

2022 Child Rights Progress Reports Summary

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



Child Health



Child Justice



Child Protection



Disability



Education



Environment



Physical Punishment



No evidence

Some evidence

Clear evidence

2022 Child Rights Progress Reports Summary

The United Nations Convention on the Rights of the Child acknowledges that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's *Oversight and Advocacy Act 2016* states that all governmental authorities must seek to give effect to the UNCRC.

Every five years, the Australian Government reports to the UN Committee on the Rights of the Child who examine the Convention in the Australian context and raise concerns that do not measure up to the international standards expected. This means each State and Territory must provide feedback on how they have fulfilled their obligations under the Convention in the areas over which they have responsibility.

The Commissioner for Children and Young People provides a summary review on an annual basis examining the key areas of concern highlighted by the Committee in response to Australia's fifth and sixth periodic reports from a South Australian perspective.

This is the third suite of annual Child Rights Progress Reports released by the Commissioner. They measure progress across the seven child rights areas reviewed on behalf of the 369,400 children and young people (under 18 years) living in South Australia. They list the initiatives and programs that have been introduced to address areas of concern and outline where gaps and shortfalls remain.

Released each year to coincide with International Human Rights Day (10 December) the Commissioner's Child Rights Progress Reports examine Child Health, Child Justice, Child Protection, Education, Physical Punishment, Disability, and the Environment.

Australia continues to do poorly in relation to the age of criminal responsibility, which at 10 years is the lowest of all developed countries. The UN repeatedly asks Australia to raise this age to 14 years and come into line with the rest of the developed world.

Slow but positive progress has been made in all other areas, but disappointingly there is limited change in key areas which would make a significant difference to some of the state's most vulnerable young people:

- stemming the flow of children being excluded from school, particularly children living with disability and those with complex needs
- addressing the shortfall in resources to treat the growing numbers of children and young people who require mental health support services
- over representation of Aboriginal children and young people, as well as those living with disability, coming in to contact with child protection and youth justice systems
- inconsistency in the quality, content and timing of relationships and sexual health education, particularly in relation to LGBTQIA+ children and young people; and
- inconsistency in climate change education across year levels and between primary and secondary school years to support children and young people's awareness, preparedness, and resilience for disasters.

There is also the need to monitor and address the long-term health, wellbeing, economic and social impacts of the COVID-19 pandemic on children and young people.

Each of the progress reports prepared by the Commissioner looks closely at the UN Committee's recommendations using a status rating that indicates 'clear evidence of progress', 'some evidence of progress' or 'no evidence of progress'.

Although the suite of reports show 'some evidence of progress' across the majority of areas, there is still a long way to go before South Australia can be considered to have met its international obligations in relation to child rights.

Although some progress has been made across the majority of child rights recommendations made by the UN Committee, South Australia's State government agencies must continue to work together to address the issues outlined in these annual child rights progress reports.

Below is a snapshot view of ongoing areas of concern across each of the seven areas.



Child Health

In South Australia, three out of four UN Committee recommendations in relation to Child Health show 'some evidence' of being addressed, while one continues to show 'no evidence' of being addressed.

The recommendation showing 'no evidence' of being addressed is:

- governments should introduce legal protections to prevent sterilisation of children with disability without consent.

Ongoing areas of concern include:

- limited access to appropriate health care services for children and young people living in rural and remote areas
- barriers to safely accessing mental health and sexual health services and information, particularly for LGBTQIA+ children and young people, and children and young people living outside of metropolitan areas
- a lack of therapeutic services to respond to the needs of children displaying problematic or harmful sexual behaviour
- high rates of mental health presentations to emergency departments among children and young people aged 12–17 years; and
- the long-term health, wellbeing, economic and social impacts of the COVID-19 pandemic on children and young people.



Child Justice

In South Australia, three out of four UN Committee recommendations in relation to Child Justice show 'some evidence' of progress, while one shows 'no evidence' of progress.

The recommendation showing 'no evidence' of progress is:

- actively promote non-judicial measures, such as diversion, mediation, and counselling for children accused of criminal offences, and where possible, the use of non-custodial sentences, such as probation or community service.

Ongoing areas of concern include:

- over representation of children who identify as Aboriginal who are under the protection of the Chief Executive of Child Protection
- over representation of children and young people with high levels of mental health and/or disability related needs who are in KTYJC
- minors being arrested and detained in SA police cells (watch houses) at least 2,030 times in 2020–21. Of these 2,030 separate admissions, 890 (43.8%) were Aboriginal children or young people. In some regional/remote locations all, or almost all children arrested and detained were Aboriginal
- South Australia's Bill to implement an independent oversight mechanism in line with the ratification of the Optional Protocol on the Convention against Torture for all places of detention, was not passed and the Bill has been prorogued. It is unclear when it will be reintroduced
- children and young people in KTYJC have been isolated and segregated for long periods, due to staffing shortages that meant modified routines; and
- lack of investment into diversionary programs and health treatments for children and young people to keep them away from detention.



Child Protection

In South Australia, all five UN Committee recommendations in relation to Child Protection show 'some evidence' of progress.

Ongoing areas of concern include:

- the high numbers of South Australian children and young people who are being placed in out-of-home care
- the over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care; and
- the high number of children and young people in care who are coming into contact with the child justice system.



Disability

In South Australia, five out of six UN Committee recommendations in relation to Disability show 'some evidence' of progress, while one shows 'no evidence' of progress.

No evidence of progress:

- to prohibit by law the sterilisation of girls with disabilities without their prior, fully informed and free consent.

Ongoing areas of concern include:

- overrepresentation of children and young people living with disability in child protection and youth justice systems
- criminalisation of children in residential care disproportionately impacting children living with disability
- exclusion of children with disability from school
- barriers to accessing health services and a lack of therapeutic support for children with complex disability and behaviour support needs; and
- the isolation, invisibility and lack of safeguarding and oversight of children and young people with complex disability needs who are unable, or at risk of being unable, to live in the family home, despite government commitments and efforts by the Exceptional Needs Unit within DHS.



Education

In South Australia, all four UN Committee recommendations in relation to Education show 'some evidence' of progress.

Ongoing areas of concern include:

- lack of progress made in relation to implementation of recommendations made by the Graham Report and the Commissioner's Blame Game, including a lack of data around which groups of children and young people are being excluded from school
- continued reports by stakeholders and parents that children with disability are being excluded from their school for behaviour arising from their disability
- lack of an independent appeals mechanism to ensure natural justice and procedural fairness for students and their families, is applied to education related complaints
- concerns that it was difficult for the year 7 group who commenced high school from 2022 to settle in. They experienced a lack of facilities such as play areas and buddy programs, and were not feeling connected to their schools with this resulting in an increase in behavioural issues in this age-group; and
- lack of age appropriate consent education from Foundation to Year 10 and no consistency in the quality and timing of relationships and sexual health education, particularly relating to LGBTQIA+ children and young people.



Environment

In South Australia, the two UN Committee recommendations in relation to the Environment show ‘some evidence’ of progress.

Ongoing areas of concern:

- inconsistent opportunities across year levels and subjects, particularly between primary school years and secondary school years in relation to climate change education, including it being vested in the goodwill of individual ‘champions’
- expansion of initiatives and information related to disaster preparedness in the community to focus on teenagers as well as on primary school aged children; and
- development of toolkits for holding public consultations with children and young people on issues that affect them, including those on climate change and the environment.



Physical Punishment

In South Australia, the two UN Committee recommendations relating to Physical Punishment show ‘some evidence’ of progress.

Ongoing areas of concern include:

- physical punishment is still allowed under South Australia’s Criminal Law Consolidation Act (1935) which is out of step with other jurisdictions around the world who have banned physical punishment of children and young people in any setting; home, school, child care and in judicial systems.

To download individual reports go to the following urls:

CCYP Progress Report on Child Health:

<https://bit.ly/3Y8Wbul>

CCYP Progress Report on Child Justice:

<https://bit.ly/3W3KcwK>

CCYP Progress Report on Child Protection:

<https://bit.ly/3heWweF>

CCYP Progress Report on Disability:

<https://bit.ly/3Bqoxqt>

CCYP Progress Report on Education:

<https://bit.ly/3UPycxE>

CCYP Progress Report on Environment:

<https://bit.ly/3BIAkXi>

CCYP Progress Report on Physical Punishment: [https://](https://bit.ly/3BIAHkE)

bit.ly/3BIAHkE

OR

Download a compilation of all seven reports (8MB)