

## Commissioner reports no real improvement on reaching our international obligations on child rights

Commissioner Helen Connolly has today released her fourth 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 evidence suggests that despite activity across all portfolios there has been no real improvement over the last year.

Released each year to coincide with International Human Rights Day (10 December) the reports examine South Australia's progress in relation to Child Health, Child Justice, Child Protection, Education, Physical Punishment, Disability, and the Environment, highlighting the areas in which the UN Committee on the Rights of the Child has expressed concerns about Australian laws and practices.

The reports are compiled on behalf of the 374 000\* children and young people under 18 years of age who live in South Australia. All seven areas have evidence of new plans, programs and frameworks yet are failing to address the systemic issues identified by the UN Committee.

A strong legislative reform program is required to make real headway into many of these areas, alongside a bipartisan commitment to make lasting changes to the promotion, protection, and provision of child rights. There needs to be changes made to practices, as well as further investment in services to address poor outcomes for children in care, children with disability, and Aboriginal children in South Australia's health, education, child protection and youth justice systems.

Systemic changes needed include:

- raising the criminal age of responsibility from 10 to 14 years
- establishing laws to stop the use of violence against children by their parents
- stopping the concerning high proportion of children with disability being suspended or excluded from primary and secondary schools; and
- introducing child-focused safeguarding mechanisms or independent oversight to protect children, particularly Aboriginal children, from exclusionary and restrictive practices across health, education, residential care, and youth justice settings.

Amendments required to current legislation to ensure SA realises the rights of children include:

- addressing children and young people in South Australia's *Mental Health Act 2009 (SA)*
- removing exceptions to anti-discrimination legislation to prevent religious schools discriminating against students based on their sexuality and gender identity
- enshrining key emissions reduction targets into state legislation; and
- prohibiting violence against children by their parents, including repealing the legal defence of 'reasonable chastisement'.

As in previous years, each progress report uses the UN Committee's recommendations to apply a status rating showing whether 'clear evidence of progress', 'some evidence of progress' or 'no evidence of progress' has been made. No area showed 'clear evidence of progress' with minimal progress made across 26 of the 30 UN Committee recommendations and 4 continuing to show 'no evidence of progress' again this year.

Australia continues to do poorly in relation to Child Justice. We have failed to raise the age of criminal responsibility, which at 10 years is the lowest of all developed countries, despite the UN repeatedly asking Australia to raise this age to 14 years in line with international standards.

In addition to raising the minimum age, Australia also needs to meet national and international standards relating to the UN's anti-torture protocol and Closing the Gap targets to reduce the overrepresentation of Aboriginal and Torres Strait Islander children in South Australia's child protection and child justice systems. This includes ensuring prompt investigation of cases of abuse and maltreatment of children being held in detention.

Australia has made no progress in relation to laws prohibiting sterilisation of children with disability, despite the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability recommending this be addressed by all Australian jurisdictions by the end of 2024.

Although there have been some welcome developments across Education and Child Health, the state government needs to mandate consistent delivery of comprehensive education on relationships and sexual health, and on climate change and disaster resilience, across all year levels and education settings.

We would all benefit from the introduction of child-focused safeguarding mechanisms or independent oversight to protect children living with disability from exclusionary and restrictive practices being applied across health, education, residential care, and youth justice settings.

South Australia also needs to increase investment in early intervention services that will support families to stay together and help to significantly reduce the number of children who enter out-of-home care. Concerningly, the number of children being negatively impacted by current policies and approaches, particularly Aboriginal children, continues to increase. We need to address the high proportion of Aboriginal children being suspended and excluded from school, particularly primary school.

The year's results mean South Australia still has a long way to go before it can be considered to have met its international obligations under the United Nations Convention on the Rights of the Child.

\*2021 Census figures.

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 systemic issues outlined by the UNCRC five years ago. Before the end of this reporting period some significant progress in these critical areas of children's lives would be a positive story from South Australia. State government agencies must prioritise the UN's recommendations and commit to working together to address them. We have been assessed as falling short of the international standards expected. As signatories we have an obligation to take actions that will address these shortfalls, rather than continue to accept them as the status quo.

Download the suite of CCYP 2023 Child Rights Progress Reports at:

[www.ccyp.com.au/ccyp-reports](http://www.ccyp.com.au/ccyp-reports)

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