

Commissioner notes ‘little change’ on Child Rights in SA despite increased recognition of what’s needed

Commissioner Helen Connolly has today released her annual series of reports on South Australia’s progress toward meeting recommendations made by the United Nations Committee on the Rights of the Child. The recommendations relate to concerns the Committee has in relation to Australian children and young people.

As a signatory to the international UN Convention on Child Rights, Australia, and hence each state and territory, has an obligation to report on progress being made by governments and service providers to meet the international standards expected.

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 all its international obligations in relation to child rights.

The suite of reports measure progress across 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

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- 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
- 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.

Child Protection continues to be an area of concern with unfavourable assessment in relation to the number of notifications to the Child Abuse Report Line and number of children in residential care. New government funding for CREATE Foundation and re-investment into the Child and Young Person's Visitor Scheme were welcome actions.

An area of ongoing concern in relation to Child Health is the high rate of teenagers aged 12–17 years who require mental health crisis support presenting at emergency departments for acute care. This points to the need for much earlier intervention and a shortfall in resources to meet a growing need.

When it comes to Child Justice there are several areas of ongoing concern. The number of Aboriginal children coming in to contact with the child justice system is still disproportionately high, including 890 minors (children under 18 years) who were arrested and detained in South Australian adult police watch houses throughout 2021. This is in direct contravention of Article 37(c) of the UNCRC which states that children and young people should only be detained for the shortest possible time, separately from adults, and only as a last resort.

Another area of concern has been the extended periods of time in which children in Kurlana Tapa Youth Justice Centre (KTYJC) have been detained in their cells, and the low percentage of Aboriginal children and young people (22.1%) who have been diverted away from the child justice system when compared with non-indigenous children and young people (34.7%).

Positive progress includes development of a draft Gender Diversity Model of Care and Youth Mental Health Services Model of Care to provide a consistent approach to care for all young people who enter SA Health mental health services.

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.

*Child Development Council's 'Outcomes at a Glance' 2021

Quotes attributable to Commissioner for Children & Young People, Helen Connolly

Although some progress has been made, South Australia's State government agencies must continue to work to address the issues outlined in these reports. There does appear to be greater awareness in relation to what needs to be done, but there is still a reluctance to take actions and make changes at the systemic level which will improve the quality of South Australian children and young people's lives. There will come a time when we can say that we meet our obligations under the UNCRC, but we're not there yet and we have some major work to do particularly in relation to Child Protection and Child Health.

Download individual reports at the following urls:

1. CCYP Progress Report on Child Health: <https://bit.ly/3Y8Wbul>
2. CCYP Progress Report on Child Justice: <https://bit.ly/3W3KcwK>
3. CCYP Progress Report on Child Protection: <https://bit.ly/3heWweF>
4. CCYP Progress Report on Disability: <https://bit.ly/3Bqoxqt>
5. CCYP Progress Report on Education: <https://bit.ly/3UPycxE>
6. CCYP Progress Report on Environment: <https://bit.ly/3BlAkXi>
7. CCYP Progress Report on Physical Punishment: <https://bit.ly/3BlAHkE>

FURTHER INFORMATION

For more information about the work of the South Australian Commissioner for Children and Young People go to: www.ccyp.com.au

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