an interview should be conducted by professionally qualified persons; with an interpreter if necessary, and in an age appropriate manner. Sadly, this has not been the approach taken in Australia.

All non-citizens who arrive in Australia without authorisation are interviewed by immigration officers to establish their identity, where they are from, their reasons for being in Australia, and if, *prima facie*, they engage Australia's protection obligations.²⁵

The interviews are one-on-one, with an interpreter present, and there is no nominated time limit. They are taped to ensure an accurate record of the interview. Reports of interviews are then considered by a senior staff member of DIMIA "who have training and experience in matters relating to Australia's international obligations as a signatory to the United Nations 1951 Convention and 1967 Protocol relating to the Status of Refugees".²⁶

The problems with this system are twofold. First, it is doubtful that DIMA officers have been sufficiently trained in the art of locating children who do not present "obviously" as unaccompanied child asylum seekers. The failure to identify any trafficked children since 1994 (see above) is symptomatic of the shortcomings in the system.

The second problem with this "screening" regime is that few if any special arrangements are made for the children who are being interviewed. They are not given access to a legal or any other advisor or *effective* guardian until after the initial screening is completed. The process is not explained to them. They are not even entitled to the transcript or tapes made of this part of the process,²⁷ notwithstanding the fact that their statements can be used to impugn their credibility if they change their account at a later date. In this respect it is the legislation that is weighted clearly against "solo" child asylum seekers.²⁸

Little wonder that the research found children who had slipped through the cracks, suffering rejection or classification as individuals who "did not engage Australia's protection obligations". The failure to instantly identify Halimi and her little brother as *bona fide* asylum seekers in 2001 is an egregious example of the shortcomings of this system – which remains unchanged.²⁹

The Australian report recommends strongly that Australia adopt processes similar to those used in the United Kingdom. There, children identified as unaccompanied or separated child migrants are immediately allocated an independent guardian for the purposes of all dealings with officialdom. The children are not interviewed at all apart from for the purpose of determining their identity and origins.

Under the *Immigration (Guardianship of Children) Act 1946* (Cth) (the *IGOC Act*) the Minister for Immigration is the statutory guardian of all non-citizen children who arrive in Australia without a parent or adult relative to care for them.³⁰ Section 6 of this Act provides that as guardian, the Minister shall have “the same rights, powers, duties, obligations and liabilities as a natural guardian of the child would have, until the child reaches the age of 18 years or leaves Australia permanently...”.

This provision was considered by North J in *X v Minister for Immigration and Multicultural Affairs*.³¹ After examining the legal concept of guardianship and relevant principles of international law, North J found that the Minister’s responsibilities as guardian under s 6 include the responsibilities which are the subject of the United Nations Convention on the Rights of the Child.³² Section 6 is concerned with according fundamental human rights to non-citizen children in Australia.³³ The Minister now delegates this function as a guardian under the *IGOC Act* to officers of the child welfare authority in each State and Territory – but only once the child has been through some significant immigration processes. Before that delegation occurs, the children are without an effective guardian. There is an inherent conflict in the Minister’s dual role as guardian of unaccompanied children and as decision-maker under the *Migration Act 1958* (Cth). For the children studied, there could be no doubt that it was the Minister’s immigration control function that predominated.

5. The Detention Issue: Improvements at Last

International law and guidelines are unanimous in their call for special care and protection for child asylum seekers, particularly those seeking asylum alone.³⁴ They also stress that children should not be kept in detention, and once again state that this is particularly true for separated or unaccompanied children.³⁵

In Australia, however, detention is mandatory for asylum seekers who enter the country without a visa or other authority.³⁶ And while detention is not supposed to extend to children where it is not in their “best interests”, until June 2005, detention was

the norm rather than the exception for child asylum seekers, whether travelling alone or with their families. The changes instituted in 2005 represent a radical improvement.

According to the Department:³⁷

“In making decisions concerning the welfare and care of unaccompanied minors in immigration detention facilities, DIMA draws upon the advice of people with expertise in child welfare, such as psychologists and state child welfare authorities. This practice is being formalised in Memoranda of Understanding (MOUs) that are being developed with state child welfare agencies on child protection”.

The research into the children who arrived in Australia before 2005 suggests that the policy of detention – and the treatment afforded to the children in detention – had adverse impacts on all of the children. Although further longitudinal research is warranted, the preliminary impression was that a direct correlation is to be found between the length of time individual children spent in immigration detention and how the children are faring today. Those detained for the longest periods (some for over 4 years) are having had the greatest problems in settling into education and basic employment.

It is fair to say that much has been done to address the scandalous deficits of the scheme for receiving immigrant children (accompanied or otherwise) before 2005. The *Seeking Asylum Alone* research suggests that there is still much that needs to be done to bring Australian laws and practices in line with international legal standards and with the practice and procedures in comparable Western Countries.

Illegal Fisher children

Of particular concern is the practice of keeping the children found on the boats of illegal fishers from Indonesia in hotels pending their removal back to Indonesia. On the one hand, it is not apparent that these accommodation arrangements are a true alternative to detention. While the beds may be softer than in some of the rougher detention facilities that have been used in the past,³⁸ the restrictions on the liberty of the children and their denial of access to child protection authorities or other independent advice and assistance remain.

The general assumption appears to be that these children are not refugees and therefore do not invoke any kind of protection obligations on the part of Australia. The point to make here is that Australia's obligations with respect to non-citizen children are not limited only to children who are covered by the Refugee Convention. The Convention on the Rights of the Child creates more general duties to act in the best interests of children (Art 3(1)) and to ensure that they are only detained as a matter of last resort and for the shortest possible period of time (Art 37(b)).³⁹ The plight of unaccompanied and separated children is also given specific attention in Art 20, which places obligations on State parties to provide "special protection and assistance" to the child "temporarily or permanently deprived of his or her family environment". Of equal importance for older children is Art 12, which provides for the full participation of children in all decisions affecting their lives.

In June 2005 the Committee on the Rights of the Child, the treaty body overseeing the CRC, issued a "General Comment" on unaccompanied and separated children. This calls on States to take seriously their obligations under the CRC not to discriminate against these children on the basis of their alienage and lack of legal standing. The Committee called on States to accord these children access to the same services and benefits afforded to vulnerable local children in matters such as health, housing, and education. The General Comment also addresses directly the care and assistance of unaccompanied and separated children within domestic administrative processes. It recommends the appointment of both guardians and adequate legal advisors and stresses the importance of taking into account at all times the expressed wishes and views of the children themselves. The issue of immigration detention is addressed with the observation that many States continue to detain children in inappropriate circumstances. States are urged also to prioritize the reunification of refugee families, either in the State of origin (where this is safe and feasible) or in the destination country. The Comment warns against the repatriation of children into situations where the child could face harm or lack of support structures.

The present practice in relation to the children caught with the illegal fishers is to ensure the speedy return of the children to Indonesia. The rationale is that the

children's best interests are to be returned to their home environment. Whether the assumptions being made about the children's circumstances are correct, however, is an open question. Without access to the children, the question is not one that is easily answered. However, some consideration should be given to the fact that the illegal fishing enterprises have become both increasingly sophisticated and more obviously "criminal" in their operations in recent years. In some cases, it may be that the children are being used on the boats for exploitative purposes. Although their situation may not be directly analogous to the appalling abuses of child soldiers in Africa, illegal fishers may be using the children on the understanding that Australia will exact lesser punishments on such crew; or even that such children will be speedily returned to Indonesia, from whence they can be re-cycled into a fresh enterprise. In extreme cases, children found on illegal fishing boats may even meet the definition of trafficked children, in the sense that they are being used across national borders for exploitative purposes. If we don't ask, how can we know? In such cases, it is difficult to see how a speedy return to Indonesia, with no oversight of what happens afterwards, is in anyone's interests, save those of the illegal fishers.

6. Protection Outcomes and the National Interest

There are two final points that need to be made about the end stage of the administrative processes facing "solo" child migrants in Australia. Both relate to the type of status granted to children found to be in need of protection. Beginning first with children who may not meet the Convention definition of refugee, it is a matter of enduring concern that the law in Australia does not provide a ready alternative or "complementary" form of protection for vulnerable children. In this respect, Australia stands in sharp contrast with both the United Kingdom and the United States of America. In the first of these countries, the identification of a child as a minor without the support of a responsible adult is sufficient to gain the child immediate "leave to remain" in England – at least until the child reaches her or his majority at age 18.⁴⁰ In the United States, a special (permanent) visa category has been created for non-citizen children found to be at particular risk. This visa gives the child immediate protection, although

it comes with the nasty proviso that the holder is forever banned from sponsoring his or her family as migrants to the US.⁴¹ In Australia there are no equivalent visa classes for vulnerable children. The only alternative is to seek an exercise of the Minister's "non-compellable, non-reviewable" discretion to grant a visa. This is an avenue that could never be described as a reliable safety net.⁴² Australia needs to adopt a visa class that caters for children who lack the protection of a responsible adult.

The second, obvious, problem that needs addressing is the nature of the protection given to individuals who are recognised as refugees. The need to make this change for solo child refugees is compelling.

If the Australian government is angered and frustrated by the phenomenon of irregular child migration, there comes a point at which the national interest and the best interests of the immigrant child naturally coincide. This occurs where it is apparent that for one reason or another it is not possible to return the child to his or her country of origin. It may become impossible to return a child as a matter of fact (because of failed negotiations with a foreign country) or it may become apparent that return will result in such serious harm to the child as to amount to a gross abuse of the child's human rights. If a child cannot easily be removed, it is arguably in the interests of both Australia and of the child to ensure that the child is permitted to become a fully participating member of the Australian society. Participation in this sense is embodied in the notion of "resettlement" of the migrant through access to work, education and, most notably in the case of the separated child, family reunification of some kind.

In Australia, refugees who arrive without the authorisation of a visa are entitled at best to three year temporary protection visas. No special regime has been created for unaccompanied or separated child refugees. Temporary Protection Visas enable the holder to work and to study, but only upon the payment of foreign student fees. The sponsorship of family members is not permitted. At the expiry of the three year period, refugees who arrived before September 2001 are generally eligible for Permanent Protection Visas if they can successfully re-negotiate Australia's refugee status determination system. It

is a regime that has seen most unaccompanied child refugees in Australia waiting for six years or longer before gaining permanent in the country. While special "split family" rules enable children holding permanent visas to find and sponsor their parents, once a child reaches her or his majority, this option disappears.

The meanness of Australia's response to the challenge of resettling unaccompanied and separated children recognised as refugees is starkly apparent if we compare the stories of the children in Australia with the "Tampa Boys" who were accepted for resettlement by New Zealand in 2001. By 2005 every one of the children sent to New Zealand had become citizens of that country and most had managed to both locate their families and sponsor them as migrants to New Zealand. The boys have become minor celebrities, with their life milestones and achievements celebrated in the local press.

The story in Australia could not be more different. Most of the unaccompanied child refugees have now gained permanent residence in Australia and some have taken out Australian citizenship. While there are a handful of young ones who have located their families – mostly in Pakistan – few indeed have managed to secure their passage to Australia. In the course of our research, we came across some inspiring success stories. The work done by the Brisbane community in re-creating family for the boys who make up the Tiger 11 soccer team stands out as a shining example of what can be achieved. For the most part, however, the stories are far more mixed. *Ghandi*, for example, became dux of his final year at high school and secured a scholarship to attend a prestigious university. One year later, however, he was driving taxis. *Adris* managed to complete his high school (in a manner of sorts) and was overjoyed when his parents and two siblings were granted visas to come to Australia as humanitarian migrants. Since their arrival he has been overwhelmed with the burdens of suddenly becoming head of the family (at 19). He has yet to secure himself a steady job, although he is enrolled in a TAFE course. There is another young one who has at last secured an apprenticeship as a painter. This means that the 18 year old is no longer spending his nights at the gym or watching Afghan movies, sleeping through the day so as to avoid engagement with the world. There

have been numerous incidents around the country of unaccompanied child refugees falling into sad and sorry states, getting into fights, forming street gangs. In October 2006, one young man stabbed his former flatmate to death after the two came to blows over unpaid utility bills. This former unaccompanied minor had recently returned from Pakistan where he had found his family and married a young woman. He is presently in custody on remand – his dreams shattered.

As one advocate interviewed for *Seeking Asylum Alone* acknowledged, the temporary protection regime creates nothing but misery and “corrosive uncertainty” for child refugees. This is particularly the case for children who endured great hardships before coming to Australia; and considerable traumas after their arrival – most particularly those detained for long periods of time. It is a system that ultimately does not operate in the national interest. What is required now is an intensive intervention program targeting young people who came as asylum seekers – together with the unaccompanied child refugees who continue to arrive under the offshore resettlement program. There is a pressing need to ensure that these young people become properly literate; that they receive counselling and appropriate psychiatric care; and that they are mentored into appropriate skilled and unskilled occupations. The success stories both in New Zealand and across Australia all have one thing in common. In each instance the child has managed to secure a substitute family – even if there is only one person who has stood in and declared their interest and affection for the child. As the children “age out” of their childhood, the need for family and for a mentor does not disappear.

If the children given asylum by Australia have been greatly damaged by their experiences, this is not a new or completely unique problem for the country. After the Vietnam war, Australia took in close to 28,000 unaccompanied and separated children. The experience forced the development of formalised refugee resettlement programs. The initiatives taken in the form of supervised foster homes and intensive youth development programs in the 1980s were as good as any in the world. While some of these children ended up in street gangs and the misery of dysfunctional lives, for the most part these programs were highly successful – a fact that is evidenced by

the high participation rate today of ethnic Vietnamese Australians in higher education, employment and in the general cultural life of the country.

Australia can do better than it is with this latest group of children who have come here seeking asylum alone.

Footnotes

¹ Associate Professor and Associate Dean Post Graduate Research, Faculty of Law, The University of Sydney.

² See Mary Crock, *Seeking Asylum Alone: A Study of Australian Law, Policy and Practice Regarding Unaccompanied and Separated Children* (Sydney: Themis Press, 2006) (Hereafter *Seeking Asylum Alone – Australian Report*).

³ DIMA, Fact Sheet 80: Caring for Unaccompanied Minors dated 27 June 2002. DIMA also makes a further distinction within the category of unaccompanied minors. Children who do not have either a parent or adult relative to care for them in Australia are referred to by as “unaccompanied wards”. Those children who do not have a parent, but do have a relative over the age of 21 to care for them are referred to as “unaccompanied non-wards”.

⁴ Report of the Secretary General to the United Nations General Assembly, Protection and Assistance to Unaccompanied and Separated Refugee Children, 7 September 2001, (A/56/333). In contrast, “unaccompanied children” are children under the age of 18 years who have been separated from both parents and are not being cared for by an adult who, by law or custom, is responsible for doing so: UNHCR, *Refugee Children: Guidelines on Protection and Care* (Geneva: UNHCR, 1997).

⁵ UNHCR, *Trends in Unaccompanied and Separated Children Seeking Asylum in Europe, 2000* (Geneva: UNHCR, November 2001) at 1. To capture the broadest range of children, reference throughout *Seeking Asylum Alone* is to both unaccompanied and separated children.

⁶ The following information was provided by the Immigration and Multicultural and Indigenous Affairs Portfolio in response to Questions Taken on Notice, Additional Estimates Hearing: 11 February 2003. See *Seeking Asylum Alone – Australian Report*, at Ch 2.

⁷ See *Seeking Asylum Alone*, 45-46. See in particular Table 7. Note that for 7 the period spent in detention was not known.

⁸ Since 1999 many asylum seekers in Australia have been subject to a regime that results in the grant of 3 year temporary protection visas to those recognised as refugees. This meant that most of the unaccompanied

children recognised as refugees have had to undergo status determination processes (and the multiple interviews these entail) at least twice. Children who claims were rejected and who exercised their right to appeal have been through even more drawn out processes. For an explanation of the system in Australia, see Mary Crock, Ben Saul and Azadeh Dastyari *Future Seekers II: Refugees and Irregular Migration in Australia* (Sydney: Federation Press, 2006), ch 6; and *Seeking Asylum Alone*, Part 3.

⁹ All of the children studied for the report chose pseudonyms so as to preserve their anonymity.

¹⁰ Attended by Associate Professor Mary Crock and Ms Anna Sampson of A Just Australia, DIMA Offices, Belconnen, 26 September 2006.

¹¹ In particular, little attention is paid here to issues relating to the conduct of administrative processes in cases involving children. There is also no discussion of how the definition of refugee needs to be interpreted so as to accommodate the protection needs of children. See *Seeking Asylum Alone – Australian Report*, chs 9-11; and ch 12, respectively.

¹² Meeting with Secretary and other officials, above n10.

¹³ Future Seekers. Insert ref to Palmer Report.

¹⁴ See *ibid*, 44-45. Category 1 is the lowest ranking given. However, the government's submission to the US investigators was that it should not be rated at all because the incidence of trafficking is so low.

¹⁵ See *Paladin Child: The Safeguarding Children Strand of Maxim funded by Reflex : A Partnership Study of Child Migration to the UK via London Heathrow* Reflex, Metropolitan Police, the United Kingdom Immigration Service, Association of Directors of Social Services, NSPCC, London Borough of Hillingdon, 2004.

¹⁶ This is not typical of unaccompanied and separated children in other countries – particularly those with shared land borders. See Jacqueline Bhabha and Mary Crock, *Seeking Asylum Alone: A Comparative Study of Laws, Policies and Practices Regarding Unaccompanied and Separated Children in the United States the United Kingdom and Australia* (Sydney: Themis Press, 2006), at Ch 2.

¹⁷ UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* (February 1997) at 5; *Separated Children in Europe Programme, Statement of Good Practice* (Second Edition, October 2000) at 7 (hereafter 'SCEP').

¹⁸ See *Global Consultations* at 2.

¹⁹ See Edmund Rice Centre, *Deported to Danger*, available online at:

http://www.erc.org.au/index.php?module=documents&JAS_DocumentManager_op=viewDocument&JAS_Document_id=1.

²⁰ UNHCR (1997) at para 5.4; SCEP (2000) at 7.

²¹ *Ibid*.

²² See SCEP C 6

²³ UNHCR, *Refugee Children: Guidelines on Protection and Care*, 1994 at 54; *Global Consultations*, at 3; SCEP, *Statement of Good Practice*, October 2000 at 8.

²⁴ UNHCR, *Refugee Children: Guidelines on Protection and Care*, 1994 at 54; *Global Consultations*, at 3; SCEP, *Statement of Good Practice*, October 2000 at 8.

²⁵ DIMIA, *Fact Sheet 75: Processing Unlawful Boat Arrivals*

²⁶ *Ibid*

²⁷ For an example of a recent case where the Full Federal Court held that adverse information based on an airport interview did have to be disclosed to the applicant on appeal to the Refugee Review Tribunal, see *SZEEU and Others v MIMA* (add cite).

²⁸ See *Migration Act 1958*, s 91V which empowers officers to request a “non-citizen in immigration clearance” to “make an oral statement, on oath or affirmation, to the effect that the information (provided by that person) is true.” If the person refuses to sign or make such a statement, or complies with the request in circumstances that suggest a lack of sincerity, “then, in making a decision about the non citizen under this Act or the regulations, the Minister may draw any reasonable inference unfavourable to the non citizen’s credibility.”

²⁹ See *Seeking Asylum Alone – Australian Report*, at Ch 8.2.

³⁰ Under s 4AAA of the Act, the term “non-citizen child” is defined as a person under the age of 18, who enters Australia as a non-citizen, and intends, or is intended, to become a permanent resident. It does not apply to children who enter Australia in the charge of, or for the purposes of living in Australia under the care of: a parent; a relative who has turned 21; or an intended adoptive parent.

³¹ *X v MIMA* (1999) 164 ALR 583.

³² *X v MIMA* at para [43].

³³ North J also commented, obiter dicta, that s 6 of the Act and s 39B(1A)(c) of the *Judiciary Act 1903* (Cth) confer upon the Federal Court a jurisdiction, analogous to the *parens patriae* jurisdiction, to supervise the Minister's function as guardian of non-citizen children. *X v MIMA* at para [79].

³⁴ Article 20 of CRC places obligations on State parties to provide “special protection and assistance” to the child “temporarily or permanently deprived of his or her family environment”. Under Art 22, States must ensure child refugees “receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth ... in other international human rights or humanitarian instruments to which the said states are parties”.

³⁵ See for instance, CRC Art 37(b), which states that detention should “be used only as a measure of last resort and for the shortest appropriate period of time” for children. The European Separated Children in Europe Program (SCEP) Statement of Best Practice at C 1.1 and C 7.

³⁶ Under s 189 of the Migration Act, detention is mandatory for persons known or reasonably suspected to be “unlawful non-citizens”.

³⁷ DIMIA, Fact Sheet 80: Caring for Unaccompanied Minors (Public Affairs Section, Department of Immigration and Multicultural and Indigenous Affairs, Canberra, 27 June 2002).

³⁸ In 2000 the author toured facilities in Western Australia at Willy Creek, near Broome, where illegal fishers were being detained in the roughest imaginable disused cargo containers. Some of the fishers were permitted to sleep on their boats, before these were destroyed by Customs officials.

³⁹ For an excellent overview of Australia’s obligations under this Convention, see Human Rights and Equal Opportunity Commission, *A Last Resort? National Inquiry into Children in Immigration Detention* (HREOC April 2004), ch 4.3.

⁴⁰ See Jacqueline Bhabha and Nadine Finch *Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection in the UK*. (Themis Press, 2006). The report is available online at www.humanrights.harvard.edu.

⁴¹ This is known as Special Immigrant Juvenile Status program. See Jacqueline Bhabha and Susan Schmidt *Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection in the US*. (Harvard University, 2006), ch 4. The report is available online at www.humanrights.harvard.edu.

⁴² See *Seeking Asylum Alone- Australian Report*, at Ch 6.2.4.

DCI to attend 51st session of the Commission on the Status of Women

DCI will attend the 51st session of the Commission on the Status of Women taking place at the UN headquarters in New York from 26 February to 9 March.

This year, the Commission will focus on the “elimination of all forms of discrimination and violence against women and the girl child”, and will consider “the role of boys and men in achieving gender equality.”

Preparatory work for the Commission began a few months ago, and DCI has been participating in this. Avis Sri-Jayantha and Mercedes Román, who have been acting as a link between DCI and the UN office in New York, will attend this meeting, as well as Virginia Murillo Herrera (DCI Vice President for the Americas).

DCI is preparing a document on *Child Labour and Domestic Child Labour* and is requesting information on the situation on the situation of girl children and teenage girls in your countries, any specific situation that local DCI want to emphasize, and the role of men in achieving gender equality, as well as information on how the Beijing Platform for Action is being implemented in your countries.

DCI is also keen to prepare a special DCI newsletter on this issue and a document including DCI good practices in the elimination of all forms of discrimination and violence against girl children and teenage girls.

Any responses should be sent to Virginia Murillo Herrera - presidencia@dnicostarica.org

The State of the World's Children 2007

Women and Children The Double Dividend of Gender Equality

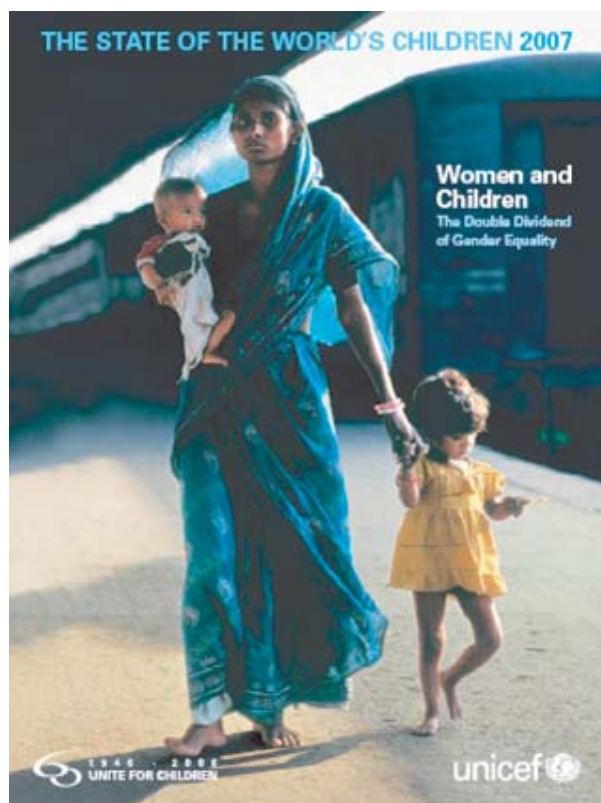
The executive summary of this report is reprinted here with the kind permission of UNICEF NY

Gender equality is central to realizing the Millennium agenda, which risks failure without the full participation of all members of society. Within the Millennium Declaration and the Millennium Development Goals, and at the heart of the United Nations itself, is the acknowledgement that the vulnerable, especially children, require special care and attention. Gender equality will not only empower women to overcome poverty, but also their children, families, communities and countries. When seen in this light, gender equality is not only morally right – it is pivotal to human progress and sustainable development. Moreover, gender equality produces a double dividend. It benefits both women and children. Healthy, educated and empowered women have healthy, educated and confident daughters and sons. The amount of influence women have over the decisions in the household has been shown to positively impact the nutrition, health care and education of their children. But the benefits of gender equality go beyond their direct impact on children. Without it, it will be impossible to create a world of equity, tolerance and shared responsibility – a world that is fit for children.

Yet, despite substantial gains in women's empowerment since the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the UN General Assembly in 1979, gender discrimination remains pervasive in every region of the world. It appears in the preference for sons over daughters, limited opportunities in education and work for girls and women, and outright gender-based violence in the forms of physical and sexual violence.

Other, less obvious, forms of gender discrimination can be equally destructive. Institutional discrimination is harder to identify and rectify. Cultural traditions can perpetuate social exclusion and discrimination from generation to generation, as gender stereotypes remain widely accepted and go unchallenged.

Eliminating gender discrimination and empowering women will require enhancing women's influence in the key decisions that shape their lives and those of children in three distinct arenas: the household, the workplace and the political sphere. A change for the better in any one of these realms influences women's equality in the others and has a profound and positive impact on children everywhere.



Cover photo: © UNICEF/HQ95-0980/Shehzad Noorani

This report intends to provide a road map to accelerate progress towards gender equality and empowering women through education, financing, legislation, legislative quotas, engaging men and boys, women empowering women and improved research and data.

Women's groups: A force for political change

There was specific mention of Australia in relation to the role of women's groups

Women's groups, along with other groups in civil society, played an important role as advocates for the rights of children in immigration detention. They have lobbied for changes in domestic law and social policy and for improved services to enhance the ability of refugee families to rebuild their lives.

Commentaries represent the personal views of the authors and do not necessarily reflect UNICEF positions. Website: www.unicef.org The United Nations Children's Fund (UNICEF), 2006

State of Children's Rights in England Report 2006

This new report from the Children's Rights Alliance for England (CRAE) summarises Government action on each of the 78 recommendations made by the UN Committee on the Rights of the Child in October 2002. It concludes that significant progress has only been made on 12 of the UN Committee's recommendations in the past year.

Available on order: contact Sue Marris - £12 including postage - smarris@crae.org.uk



RIGHTS SURVEY - HAVE YOUR SAY!

The UK Government is running an online children's rights survey to find out the views and experiences of children and young people (**under 18 year-olds**) in England. This is the first time the UK Government has asked children and young people about the **Convention on the Rights of the Child**. The results will be included in the UK Government's report next year to the United Nations Committee on the Rights of the Child.

CRAE wants children and young people everywhere to get involved. You could organise promotional events at school, in your youth club or your participation project. Make sure your friends and brothers and sisters get to hear about it. There are 11 million under 18s in England - we want thousands to take part.

UN STUDY ON VIOLENCE: Engagement of Parliaments

CALL FOR INFORMATION

Peter Newell has been commissioned to write a handbook for the Inter-Parliamentary Union and UNICEF on follow-up to the UN Secretary General's Study on Violence against Children. He is working to a very tight deadline and is looking for any examples, from all regions, of:

- engagement of Parliaments with the process of the UNSG's Study and follow-up;
- recent engagement of Parliaments with challenging violence against children (this could be adopting positive, innovative laws; monitoring government actions; significant debates or inquiries, etc);
- engagement of children with Parliaments on violence-related issues.

Peter was a member of Professor Pinheiro's Editorial Board for the UNSG's Study, and also of the NGO Advisory Panel for the Study. If you have any ideas, materials, links etc. please send them or details of them to Peter as soon as possible at the address below.

For more information, contact:

Peter Newell, Coordinator

Global Initiative to End All Corporal Punishment of Children
94 White Lion Street, London N1 9PF
UK, UK

Tel: +44 208 889 9034; Fax: +44 207 713 0466

Email: peter@endcorporalpunishment.org

Website: <http://www.endcorporalpunishment.org>

Oxfam International Youth Partnerships, 2007-2010

Oxfam International Youth Partnerships is a global network of young people working with their communities to create positive, equitable and sustainable change. If you are working with your community to create a positive future, you can apply to be a part of the Oxfam International Youth Partnerships. For more information and to download an application form, please visit <http://www.iyp.oxfam.org>

UN General Assembly adopts new Convention on Rights of Persons with Disabilities

Reprinted from CRINMAIL, an electronic mailing list of the Child Rights Information Network (CRIN).

On 13 December 2006, the UN General Assembly adopted a landmark disability Convention, the first human rights treaty of the twenty-first century and one that United Nations Secretary-General Kofi Annan said represents the “dawn of a new era” for around 650 million people worldwide living with disabilities.

Mr. Annan, along with Assembly President Sheikha Haya Rashed Al Khalifa and other UN officials, as well as members of civil society that lobbied for the pact, urged all 192 Member States to quickly ratify the Convention, which covers rights to education, health, work and a raft of other protective measures for people with disabilities.

The Assembly adopted the Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities in a vote by consensus.

“In three short years, the Convention became a landmark several times over: it is the first human rights treaty to be adopted in the twenty-first century; the most rapidly negotiated human rights treaty in the history of international law; and the first to emerge from lobbying conducted extensively through the Internet... I urge all governments to start by ratifying, and then implementing it, without delay.”

High Commissioner for Human Rights Louise Arbour added her voice to calls for ratification, with her office (OHCHR) noting that the agreement – which comprises 50 articles – fills a major gap in international human rights law. “The Convention... marks a historic step in ensuring that persons with disabilities enjoy full participation in society and can contribute to the community to their full potential. Speedy ratification... will end the protection vacuum that has, in practice, affected persons with disabilities,” Ms. Arbour said.

The Convention provides that States which ratify it should enact laws and other measures to improve

disability rights, and also abolish legislation, customs and practices that discriminate against persons with disabilities. It will be open for signature and ratification on 30 March 2007, and will enter into force after it has been ratified by 20 countries, the OHCHR said.

Representatives from the International Disability Caucus (IDC) welcomed the document, stressing its all-inclusive nature, urging States to urgently ratify the deal and raising several concerns. “The International Disability Caucus urges governments to ratify and implement the Convention within national legislation policies and legal structures and to change those legislation and policies when that is necessary.” A particular concern was the need for governments to recognise sign language and other alternative methods of communication in all situations of information, education and employment.

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=11906>

What does the new Convention mean for children with disabilities?

Gerison Lansdown, Save the Children (8 December 2006) See <http://www.crin.org/resources/infoDetail.asp?ID=9995>

The UN General Assembly has just adopted a new Convention to protect the rights of persons with disabilities round the world. Countries that ratify the Treaty agree to enact laws and other measures to improve disability rights, and also to abolish legislation, customs and practices that discriminate against persons with disabilities. Currently only some 45 countries have legislation that deal with persons with disabilities. The Convention will be opened for signature and ratification on 30 March.

So what does this mean for children with disabilities?

1. A paradigm shift

Throughout the drafting process of the Convention,

the Chair of the Ad Hoc Committee in charge of the Convention stressed that what was needed was a ‘paradigm shift’ in the attitudes and treatment of people with disabilities – from seeing persons with disabilities as objects of charity to considering them as individuals with human rights.

This necessitates recognition that people with physical, psycho-social, intellectual or sensory impairments face many barriers that prevent them from full and effective participation in society on an equal basis with others. Those physical, linguistic, social and cultural barriers must be removed. The focus should no longer be on addressing the ‘special needs’ of children – the approach embodied in Article 23 of the Convention on the Rights of the Child. Rather, it should be on the realisation of their rights. The Convention recognises that a change of attitude in society is necessary if persons with disabilities are to achieve equal status, and includes a specific Article on awareness-raising to promote respect for the rights and dignity of people with disabilities. However, the Convention in its entirety is dedicated to achieving that change.

The Convention will finally ensure that countries will no longer be allowed to relegate children with disabilities to the margins of society. Governments that ratify it will be legally bound to treat them as subjects of the law with clearly defined rights.

2. New obligations to protect the rights of children with disabilities

Children with disabilities, have the same human rights as all other children. Human rights are universal. But, in practice those rights are violated or neglected in almost all areas of their lives – they experience discrimination, for example, in relation to family life, education, health, participation and personal freedoms. The new Convention seeks to introduce new obligations on governments and other duty bearers to take all the measures necessary to ensure that all their rights are fulfilled, protected and respected.

All the provisions in the new Convention apply to children with disabilities as well as adults, but there are also additional measures included to address the specific situation of children. For example:

- The preamble recognises that children with disabilities should have full enjoyment of all human rights on an equal basis with others.

- The general principles include respect for the evolving capacities of children and their right to preserve their identities.

- The general obligation requires that children with disabilities must be consulted when States Parties are developing and implementing legislation and policies.

- A dedicated article (Article 7) on children with disabilities introduces obligations to ensure the enjoyment of all human rights and fundamental freedoms on an equal basis with other children, to ensure that the best interests of the child is a primary consideration, and to provide disability and age appropriate assistance to ensure that children with disabilities are able to realise the right to their express views on all matters of concern to them and have them taken seriously in accordance with age and maturity.

- Age appropriate measures must be introduced to ensure that children with disabilities have access to justice.

- Measures must be taken to provide age sensitive assistance to prevent exploitation, violence and abuse; age, gender and disability sensitive protection and rehabilitation services; and child focused legislation to ensure that exploitation, violence and abuse is identified and investigated.

- Measures must be taken to ensure that children with disabilities are registered immediately after birth.

- Children with disabilities are entitled to retain their fertility, thereby prohibiting sterilisation.

- Children with disabilities have equal rights with respect to family life and States Parties have an obligation to provide services and support to families to prevent abandonment, concealment and segregation. In addition, children with disabilities must not be separated from parents unless this is in their best interests and never on the basis of disability. Where parents are unable to care for children, efforts must be made to provide alternative care within the wider family or within the community in a family setting.

- Education at all levels must be inclusive and children with disabilities have an equal entitlement to general education. Inclusive education requires provision of all necessary support and technical

aids, including respect for linguistic identity, and facilitating the learning of Braille, orientation and mobility skills, and training of teachers.

- Children with disabilities must be provided with equal access to participation in play, recreation, and leisure and sporting activities, including in schools.

3. Recognising the importance of the process as well as the outcome - the participation of NGOs, disabled people and children

In terms of building the momentum for the paradigm shift, the process of drafting the Convention was as important as the text itself. The pressure for the Convention came from the disability movement, and they have been actively involved throughout the entire process. The Ad Hoc Committee established by the UN General Assembly appointed a Working Group to prepare a draft text for the Convention. This Working Group comprised disabled peoples' organisations as well as government delegations who collaborated on an equal basis to produce this initial text. Over the next three years, the draft text was debated in the Ad Hoc Committee, which met twice yearly, usually for two weeks in January and August.

At these meetings, the International Disability Caucus (IDC), a coalition of 70 international and national disabled people and allied organisations around the world, played a crucial role – drafting amendments, analysing the debates, lobbying government delegations, speaking from the floor, organising meetings, providing information, and presenting a unified and powerful voice to ensure the best possible final text. People with disabilities were represented through the IDC, but also, increasingly over the three years, through government delegations.

Children and young people with disabilities also played an important role. In January 2006, two children from Bangladesh, and two young people (from China and the UK) came to New York to present their perspectives on why the Convention needed to include specific measures to protect their rights. They made a presentation to the Ad Hoc Committee setting out their demands including the right to inclusive education, to be consulted, to support for families and to non discrimination. In a widely circulated written statement, they also highlighted the need for recognition of the importance of ending institutionalisation, challenging

violence and abuse, ensuring access to services, opportunities for friendships with peers, and access to information. They ran a successful lunchtime meeting at which they explored the challenges and suffering faced on a daily basis by children with disabilities, and took part in numerous press interviews.

Their participation in the process was important. There had been a widespread view among many government delegations that it was not necessary to include provisions on children in the text. The reasons varied, but included the belief that the adult provisions applied equally to children, that it was unhelpful to make special pleading for different groups, that children already had the Convention on the Rights of the Child and that inclusion of provisions in the new Convention might serve to undermine those rights.

The presence of children at the meeting served to challenge those views:

- It brought home to the delegations that children with disabilities are a distinct constituency who had a right to recognition, yet who had, to date, been given very little consideration.
- It affirmed that children with disabilities can be effective advocates for their own rights and are entitled to be involved in decisions that affect them.
- It affirmed that adults have lessons to learn from children with disabilities.
- It highlighted the principal concerns faced by children with disabilities, many of which required specific additional provisions in the draft text.

The involvement of people with disabilities, including children, as key actors in the development of the Convention was transforming, and a learning experience for all involved. Government delegations who had no previous experience of the issues, let alone of working directly with people with disabilities, were confronted with profound challenges to their stereotypes and prejudices.

The very presence and competence of the disability organisations confounded traditional perceptions of people, including children with disabilities as victims in need of care, protection and support. It forced a recognition that these were people entitled to respect for their rights and able to articulate and advocate forcefully for that respect.

4. Moving forward

The Convention represents a monumental step forward. However, of itself, it is only a paper document. It will take sustained commitment to translate its obligation into meaningful action at the country level.

- **Ratification** – organisations working in both the disability and children's field need to press their governments to ratify the Convention without reservations as soon as possible.

- **Implementation** – positive action is needed to encourage governments to take the necessary measures to implement the Convention. This will involve undertaking analyses of the current degree of compliance with the obligations in the Convention and identify the changes in law, policy and practice required. In support of this process, the IDC are planning to develop an interpretation of each of the Articles in the Convention which can then be used by governments and by civil society as the basis for advocacy. Save the Children UK and Sweden are planning to develop an advocacy tool as a resource for people in the field wanting to promote implementation. UNICEF intend to produce a child-friendly version of the Convention text. There will, undoubtedly be many additional initiatives to facilitate implementation.

- **Awareness raising** – there is a major piece of work to be done in ensuring that people with disabilities, including children, are aware of the Convention in order to use it to claim their rights.

- **Committee on the Rights of Persons with Disabilities** – the Convention includes provisions to set up a treaty body similar to the Committee on the Rights of the Child. Initially it will have 12 members, but will increase to 18 once there are 60 ratifications. When electing members, States Parties are required to give explicit consideration to geographical distribution, gender representation and participation of experts with disabilities. There is a role for NGOs to identify potential members of the Committee and to encourage governments to give consideration to nominating experts on children with disabilities.

- **Reporting to the Committee** – States Parties are required to report to the Committee, initially after two years and subsequently every four years. It will be important to use the experience drawn

from the work of the Committee on the Rights of the Child and encourage the greatest possible involvement of NGOs in the reporting process. It will also be essential to bring together civil society organisations to produce shadow reports. Organisations working with children with disabilities must be included in that process.

- **Individual petitions** – the Convention includes an Optional Protocol which will be adopted simultaneously, which allows individuals and groups to petition the Committee on the Rights of Persons with Disabilities once all national recourse procedures have been exhausted. This means that where State Parties fail to protect the rights of people with disabilities, including children, it will be possible to seek a remedy from the Committee.

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=11797>

Resources and further information

Convention on the rights of persons with disabilities

- The text of the draft Convention is at: <http://www.un.org/esa/socdev/enable>
- CRIN: Disability Convention: Questions and Answers: <http://www.crin.org/resources/infoDetail.asp?ID=9992>
- [CRINMAIL on the drafting of a Disability Convention](#) (8 September 2005)
- Committee on the Rights of the Child: [General Comment No. 9: The Rights of Children with Disabilities](#) (17 October)

News and publications

- [CRIN's news page on disability](#)
- [CRIN's information page on children and disability](#)

The Australian Government has now published its Common Core Document, incorporating its reports under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and forming part of its reports under the Convention on the Rights of the Child, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Get a copy at: www.dci-au.org/coredocument.pdf

How well does Australia stack up internationally on child protection?

by Sue Howard

This article provides summary details of an analysis into the extent to which each State and Territory and the Commonwealth Governments have addressed three international standards that relate to child protection. It also reviews the directions of similar nations (Canada, New Zealand, US) to provide further suggestions on the scope of a national child protection policy.

National child protection policy

There is no national policy on child protection in Australia, as pointed out by Moira Rayner in 1996 (ABC, Law Report Transcript, 2006) and again in the non-government report to the United Nations Committee on the Rights of the Child in 2005 (DCI, 2005). There are increasing signs, however, that a national policy is on the agenda; for example, in July 2006, the then Minister for Child Safety in Queensland, the Hon Mike Reynolds, announced that a national child protection policy was on the agenda for the next Community and Disability Services Ministers Conference (Queensland Government, Ministerial Media Statement, 25 July 2006).

The UN Committee on the Rights of the Child has shown an interest in and asked a series of questions on Australia's child protection legislation, policy and practice. The Committee sought written information about new policies and institutions that relate to the Convention (Part III) and verbal information in Part IV on:

1. the national plan of action for children
2. children in care
3. domestic violence, including corporal punishment and sexual abuse of children, and
4. Aboriginal and Torres Strait Islander children

(Concluding Observations of the Committee on the Rights of the Child: Australia. CRC/C/Q/AUS3, June 2005, p. 6).

The Australian government's written response to the Committee (August 2005) cited as evidence of the national direction both the *Stronger Families and Communities Strategy* and the *National Agenda for Early Childhood* (note *Early Childhood*, not children and young people).

The Commonwealth Department of Family and Community Services and Indigenous Affairs released the *Stronger Families and Communities Strategy 2000 - 2004* with an emphasis on linking projects to build community and family capacity to face the issues of contemporary family life and a commitment to a National Agenda for Early Childhood. The strategy was refined in 2004 as a result of the national agenda consultations. It now includes initiatives in communities for promoting the wellbeing of children, *Early childhood – Invest to Grow* initiatives, local answers for early childhood issues and interventions, and, choice and flexibility in child care (Department of Community and Family Services and Indigenous Affairs 2006, p. 2).

So, how well do the policies of the States and Territories and the Australian government's response meet the requirements of the United Nations in upholding the rights of the child, including cultural rights and rights for those in care?

Do we address the scope of issues in child protection?

A definition of child protection, based on the Child Protection Continuum presented by Queensland after the CMC report in 2004 (Queensland Government, 2004), provides a useful basis for this analysis. This continuum has the following characteristics:

- It covers the range from prevention through early intervention to intensive intervention with a range of matched primary, secondary and tertiary interventions.

- Primary interventions focus on the general population and cover a wide scope of general family support services aimed at enhancing the self-sufficiency of families eg access to health care, improving coordination of social services, and preventing the birth of unwanted children.

- Secondary interventions focus on early intervention for families and children at risk, where there is substance abuse, poverty, young parental age, and mental health concerns. Secondary interventions include home visitation programs, parent education programs and respite care.

- Tertiary interventions focus on intensive intervention with families where some adverse outcomes have already occurred or been clearly identified, mostly under statutory provisions. Tertiary interventions include intensive case planning with families to prevent further maltreatment of children, alternative out-of-home care for children at high risk and crisis care services of children whose families are in crisis.

Given the concerns of the UN in its response to Australia's last report, the *Draft UN Guidelines on Alternative Care* (FGO Working Group on Children without Parental Care, 2006) and the *Draft Declaration on the Rights of Indigenous Peoples* (United Nations Commission on Human Rights, 1993) were used with the UN *Convention on the Rights of the Child* as standards to assess the scope and adequacy of child protection policies and the legislative provisions for each State and Territory and the Commonwealth's Stronger Families and Communities Strategy policy.

The analysis focused on three main questions:

1. What are the main child protection provisions contained in the three international statements?
2. Do the child protection policies and strategies of the Australian States and Territories contain

aspects related to the articles in the three international statements?

3. Does this national direction relate to the three international statements?

The main findings

There is coverage of the majority of the child protection standards identified in the international statements by each of the Australian States and Territories.

Some States and Territories did not refer specifically to provisions for kinship care as a first option for all children, however, they clearly state this in their legislation for Indigenous children under the Aboriginal (and Torres Strait Islander) Child Placement Principles.

Most States and Territories did not refer to specific provisions in their policies for disabled children. It may be that these provisions are contained in separate policies of their departments/offices/branches or sections which administer their State or Territory disabilities legislation but it signals that children with disabilities are seen first in terms of their disability rather than their status as children.

Each State and Territory provided clear evidence of provisions for upholding the rights of children in alternative care, including most States and Territories having a Children's Guardian or Children's Commissioner – though not necessarily independent as in Victoria – for children in care.

All States and Territories have policies that work across the child protection continuum and therefore cover the scope of child protection from prevention, early intervention through to tertiary (statutory) child protection.

The Commonwealth's Stronger Families and Communities Strategy and the Ministerial Taskforce on Indigenous Affairs policies show considerable gaps in relation to secondary and tertiary interventions. The gaps are in the following areas:

- no reference to the rights of the child or the

best interests of the child in practice and decision-making,

- no reference to taking all measures to protect children
- no reference to right of the child to identity, nor to separation without appropriate authority and judicial review
- no reference to the right of the child to participate and express their views
- little reference to cultural aspects of child protection including Indigenous people having children removed
- little reference to any aspects of protection of children in care, disabled children, victims of abuse or prevention of torture.

There are also gaps in the Australian Government's initial policy outline for the Ministerial Taskforce on Indigenous Affairs in relation to the Rights of Indigenous peoples, especially in relation to living in freedom as Indigenous peoples and participation in devising the legislative and administrative processes that affect them.

These reflect the issues identified by the Committee on the Rights of the Child.

What does this mean for national policy in child protection?

These findings indicate that the States and Territories in Australia are addressing international obligations and standards. But the States and Territories are not the member states of the United Nations. The country is the member state and the national policy is far from addressing the scope of international obligations and standards.

Current coverage of Australia's children's policy needs to:

1. cover the full continuum of child protection from prevention (primary intervention), early intervention (secondary intervention) and tertiary intervention (intensive intervention including

statutory intervention). Research clearly shows that child protection services cannot operate effectively in isolation from family and child welfare systems (Tomison, 2004, p. 19), hence the need to ensure that full scope is included in the policy.

2. ensure there are means for the views of children to be included in decisions and directions made about their welfare
3. ensure that the views of Indigenous people are included in the decision-making and policy development in ways that uphold their rights and respect their cultural identity
4. ensure that the best interests of the child are paramount.

What are the main objections on a national child protection policy?

The main bone of contention is around the jurisdiction for child protection. It seems to be argued by the Commonwealth that they do not need to address the secondary or tertiary end child protection, as it is the States and Territories who have primary jurisdiction. Hence, the development of the *Stronger Families and Communities Strategy*. But taking national direction provides the means for States and Territories to develop consistency in child protection without encroaching on the rights of the States and Territories to enact their own legislation and uphold their constitutional responsibilities (DCI, 1996, p. 38).

Such has been the call by national politicians following the revelations of abuse of Indigenous children leading to the recent national summit on child abuse in Indigenous communities (SNAICC, 2006a; SNAICC, 2006b). Like many responses of the Commonwealth to issues in child protection and Indigenous affairs, this was a reactive rather than proactive stance.

The Secretariat for National Aboriginal and Islander Child Care (SNAICC) has called on governments to work cooperatively and holistically rather than focus on matters of jurisdiction (SNAICC 2006a;

SNAICC 2006b). Interestingly, the Commonwealth's communiqué from the summit states:

...many of the issues requiring attention necessarily rest with the States and Territories, a concerted national response depends on agreed actions across jurisdictions, with the active support of the Australian Government". (Hon Mal Brough, Communiqué 26 June 2006 p. 1).

What could constitute such "active support"?

Perhaps we could look to like nations for some guidance. Both the United States and Canada have national governments as well as State or provincial governments and both have Indigenous populations. New Zealand does not have any state or provincial government, but does have a significant Indigenous population and has provided models for child protection that both Queensland and Tasmania have adopted.

The United States model

National legislation (*Keeping Children and Families Safe Act* of 2003) has been in place in various forms in the US since 1974 (*Child Abuse and Prevention and Treatment Act*). The federal roles sit mainly in research, evaluation, data collection, the Office of Child Abuse and Neglect, the national clearing house, the minimum definition of child abuse, and in providing a grants framework for funding and directions for the States (National Clearinghouse on Child Abuse and Neglect, 2006). While the National Clearinghouse on Child Protection and the Australian Institute of Health and Welfare does some work around (aggregate) data collection and dissemination of research and publications, the federal government has no direct role in funding or 'quality control' for services. The UN has been consistently critical of the lack of policy direction, appropriate data and a suitable grants framework for Australia (Concluding observations of the Committee on the Rights of the Child: Australia, 10/10/97, p. 2).

The US Advisory Board on Child Abuse and Neglect developed a national policy in 1993/4 with a four

pronged focus of integrating and coordinating roles, being child-centred, taking a family focus and being neighbourhood-based (US Advisory Board on Child Abuse and Neglect, 1993). Again, while some of the initiatives of the *Stronger Families and Communities Strategy* have a similar focus, there is still little evidence of a child-centred approach and no consistent processes for devolution of grants for child protection in Australia.

The Indian Welfare Act 1978 in the USA regulates welfare for Native American children and works with the policy that covers the full child protection continuum and includes Indigenous people in decision-making at both system and practice levels, and outsources to relevant Indigenous agencies through intergovernmental child welfare agreements (Cunneen & Libesman, 2002, pp. 7-8, Libesman, 2004, pp. 6-8). It includes a 'placement principle' which is similar to the Child Placement Principle in each of the child protection acts in Australia for Indigenous Australian children (Cunneen & Libesman, 2002, p. 7).

Some of the aspects of the US model of cross-jurisdiction in child welfare and protection, in operation for over 30 years in that country, may provide lessons for Australia though there are some aspects which would not be advisable ('targets' for adoption and 'freeing children for adoption) to meet funding requirements.

The Canadian Model

Like Australia, Canada has no national child protection legislation but Canada has developed national policies on both child protection and youth justice (Bennett, 2005, p. 10). In 2002 Canada launched the Early Childhood Development Strategy (Canadian Inter-government Conference Secretariat, 2002) and in 2005 a comprehensive national policy on family violence which has integrated a great deal of child protection and supported this through funding and delegation of initiatives to provinces (see www.justice.gc.ca for details of this family violence initiative). Both of these policy directions provide for strengthening families, improving parenting and family support at all appropriate levels of intervention and strengthening communities through outsourced funding and agreements on service provisions.

In the 1980s, the Canadian Government developed policy to enable tripartite agreements for First Nations child protection agencies to be established and provided with the mandate for fully managing child protection matters (Cunneen & Libesman, 2002, p. 2).

Canadian national policy therefore provides for directions and services in child protection and family violence across the continuum of child protection, and including, in the case of First Nations peoples, healing processes. There are lessons in this approach for Australia.

New Zealand model

The responsibility of the New Zealand government for child protection is spelt out the *Children, Young Persons and their Family Act 1989*, which incorporates directions in child-focused practice, stronger links with government and non-government service providers and specific provisions to improve practice in working with Indigenous Maori families (Cunneen & Libesman, 2002, p. 8). The New Zealand government has followed this up with detailed policy guidance for working cooperatively to prevent and address child abuse (Department of Child, Youth and Family, 2001a, pp. 5-40) which enhances the rights of the child through a comprehensive complaints system and the establishment of the Commission for Children (Department of Child, Youth and Family, 2001a, p. 47).

New Zealand responded to the World Summit for Children Plan of Action launched in 1990. Their report outlined a children's policy, a youth development strategy and a research agenda for children and youth wellbeing and protection (NZ Government, 2001b, p. 6). These initiatives covered the entire child protection continuum, with initiatives for strengthening families, providing culturally appropriate interventions with varying intensities and addressed the root causes of family dysfunction (NZ Government, 2001b, pp. 8 -10).

After the review of the Department of Child, Youth and Families by Mick Brown in 2000, the New Zealand Government launched *te pounamu manaaki tamariki manaaki whanau* (Department of Child, Youth and Families, 2001c, pp. 1-3) a

specific strategy for Indigenous children includes new directions in self-determination by Maori people in regard to children, New Deal funding arrangements and partnerships with service providers. This strategy supported the 2000 launch of the policy directed towards building wellbeing with young people and addressing cultural issues, especially in relation to youth suicide. (Department of Child, Youth & Family, 2000).

Again, New Zealand's policy covering all dimensions of the child protection continuum and its provisions for the cultural maintenance of its Indigenous children and young people could provide the Australian government with guidance on the appropriate scope of national child protection policy.

What does this mean for national policy in child protection?

In addition to the earlier points (ensuring the full continuum of child protection, that the best interests of the child are paramount, and catering for the views of children and ensuring the full involvement of Indigenous peoples), our national policy should provide:

5. a clear means to ensure that jurisdictional divisions are not an argument for preventing further development of an national policy or strategy.
6. structures whereby the rights of children are upheld, such as through a national Commission and Commissioner for Children and Young People with a mandate to direct public policy and provide reports on the situation for children in Australia; and that such a Commission has representation and participation of our Indigenous peoples.

Such a policy, modeling content and process from other like nations (and even our own efforts in areas such as anti-discrimination) might give substance to the term 'active support of the Australian Government' cited by the Federal Minister (Hon Mal Brough, Communique 26 June 2006 p. 1) and go some way to ensuring that Australia's actions in protecting children are comprehensive and meet our international obligations.

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Over the years Sue has worked extensively with Indigenous people in various management roles, including the Queensland Aboriginal and Torres Strait Islander Curriculum Consortium and the Cape York Peninsula Land Use Strategy.

The study used as basis for this article was completed as part of a graduate diploma in policy and governance with Deakin University.

New international documents addressing crucial issues on institutionalisation, children with disabilities and violence against children

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Documents which partially address issues faced by many children placed in alternative care have recently been issued by several United Nations bodies.

Children are at the heart of several documents, which have recently been adopted by the United Nations, and which are crucial in setting principles and standards for the care of children with disabilities, for the protection of those suffering from violence and for those placed in institutions. This article introduces two of these recently issued documents.

General Comment N° 9

At its 43rd session, held in September 2006, the Committee on the Rights of the Child adopted its **General Comment N° 9** on the rights of children with disabilities, designed “to provide guidance and assistance to States parties in their efforts to implement the rights of children with disabilities, in a comprehensive manner which covers all the provisions of the Convention”. Given that a considerable number of children with disabilities are still cared for in institutions, the Committee has considered it essential to recall that the best interests of the child is of particular relevance in these settings and other facilities that provide services for children with disabilities, in particular as “they are expected to conform to standards and regulations and have the safety, protection and care of children as their prime consideration, and that this consideration should outweigh any other and under all circumstances, for example, when allocating budgets.”

The Committee has also recalled that children with disabilities are best cared for and nurtured within

their own family environments provided that the family is adequately supported in all aspects. Therefore, support services should also include different forms of respite care and should enable parents to work, relieve stress and maintain healthy family environments. In direct relation to other recent documents adopted by United Nations bodies, it has been reiterated that children with disabilities are more vulnerable to all forms of abuse in all settings, including the family, schools, private and public institutions, and alternative care. They are often subjected to abuse and are particularly vulnerable to neglect and negligent treatment, in particular when their disability is viewed as an additional burden on the family.

The Committee has addressed the crucial issue of family-type alternative care for children with disabilities, considered one of the best alternatives for child care, and which should be strengthened and empowered to support the child and his/her parents or carers. Those organisations responsible for the foster placement of children should therefore train and encourage suitable families and provide them with the support necessary for them to appropriately care for the child. As often expressed, the Committee reiterated its concern at the high level of institutionalisation of disabled children, with a provision of care of often inferior quality and not compliant with standards, and which fosters abuse. Therefore, the Committee has urged “States parties to use the placement in institution only as a measure of last resort, when it is absolutely necessary and in the best interests of the child”, developing in parallel small residential care facilities, national standards for care in institutions and screening and monitoring procedures for their effective implementation. Closely related, the Committee recommended that “States parties continue and strengthen their efforts to take into consideration the views of children with disabilities and facilitate their participation in all matters affecting them within the evaluation, separation and placement process, in out-of-home care and during the transition process”. States parties

have therefore been urged to set up programmes for deinstitutionalisation of children with disabilities, replacing them with their families, extended families or the foster care system.

Within a wider perspective, these issues have been partially reiterated in the Convention on the Rights of Persons with Disabilities, a text adopted by the United Nations General Assembly in December 2006.²

United Nations Secretary General's Report on Violence Against Children³

On 11 October 2006, the United Nations Secretary General's Report on Violence Against Children was presented to the Third Committee of the UN General Assembly, by the independent expert appointed to lead the study, Paulo Sérgio Pinheiro. Based on a participatory process which included regional, subregional and national consultations, expert thematic meetings, inputs from governments, field visits, public submissions from a large number of organisations, and participation from children, the Study examines violence against children in a number of settings: the home and family, schools, institutions (including care and justice institutions), the community and the workplace. It proposes cross-cutting and specific recommendations to ensure compliance with article 19 of the Convention on the Rights of the Child. The Study also highlights the importance of a multi-sectoral approach to ensure that the protection of children against violence is addressed from a child protection, human rights and public health perspective.

In relation to violence in the care system, the Study reiterates that millions of children spend substantial periods of their lives in institutions, such as orphanages, children's homes, and care homes. These children are at risk of violence from staff and others responsible for their wellbeing. Violence in institutions takes a number of forms, including corporal punishment – not explicitly prohibited in a majority of countries; including violence for the purpose of “disciplining” children (beatings, hitting children's heads against the wall, restraining or isolating them); and violence as a “treatment” for a disability. Children in care institutions may also be vulnerable to violence from other children. Overcrowded and squalid

conditions in institutions, a lack of capacity-building for staff, the lack of an effective system for complaints, monitoring and inspection mechanisms, and inadequate government regulations and oversight undoubtedly have long-term effects. The Study alludes to some of these, including developmental delays, disability, psychological damage, recidivism, societal stigmatisation and discrimination.

Therefore, the Study has recommended that States “prioritise reducing rates of institutionalisation of children by supporting family preservation and community-based alternatives, ensuring that institutionalised care is used only as a last resort. States should ensure that, wherever possible, children in residential care may be reintegrated with their family under appropriate conditions.” Furthermore, recommendations also include a regular reassessment of the child's placement, the establishment of effective and independent complaints, investigation and enforcement mechanisms, increasing children's awareness of their rights in institutions, access to the mechanisms in place, and effective monitoring and regular access to care institutions by independent bodies.

The next phase in the process of the UN Study on Violence Against Children will focus on the implementation of the recommendations and global action to prevent and respond to violence against children at all levels. In this context, a web toolkit designed to prevent and respond to violence against children is available from the Study's website: <http://www.unviolencestudy.org>

¹ *General Comment N° 9 (2006) : The rights of children with disabilities*, Committee on the Rights of the Child, CRC/C/GC/9, 29 September 2006 : <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.GC.9.doc>.

² *Convention on the Rights of Persons with Disabilities*, adopted by the United Nations General Assembly on 13 December 2006 : <http://www.un.org/esa/socdev/enable/>.

³ *United Nations Secretary General's Study on Violence Against Children*, A/61/299, 29 August 2006: <http://www.violencestudy.org/IMG/pdf/English.pdf>. There is also a more elaborate publication of the Study Report, which includes further details and best practices: *World Report on Violence Against Children* (<http://www.unviolencestudy.org>).

Young People's Rights Granted then Taken Away

Luke Bo'sher
Policy Officer, Youth Coalition of the ACT

In just one day, we have seen the Howard Government extend their protection of children and young people through the Convention on the Rights of the Child while simultaneously planning to remove the right to health care access.

Less than one day after the Human Rights and Equal Opportunity Commission applauded the Australia Government for ratifying two Optional Protocols on the Convention on the Rights of the Child to protect young people from involvement in armed conflict and from sexual exploitation, the Australia Medical Association (AMA) has highlighted the Howard Government's attempt to stifle young people's basic access to medical services. The AMA's submission into the Access Card consultation suggested that the legislation was 'full of holes' and that the impact on young people would be 'completely unnecessary and highly adverse'.

The attempt by the government to use the Access Card legislation as a means to remove young people's right to have their own Medicare Card as a matter of course constructs yet another barrier that will prevent many young people from accessing vital health services – particularly sexual health, mental health and alcohol and other drug services which rely on Medicare Cards.

We have spent the last decade promoting and de-stigmatising these health services for young people but in one move the Howard Government will have undone so much of this work by not allowing young people to access these services confidentially.

We know that young people need to use mental health services and sexual health services and they often do not want their parents to know about it for one reason or another. As a community, we have accepted this

in Australia and for that purpose have allowed 16-18 year olds to have their own Medicare Card.

Yet for no apparent reason, the Howard Government has determined that this should no longer be the case – without the direct approval of the Minister or the Secretary of the Department of Human Services young people would not be able to get their own Access Card.

These bureaucratic restrictions are foolish and arbitrary. Anyone who has worked with young people knows how important confidentiality and privacy is for them. We also know that without the ability to access health care services individually, many young people will simply not to access health services at all.

The issue of access to basic health care for all 16-18 year olds is just one of the issues this arbitrary decision will impact on.

What about the importance of the Medicare Card as a proof of identity for young people who are less likely to have a drivers' licence or passport than the rest of the population?

What about young people who live away from home?

What about the impact of increased bureaucratic paperwork and red tape for all young people who received concession cards from Centrelink when they are students?

Reducing young people's access to health care services is not only poor policy but directly contravenes the Convention on the Rights of the Child to which Australia is a signatory. The Convention specifically states under Article 24 of the Convention that government must "ensure that no child is deprived of his or her right of access to health care services".

At the same time as the Australian Government increases its commitment to this Convention by signing two optional protocols, it is proposing changes that directly contravene other sections of this Convention.

It is clear that one of two things has occurred when this legislation has been drafted. Either the government has put it together in such a rushed and on the run manner that they haven't considered the impact this will have on young people, or secondly, that young people are not important.

Let's look at the Howard Government's history in relation to young people:

- It has de-funded the national peak body for youth affairs (AYPAC) leaving young people and youth services without a voice at a national level.
- It downgraded the Minister for Youth Affairs to a Parliamentary Secretary and then abolished that, leaving young people with no representation in the Cabinet.
- It then amended legislation to restrict young people's ability to sign onto the electoral roll after the election is called – reducing the previous seven day window to just a few hours.
- Then it halved the size of the only consultation mechanism they have with young people by reducing the National Youth Roundtable from 50 to just 25 new members each year.
- Finally in November 2006, the Howard Government abolished the National Indigenous Youth Leadership Group and amalgamated this with the Roundtable so that the significant issues faced by Indigenous youth will no longer be considered in a purely Indigenous forum and are likely to be hidden amongst the plethora of issues in the Roundtable.

From this brief (and certainly not exhaustive) list of the moves this government has taken to marginalise, downgrade and disempower young people, it seems clear that with this further move, this government has abandoned any commitment it ever had to young people in this country.

The Howard Government needs to retract these changes and reduce the minimum age for Access Cards to 16 years of age to bring it in line with the current arrangements for Medicare cards. Failing to do so will deter thousands of young people around the country from accessing basic health care services and will seriously undermine our commitment to the Convention on the Rights of the Child.

AUSTRALIA RATIFIES OPTIONAL PROTOCOLS

The Australian Government has announced that it has now ratified the two Optional Protocols to the United Nations Convention on the Rights of the Child.

The recent Concluding Observations of the Committee recommended that Australia become a party to both the Optional Protocols to the Convention on the Rights of the Child at the earliest possible time. During its dialogue with the Committee on the Rights of the Child in September 2005, the Government assured the Committee that the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was imminent and that steps were underway to ratify the Optional Protocol on the involvement of children in armed conflict.

The Human Rights and Equal Opportunity Commission (HREOC) has welcomed the announcement, saying that Australia's ratification of the Protocols sends a clear signal to the international community about the importance of these principles and the role of international law in protecting children around the world.

Human Rights Commissioner Graeme Innes commended the government but called for the government to take the next step and incorporate the Convention on the Rights of the Child, and the two Protocols, into Australian law.

Australia will join 110 other nations who have ratified the Protocol on children in armed conflict and 113 nations who have ratified the Protocol on the sexual exploitation of children.

The United Nations estimates that 300,000 children are involved in armed conflict in over 36 countries. The number of children who are victims of sexual exploitation is likely to be far higher than that number.

Publications

INDONESIA: Children still in orphanages in post-tsunami Aceh

Thousands of children affected by the tsunami are languishing in orphanages in Indonesia despite having at least one parent alive, according to new research by *Save the Children*. More than 85 per cent of the 2,589 children who were placed into institutions after the tsunami still have at least one parent alive, and 42 per cent still have both parents.

Save the Children states that the reason many families have been forced to place their children in homes is because they were unable to give them the right standard of care, shelter or education. Half of the children in the institutions were placed there some time after the disaster, indicating that their families found they were unable to care for the children rather than that the child's parents had died. The report found that being placed in institutions is not a short-term solution until families get back on their feet - most children had not been returned to their families more than one year later.

The charity is also concerned that some orphanages are 'recruiting' children from the tsunami-affected area of Aceh in order to access more money. Tsunami relief funding is being directed to children's homes rather than being used to provide families with the support they need to care for their children.

A total of 17 children's homes were built in Aceh after the tsunami and there is evidence that some organisations proposed building larger institutions on the basis that they could fill them. *Save the Children* argues that this way of allocating funding is damaging as no assessments on the needs of the children were carried out.

Save the Children is calling for:

- Priority to be given to interventions that directly target families facing challenges in the care of their children, with particular focus on single parents and extended families caring for tsunami-affected children

- Funding to be shifted away from supporting institutions and instead support family and community based interventions that are sustainable, including ensuring families can afford full education costs for their children
- No new children's homes to be built in Aceh without prior assessment that shows a clear need for such an institution
- Regular contact between children and their parents, families and relatives should be encouraged and facilitated including frequent home visits

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=11560>

For more information, contact:

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Website: <http://www.savethechildren.org.uk>

TSUNAMI RELIEF: Two-year update on UNICEF's work

Two years after the Indian Ocean tsunami killed more than 200,000 people and destroyed homes, schools and communities across a vast area, UNICEF is still working to rebuild children's lives and provide a brighter future.

In its new report – *'Much Done, More to Do': A 24-month update on UNICEF's work to rebuild children's lives and restore hope after the tsunami* – UNICEF details the work that started after the tsunami struck on 26 December 2004 and will continue for many years to come.

The update tracks progress in the countries worst-affected by the disaster: India, Indonesia, Malaysia, Maldives, Myanmar, Somalia, Sri Lanka and Thailand.

Among the highlights of achievements to date in the affected areas:

- UNICEF has supported the reconstruction and renovation of over 50 health facilities and delivered medical equipment to nearly 6,100 hospitals and clinics

- Over 1 million people have access to safe water sources built with UNICEF support, including a quarter of a million schoolchildren benefiting from new water and sanitation facilities
- Nearly 1 million children and women have received insecticide-treated mosquito nets to protect against malaria.

Another key measure of progress is the rebuilding of schools damaged or destroyed by the tsunami. UNICEF and its partners also continue to follow up on the cases of nearly 5,000 children who were orphaned by the tsunami – supporting the development of improved guidelines for the care of orphans and other vulnerable children, including those affected by HIV and AIDS. Nearly 400,000 children who experienced trauma have benefited from UNICEF-assisted psycho-social activities.

UNICEF’s programmes for these and other children in the tsunami-affected countries have provided the opportunity to expand its work with communities and local partners. But in a cautionary note, the report adds: “Building systems in the post-tsunami environment, however, is a long-term process and will take time.”

See: <http://www.crin.org/resources/infoDetail.asp?ID=12017>

AFGHANISTAN: Half of the children still do not go to school

Half of the children in Afghanistan still do not go to school despite a 500 per cent increase in enrolments in the last six years. With the establishment of democracy, the main symbol of national regeneration lay in the dream of educating every child – boy and girl.

A new Oxfam briefing paper (Nov 2006) outlines some of the key concerns, and proposes a plan for not only increased funding, but also reforming budget allocation and planning within the Ministry of Education and amongst other actors in the education sector.

Education is the right of all citizens of Afghanistan, which shall be provided up to secondary level, free of charge by the State. (Article 43(1), Constitution of the Islamic Republic of Afghanistan, Adopted 11th July 2006).

As a nation emerging from 23 years of conflict, the challenges facing Afghanistan’s education system are undoubtedly unique. The destroyed education infrastructure needs to be rebuilt and in the face of growing threats to schools, demand for education needs to be bolstered.

Expanding the scale of education provision is as important as ensuring its quality. The majority of children out of school need to be supported not only to enter the formal school system but also to remain in it. This provision of compulsory, free, good quality education is the shared dream of citizens of Afghanistan.

This briefing paper analyses the scale of the challenge facing education in Afghanistan, and the budgetary implications of that challenge.

Afghanistan needs to be able to cope with the unprecedented expansion of enrolment and simultaneously generate demand for further enrolment, especially amongst girls who continue to remain out of school. The focus of this report is on grades 1 to 12 (i.e. on the financing of primary, secondary, and high school).

The paper begins by mapping the multiple stakeholders in education service delivery in Afghanistan. In section 2 the demand and supply side constraints are analysed in detail with an eye to unearthing the key policy priorities for education financing. Section 3 describes the multi-dimensional process of education financing across varied stakeholders in Afghanistan, in order to clarify the key areas of intervention needed to make a large impact on the reduction of procedural and structural inefficiencies.

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=11554>

For more information, contact: Oxfam

Email: information@oxfaminternational.org

Website: <http://www.oxfaminternational.org>

PARENTING: Council of Europe recommendation on positive parenting

The Committee of Ministers of the Council of Europe today adopted a recommendation designed to get States to recognise the importance of parental responsibilities and the need to provide parents with enough support to help them fulfil their responsibilities.

The Committee of Ministers recommends that member States take all the appropriate legislative, administrative, financial and other measures, in line with a number of principles set out in the text, including:

1. Policies to support families
2. Content of positive parenting
3. Services to support parents
4. Special services for parents at risk of social exclusion

The explanatory memorandum includes key messages for parents (Appendix 1) and guidelines for professionals working with children and families (Appendix 2). Positive parenting fosters parent-child relationships based on trust and mutual respect and helps to optimise the child's development potential.

It improves families' quality of life and is an integral part of a strategy for social cohesion.

See: <http://www.crin.org/resources/infoDetail.asp?ID=11997>

Council of Europe: *Changes in Parenting: Children Today, Parents Tomorrow*

RIGHTS BASED PROGRAMMING: Children and HIV and AIDS in Africa

A new report published by Save the Children Sweden examines how a rights-based approach's underlying principles of universality, indivisibility, responsibility, and participation can provide a firm foundation for framing priorities and responses to children and families affected by HIV and AIDS.

HIV and AIDS have impacted severely on Africa and its children. The infection rate has risen rapidly and the scale of prevalence is largely unabated. Moreover, the epidemic compounds existing problems that children and families face resulting from decades of exploitation, poverty, civil and regional conflict, and natural disasters. UNAIDS data indicates that Sub-Saharan Africa remains the hardest hit region in the world, with a total of 25 million people living with HIV and AIDS.

Many children in Sub-Saharan Africa, in addition to those who receive most media attention (i.e. orphans, child heads-of-household, and children living with HIV and AIDS), are affected by HIV and AIDS, poverty, and social instability. They include already vulnerable

children, especially children with disabilities and children living outside of family care, as well as children living with chronically ill or disabled adults, children in homes that have become poorer as a result of fostering in children from the extended family, and children in communities suffering a high burden of illness, dependency, destitution, and death.

In all of these situations, children's health, economic and food security, family life, connections to social institutions, opportunities to learn, human rights to development, and hopes for the future, are threatened. Responses to the HIV and AIDS crisis should recognise root-causes of the spread and impact of HIV and AIDS, including gender inequality, as a source of vulnerability.

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=12110>

For more information, contact:

Save the Children
Sweden, SE 10788,
Stockholm, Sweden

Tel: +46 8 698 9000;

Fax: +46 8 698 9010

Email: info@rb.se Website: <http://www.rb.se>

SEXUAL EXPLOITATION: Launch of Global Monitoring Report

A report released by ECPAT International provides information and analysis monitoring the commercial sexual exploitation of children in more than 50 specific countries and the efforts made, and still needed, to protect children from sexual exploitation.

Children of all ages are under threat from abusers and exploiters. The changing nature of the means used to meet adult demand for sex with children and the fragmented action being taken to protect them, has maintained this threat. Ten years after the scale of commercial sexual exploitation of children (CSEC) was first acknowledged at the First World Congress against CSEC, this report shows that legal measures alone are not enough to stop the demand.

ECPAT research has found that less than 25 per cent of countries have a dedicated and current National Plan of Action (NPA) to combat the various forms of commercial sexual exploitation of children. Of those which do, many NPAs contain weak goals and

objectives and have no assigned resources for implementation.

ECPAT calls for immediate action:

- Countries must fulfil their obligation to develop strategies and National Plans of Action to combat commercial sexual crimes against children in all forms.
- National laws must be changed to reflect the international legal instruments that countries have committed themselves to.
- All children up to the age of 18 must be afforded legal protection from commercial sexual exploitation, while enforcement of the law must be rigorous and punishment should reflect the grave nature of these violations against children.
- The responsibility to support comprehensive care, protection and recovery services for children who have been exploited in commercial sex must be assumed by States, as in many countries, NGOs are the only primary care providers.

See: <http://www.crin.org/resources/infoDetail.asp?ID=11970&flag=report>

ENGLAND: Child trafficking in the North-East, Northwest and West Midlands

The children's organisation ECPAT UK has launched a new report on child trafficking in England. Called *Missing Out*, the report includes a summary of research findings across the North-East, the North-West and the Midlands.

The report highlights the cases of 80 children known or suspected of being trafficked into the UK for sexual exploitation, labour exploitation and forced marriage. Twenty-two were under 16 years of age. More shocking is that 48 of these children have gone missing from social services care and have never been found. Children in the study came from China, Vietnam, Nigeria, Benin, Togo, Cameroon, Congo, Somalia, Liberia, Eritrea, Burundi, Uganda, Moldova, Russia and Albania.

ECPAT UK is calling on the Government to launch a national enquiry into missing children from abroad in light of grave new fears about child trafficking and child slavery. The report challenges the government to prioritise child protection over immigration concerns. Child trafficking is a contemporary form

of slavery and children must get access to safety, security and proper health care. The report indicates that UK immigration control strategies treat these children as illegal migrants first, children second, and this creates a barrier to keeping them safe.

Colette Marshall, UK Director of *Save the Children*, which co-funded the report, said: "This report has uncovered important evidence about the extent and nature of child trafficking in the UK. The trafficking of children is not simply an immigration issue - it is a global problem and an abuse of a child's fundamental rights that results in children being deeply traumatised and damaged both physically and mentally in the long term."

Visit:

<http://www.crin.org/resources/infoDetail.asp?ID=12271>

For more information, contact:

ECPAT UK

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Tel: +44 (0) 20 7233 9887;

Fax: +44 (0) 20 7233 9869

Email: info@ecpat.org.uk

Website: <http://www.ecpat.org.uk>

Further information

Anti-Slavery International:

Trafficking for Forced Labour: UK country report (December 2006)

TRANSITIONAL JUSTICE: The rights of child victims and witnesses

The UNICEF Innocenti Research Centre (IIRC) has recently published two documents - the Background document and the Outcome document - on a recent Expert Meeting on Transitional Justice and Children.

The reports summarise research currently underway on transitional justice and children, documenting and analysing policies and emerging good practices and lessons learned on the protection of the rights of child victims and witnesses in Truth Commissions, the Ad Hoc Tribunals, the Special Court for Sierra Leone and the International Criminal Court, as well as in traditional justice mechanisms.

There is an urgent need to develop child-friendly procedures to protect children involved in transitional justice mechanisms. The need is twofold: to assist legal practitioners in facilitating and protecting children's involvement; and to provide guidance for child protection agencies and advocates in their interactions with and support to those mechanisms. A key objective is to ensure that child victims are not exposed to further harm by their involvement in transitional justice mechanisms. The reports reflect discussions and recommendations, as well as expert papers analysing key issues and challenges emerging from transitional justice mechanisms in Sierra Leone, Timor Leste, Rwanda, the Democratic Republic of Congo, Peru, Guatemala and elsewhere.

Visit: <http://www.crin.org/resources/infoDetail.asp?ID=12311>

For more information, contact:

UNICEF Innocenti Research Centre

Email: florence@unicef.org

Website: <http://www.unicef-irc.org>

YOUTH STUDIES AUSTRALIA VOLUME 25 NUMBER 4 DECEMBER 2006

Students at risk: Can connections make a difference?
by Nahid Kabir & Tony Rickards

A project in Western Australia examined the life stories of 21 at-risk students, including recent African refugees, immigrants, Aborigines and 'established' Australians. The authors found that the dense social networks that enfolded students from refugee backgrounds provided them with some benefits that other at-risk students missed out on. They also found that cultural values were important to all immigrant groups.

"In the Australian context, similar debates are generated about Muslim women, who are also expected to integrate into the wider society and conform to Australian values."

CALL FOR INFORMATION UN STUDY ON VIOLENCE: Engagement of Parliaments

Peter Newell has been commissioned to write a handbook for the Inter-Parliamentary Union and UNICEF on follow-up to the UN Secretary General's Study on Violence against Children. He is working to

a very tight deadline and is looking for any examples, from all regions, of:

- engagement of Parliaments with the process of the UNSG's Study and follow-up;
- recent engagement of Parliaments with challenging violence against children (this could be adopting positive, innovative laws; monitoring government actions; significant debates or inquiries, etc);
- engagement of children with Parliaments on violence-related issues.

Peter was a member of Professor Pinheiro's Editorial Board for the UNSG's Study, and also of the NGO Advisory Panel for the Study.

If you have any ideas, materials, links etc. please send them or details of them to Peter as soon as possible at the address below.

For more information, contact:

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London N1 9PF UK, UK
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Email: peter@endcorporalpunishment.org
Website: <http://www.endcorporalpunishment.org>

ABOUT Adoption: A Children's Views Report

This report from Children's Rights in the United Kingdom looks at what adopted children themselves think about adoption — about the way they got adopted, about being an adopted person and whether that makes a difference at home or at school, and about what might be special about being adopted.

This is a report of what children said. The authors did not add any of their own views as adults, and they did not leave out things that children said that they might disagree with.

See:
[http://www.csci.org.uk/
PDF/Adoption%28Tagged%29.pdf](http://www.csci.org.uk/PDF/Adoption%28Tagged%29.pdf)

Call for Articles

Australian Children's Rights News depends on the input of members affiliates and subscribers to keep providing you with a wide-ranging and informative update on children's rights issues.

Others with a viewpoint on children and young people's rights are also invited to submit.

We are now seeking articles to be considered for the first edition of 2007.

Contributions of between 700 and 2000 words are preferred and should be e-mailed with full author details to judycash@bigpond.net.au



DCI-A is particularly interested in articles on juvenile justice, our special theme for 2007. Suggested graphics or photos to accompany the article are most welcome. The closing date for receipt of material is 28 February 2007 but please advise the editors as soon as possible if you are planning to submit. If you have an idea which you would like to discuss, please email Judy Cashmore judycash@bigpond.net.au. Articles published in Australian Children's Rights News may also be placed on the DCI-Australia Website: www.dci-au.org/

COMMITTEE ON THE RIGHTS OF THE CHILD: 44th session opens

Jaap Doek, Committee Chairperson has indicated that the UN Committee on the Rights of the Child would start work on a General Comment on the rights of children of indigenous peoples during the current 44th session. They would discuss an outline for the Day of General Discussion in September on [Article 4](#) (which specifies that States must undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention). Other issues to be discussed included follow-up on the UN Report on Violence against Children and continued work on a General Comment on juvenile justice. Visit: <http://www.crin.org/resources/infoDetail.asp?ID=12214>

Conferences

World Social Forum

The next World Social Forum will take place in Nairobi, Kenya (**January 20 to 25, 2007**).

The World Social Forum is an open meeting place where social movements, networks, NGOs and other civil society organizations opposed to neo-liberalism and a world dominated by capital or by any form of imperialism come together to pursue their thinking, to debate ideas democratically, formulate proposals, share their experiences freely and network for effective action.

Australian Social Policy Conference: 11-13 July 2007

The Social Policy Research Centre invites offers of papers for presentation at the next Australian Social Policy Conference to be held at the University of New South Wales, Sydney, from 11-13 July 2007.

The theme for the 2007 conference is 'Social Policy through the Life Course: Building Community Capacity and Social Resilience'. This theme encapsulates two interrelated issues in social policy. The first concerns life-course transitions, including the diverse challenges and opportunities which people experience within their age, gender, social, economic and cultural contexts. The second focuses on identifying the interconnections between social investment policies, services and programs which build both community capacity and social resilience for individuals situated within their social networks.

PLENARY SPEAKERS

Professor Fiona Williams
Professor of Social Policy, School of Sociology and Social Policy, University of Leeds. Past Director of the ESRC Research Group for the Study of Care, Values and the Future of Welfare, University of Leeds.

Professor Barbara Pocock
Director of the Centre for Work and Life, University of South Australia

Professor Jeanne Brooks-Gunn Virginia and Leonard Marx Professor in Child Development and Education, Columbia University. Founder and Co-director of the National Center for Children and Families, Columbia University.

FORUMS

Speaker details for the forums will be made available early in 2007.

- Advocacy and consumer participation
- Building family and community capacities: policies that make a difference for children and families facing economic adversity.
- Rethinking Indigenous policies and programs: building community strengths and social resilience.
- Australia's demographic challenges

The closing date for the receipt of abstracts is 9 April 2007. Please send your abstract (preferably as a Microsoft Word attachment to an email) to: ASPC2007@unsw.edu.au.

Equiries about papers or the conference in general should be directed to (02) 9385 7802. Registration details will be made available shortly. The conference website will be accessible from early 2007 through the SPRC website (www.sprc.unsw.edu.au).

Information on the papers presented at the previous (2005) conference can be found at www.sprc.unsw.edu.au/ASPC2005/.

15th Biennial Conference of the Australasian Human Development Association (AHDA)

University of New South Wales, Sydney, Australia, 5-8 July, 2007.

CALL FOR SUBMISSIONS

The conference is a joint initiative of the University of New South Wales, the University of Sydney, Macquarie University and the University of Western Sydney.

AHDA's biennial conference serves as Australia's leading venue for the latest applied and basic research on aspects of human development. AHDA conferences are well known for their successful combination of academic rigour with a friendly, collegial atmosphere.

The conference will include symposia, individual papers and poster sessions, as well as plenary sessions with internationally recognised keynote speakers. A social highlight will be the conference dinner on Saturday, July 7.

KEYNOTES include:

- Prof. Frank Keil, Director of the Yale University, Cognition and Development Laboratory
- Assoc. Prof. Ann Sanson University of Melbourne, Network Coordinator for the Australian Research Alliance for Children and Youth
- Prof. Mike Anderson, University of Western Australia, Principal Investigator, PROJECT KIDS.

Some of the symposia confirmed to date

- The well-being of refugee children
- Long-term outcome for children born very preterm
- Child care choices and changes in the early years

-

Deadline for submissions is 23 February, 2007

See our conference website for further details and instructions for abstract submission:

<http://www.psych.usyd.edu.au/ahda07/>

New Zealand: IFCO XV Biennial International Foster Care Conference 11-16 February 2007, Hamilton, New Zealand.

The focus of this conference is on children and adolescents who are the victims of social breakdown, parental inability, child abuse of many kinds and extreme social disadvantage and on those who care for them. Research shows that common themes exist internationally, such as the increasing levels of trauma experienced by the children and their consequent high levels of psychological, emotional and behavioural problems. Additionally, research shows that sociological and economic change has affected the availability of the most precious resource, foster carers. How do we address these issues internationally and how can we learn from one another? The conference will develop these themes. Contact: Anna Paulow, nastraat 103, 2518 BC Den Haag, Tel: +31 70 346 21 53, E-mail: ifco@ifco.info; www.ifco.info or, for the conference: www.ifconz07.org.nz

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