

Key issues for children's rights



Australian
Human Rights
Commission

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Background

In 2018, there were over 5.5 million children under the age of 18 years in Australia.¹ While most children in Australia live in safe and healthy environments and do well, there are some groups of children whose rights are not adequately protected, which impacts negatively on their wellbeing and ability to thrive.

In 2018, Australia submitted its combined 5th and 6th periodic report on children's rights to the UN Committee on the Rights of the Child. In September 2019, the Committee issued its Concluding Observations on Australia's progress. The Committee urged Australia to take action in some key areas of concern, including protecting children from violence; alternative care; mental health, climate change, asylum seeker, refugee and migrant children, and the administration of justice.

Key issue: Protecting children from violence

While most children tell us they feel safe, many children in Australia experience unacceptable levels of violence, abuse and neglect.²

Most violence and abuse against children is committed by someone the child knows, the family being the most common setting. Children are also frequently witnesses and bystanders of violence in the family, commonly violence directed at their mother.³ Child protection statistics indicate that in 2018–19 there were 62,700 substantiations of child abuse and neglect involving 47,500 children, an 11% increase since 2014–15.⁴

Some children have also been maltreated in the care of institutions such as schools, recreational organisations, residential care, youth detention and immigration detention. While the Australian Government has committed to implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (2012–2017), there is still much to do to make sure that children are safe.

Key issue: Alternative care

Nationally, in 2019, approximately 44,900 children were living in out-of-home care.⁵ At 30 June 2018, the



number of children living in out-of-home care had risen by 6% since 2014.⁶ Aboriginal and Torres Strait Islander children, children under the age of one, and children with disability are highly represented in out-of-home care.

While there have been numerous inquiries in Australia which have included out-of-home care in their terms of reference,⁷ there has been little systemic change to address the increasing rates of children living in out-of-home care and the reasons why children are being placed in out-of-home care.⁸

Removing a child from their home and from the care of their parent(s) is considered an intervention of last resort across all Australian statutory child protection jurisdictions. However, across Australia, the models for funding and support services are not designed to achieve this. Early intervention policies and practices comprise a relatively small proportion of overall expenditure compared to tertiary services.⁹

Key Issue – Mental health

The [most recent Australian Child and Adolescent Survey of Mental Health and Wellbeing](#) in 2013–14 found that almost one in seven (13.9%) children aged 4–17 were assessed as having mental disorders in the previous 12 months.¹⁰

Rates of suicide and self-harm among children and young people have been increasing in recent years.¹¹ In 2017, the Australian Bureau of Statistics (ABS) reported 98 deaths of children aged 5–17 years due to suicide, representing a 10.1% increase in deaths from 2016. Nearly 80% of the child suicides in 2017 were aged between 15 and 17.¹²

Between 2007 and 2017 there were 35,997 hospitalisations of children aged 3–17 years for intentional self-harm, the majority girls.¹³

In response to the COVID-19 emergency, [the Australian Government has increased support and funding](#) for some key mental health services, including for children and young people, during this time. However, there is a need for sustained support for child-targeted mental health services beyond this crisis.

Recommendation

Governments urgently prioritise prevention and early intervention programs to reduce the number of children entering child protection systems. Governments fully implement the [Aboriginal and Torres Strait Islander Child Placement Principle](#)

Recommendation

Government expands and funds the delivery of child targeted mental health and support services

Key Issue – Poverty and homelessness

In 2015–16, 17.3% of children under the age of 15 years (739,000—more than one in six) were living in households experiencing poverty.¹⁴

The Salvation Army's [*National Economic and Social Impact Survey 2017*](#) found that in households with children under 17 years of age:

- approximately one in five could not afford medical treatment and nearly one in three could not afford a yearly dental check-up for their child
- half could not afford school items and 56% did not have the money to participate in school activities
- almost three in five respondents could not afford an internet connection for their child

- nearly two in five could not afford fresh fruit or vegetables every day and nearly one in four could not afford three meals a day for their child.

Further, according to the 2016 Census, 15,872 children under the age of 12 years and 9,955 aged 12–18 years were homeless.¹⁵ Children in out-of-home care are at high risk of homelessness. Nearly 35% of young people who leave out-of-home care become homeless.¹⁶

There is a need for early intervention and prevention programs that specifically focus on helping children and young people at risk of homelessness, for example the [Reconnect Program](#). This is currently open to children and young people aged 12–18 years (12–21 years for new arrivals).



Endnotes

- ¹ Australian Bureau of Statistics, *3101.0 – Australian Demographic Statistics, Dec 2018* (20 June 2019) Population by Age and Sex Tables.
- ² Australian Human Rights Commission, *Children's Rights Report 2019–In Their Own Right: Children's Rights in Australia* (2019) 103-107.
- ³ Australian Human Rights Commission, *Children's Rights Report 2015* (2015) 99.
- ⁴ Australian Institute of Health and Welfare, *Child Protection Australia 2018–19* (Report, 2020) 29. Child protection data for 2017–18 does not include data from NSW, which was implementing a new client management system in 2017–18 and provided only limited information in that year.
- ⁵ Australian Institute of Health and Welfare, *Child Protection Australia 2018–19* (Report, 2020) 44. Data from 2019 on numbers in out-of-home care cannot be compared reliably with previous years as 2019 is the first year that a single, nationally consistent definition of out-of-home care has been applied across all states and territories.
- ⁶ Australian Institute of Health and Welfare, *Child Protection Australia: 2017-18* (Report, 2019) 62.
- ⁷ For example, the *Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*, (Final Report Findings and Recommendations, 2017) 22; *Royal Commission into Institutional Responses to Child Sexual Abuse*, (Final Report Recommendations, 2017) 35–41; Senate Standing Committees on Community Affairs, Parliament of Australia, *Inquiry into out of home care list of recommendations* (2015).
- ⁸ Australian Human Rights Commission, *Children's Rights Report 2019–In Their Own Right: Children's Rights in Australia* (2019) 129.
- ⁹ Australian Human Rights Commission, *Children's Rights Report 2019–In Their Own Right: Children's Rights in Australia* (2019) 126.
- ¹⁰ Department of Health (Cth), *The Mental Health of Children and Adolescents, Report on the Second Australian Child and Adolescent Survey of Mental Health and Wellbeing* (August 2015) 4–12.
- ¹¹ Rebecca J Mitchell, Rebecca Seah, Hsuen P Ting, Kate Curtis, Kim Foster, '[Intentional self-harm and assault hospitalisations and treatment cost of children in Australia over a ten-year period](#)', *Public Health*, 42, 3 (June 2018) 240–246.
- ¹² Australian Bureau of Statistics, *3303.0: Causes of Death, Australia, 2017, Intentional Self-Harm, Key Characteristics* (2018).
- ¹³ Data provided to the National Children's Commissioner in 2018, in order to inform reporting to the UN Committee on the Rights of the Child.
- ¹⁴ Australian Council of Social Services, *Fast Facts Child Poverty in Australia*.
- ¹⁵ Australian Bureau of Statistics, *2049.0 Census of population and housing: Estimating homelessness 2016* (2018) Table 1.1.
- ¹⁶ Senate Community Affairs References Committee, Parliament of Australia, *Inquiry report: Out of Home Care 2015* (Report, 19 August 2015) 104.

