

United Nations Study on Violence against Children

Response to questionnaire from the
Government of the Commonwealth of AUSTRALIA

Australian Submission – Secretary-General’s study into violence against children

Part A: Institutional framework for the protection of children in Australia

1. Child protection and welfare is primarily the responsibility of state and territory governments, and each has its own legislation, policies and practices in relation to child protection and out-of-home care for children at risk.
2. The best overview of national child protection practice, including state and territory differences, can be found in the Australian Institute of Health and Welfare publications, *Australia’s Welfare* and *Child Protection Australia*, both available online at www.aihw.gov.au. Please also refer to Australia’s reports to the Committee on the Rights of the Child, especially our combined second/third report lodged with the Committee in September 2003.
3. In 2002, the new position of Minister for Children and Youth Affairs was created to ensure an integrated government approach across the spectrum of Federal Government policies and programs for children and young people. Another major Federal Government initiative has been the establishment of the Department of Family and Community Services (FaCS). The Department was formed in 1998 in recognition of the need for Federal leadership on issues relating to children and families.
4. The objectives of FaCS are to build stronger families and stronger communities and enhance economic and social participation, through a range of programs, many of which are directed specifically at children and which are concerned with preventing child abuse and neglect. It is responsible for approximately one third of Australian Government outlays.

Part B: Policies and programs to address violence against children

5. The Australian Government contributes to the well being of all children through the payment of family allowances and benefits and through funding early intervention programs. It also provides national leadership in protecting children against violence, through its *Taskforce on Child Development, Health and Wellbeing*, and funding for the *National Child Protection Clearinghouse*.

National Agenda for Early Childhood

6. The Government’s *Taskforce on Child Development, Health and Wellbeing* improves co-ordination of policy related to children, including protection from violence, at the national level. All Federal Government departments with related portfolio responsibilities, and central agencies such as the Federal departments of Treasury, Finance and Prime Minister and Cabinet, are involved.

7. The *Taskforce* sponsored the development of a *National Agenda for Early Childhood*, to give better direction to national efforts in prevention and early intervention activity and the provision of more general support for children and their families during the child's first five years of life. The *Taskforce* is working with State and Territory Governments to identify specific areas for collaboration.

8. All levels of government have committed to the development of a *National Agenda for Early Childhood* to improve responses to the needs of young children and spell out a framework for action. The *National Agenda* aims to address the underlying social and economic factors that affect young children, while raising public awareness, to generate support for greater investment in early childhood and recognition of the value of young children and the roles of parents and people who work with children and families. The *National Agenda* aims to ensure that, "All children living in Australia have the best possible start in life", and enjoy a childhood that is safe and free from all forms of abuse and exploitation. It promotes prevention and early intervention to protect children against risks and minimise the impact on children when problems arise. An expected outcome is a reduced number of children exposed to violence and all forms of abuse and neglect.

9. The *Stronger Families and Communities Strategy* is part of the Australian Government's *National Agenda for Early Childhood*. Through the *Strategy*, the Government funds a wide range of projects across Australian communities that include a focus on local participation and capacity building. Many are aimed at helping prevent difficult and intractable problems such as family breakdown, domestic violence, youth suicide, homelessness and drug addiction. The *Strategy* provides A\$110m primarily directed at whole-of-community early childhood intervention in 35 disadvantaged communities, and A\$70.5m at building a suite of proven intervention programs and other tools to support national intervention activity.

National Child Protection Clearinghouse

10. The *National Child Protection Clearinghouse*, hosted by the Australian Institute of Family Studies since 1994, operates as an interchange point for policy, practice and research in child abuse prevention and child protection. Specialist researchers draw on the *Clearinghouse* repository of information and resources to inform advice, education/training and research or analysis. The *Clearinghouse* provides services to policy-makers at all levels of government, service providers, educators, legal and health professionals, the media, and students. The web address for the Clearinghouse is www.aifs.org.au/nch/index.html.

Child care and pre-school services – the Federal Government’s role

11. Child protection case work often includes helping the child to attend child care and pre-school services as an early intervention child abuse prevention strategy. To be approved for Federal Government funding, a child care service must comply with all relevant Federal, and State/Territory legislation and regulations related to child protection including, where applicable, police background checks on staff and volunteers. Australia’s child care quality assurance systems sit firmly on a base of state and territory regulations, and encompass child safety (including child protection). Services are required to have in place effective policies and procedures on protective care. Where child protection issues arise in the context of validation visits for the National Childcare Accreditation Council, these are reported to relevant authorities as a matter of course.

National action plans with relevance to Government policy concerning violence against children

12. The following national action plans are an important part of the national response to prevent and counter violence against children:

- the *National Plan of Action Against the Commercial Sexual Exploitation of Children*, aimed at eliminating factors that contribute to the commercial sexual exploitation of children and young people
- the Australasian Police Ministers Council (APMC) *National Child Sex Offender Register*, to track the movements of convicted child sex offenders around the country
- the *National Plan for Foster Children, Young People and their Carers*, aiming to achieve high quality outcomes for children and young people in foster care.
- Currently, the Australian Government is coordinating cross-sectoral input from relevant government agencies, to develop a national plan of action as called for in the outcomes document (*‘A World Fit for Children’*) from the General Assembly’s Special Session on Children in 2002.

Policies relating to trafficking and sexual exploitation

13. The Australian Government has also been active in countering trafficking and the sexual exploitation of children. In 2003, the Government announced a A\$20 million whole-of-government package of measures which aims to prevent trafficking in persons, prosecute perpetrators and protect victims of trafficking, many of whom are children. The measures include: a new 23-member Australian Federal Police mobile strike team; a new Senior Migration Officer (Compliance) position in Thailand, focused on trafficking in persons; a comprehensive victim support scheme; new Federal offences to comprehensively criminalise trafficking in persons; new visa arrangements for potentially trafficked persons; increased regional cooperation particularly through the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (The Bali Process – see www.baliprocess.net); and, once new

legislation has been passed, ratification of the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. The package complements pre-existing efforts, which include AusAID anti-trafficking activities in the Asia Pacific region costing over A\$14 million (refer to page 13 below).

14. Australia was one of the first countries to introduce child sex tourism laws. In 1994, Australia enacted Part IIIA of the *Crimes Act 1914* which contains offences applying to Australian citizens and residents who engage in sexual activity with children under the age of 16 whilst overseas. These offences also prohibit the incitement, encouragement of, or gaining benefit from, such activity - including organising sex tours. This legislation ensures that Australians engaging in such activity may be prosecuted in Australia if they manage to evade prosecution overseas.

15. New strategies are currently being considered to bolster the effectiveness of current legislation and to ensure a sustained effort to combat this problem. For example, the Australian Federal Police has strengthened its bilateral relationships with police forces from countries in the Asia Pacific region. Reflecting the cooperation and commitment that has built up, memoranda of understanding (MOUs) have been signed by Australia with respect to child sex tourism. Most of these MOUs are directed towards combating transnational organised crime which includes child sex tourism and trafficking (Indonesia in 2002, Thailand in 2003, the Philippines in 2003 and Colombia in 2003). In addition, Australia has entered into two MOUs specifically focused on child sex tourism (the Philippines in 1997 and Fiji in 1998).

Countering domestic violence

16. Since 1997, the Australian Government has committed A\$50 million for the *Partnerships Against Domestic Violence* (PADV) program, which includes working with children and young people to break the cycle of violence between generations as a major theme. This has included a range of prevention, early intervention and secondary and tertiary intervention projects at the local, regional and national level. Prevention initiatives have included:

- public media campaigns;
- school-based projects;
- community arts projects;
- peer education;
- community development; and
- supporting school staff.

An evaluation of the PADV projects has been completed and is available at:

http://padv.dpmc.gov.au/projects/padv_phase_one_children.pdf

Policies and programs to address violence against Indigenous Children

17. The Federal Government complements the efforts of state and territory governments to address the problem of child abuse and family violence in Indigenous communities through a number of initiatives and programs. These include:

- Programs which address problems of Indigenous alcohol and substance abuse - problems which contribute significantly to family violence in Indigenous communities. Approximately A\$20 million per annum is provided to support 65 Indigenous substance abuse services.
- From its total funding of A\$115 million, the *Alcohol Education and Rehabilitation Foundation* is required to spend \$23 million on projects targeting Indigenous Australians.
- An amount of A\$10.5 million in 2003-04 was allocated for the Indigenous component of the *Stronger Families and Communities Strategy*, which aims to improve capacity in Indigenous communities, particularly regarding leadership, conflict resolution and strategies to increase social and economic opportunities. Several of these projects specifically target Indigenous adults and children who are victims of family violence.
- Additional funding of A\$20 million (over four years) was announced by the Australian Prime Minister in August 2003 for measures to address Indigenous family violence.

18. The Australian Government recently announced several new initiatives in the 2004-05 Budget, aimed at Indigenous communities and designed to tackle child abuse and family violence, at a total cost of almost A\$120 million over four years. These include:

- An expansion of the *Family Violence Prevention Legal Services*, which assist victims of family violence, particularly women, to obtain essential crisis counselling, legal assistance and support within their communities. This includes a doubling of family violence prevention legal services from 13 to 26, to be located in rural and remote areas, to assist Indigenous adults and children who are victims of family violence or sexual assault (A\$22.7 million over four years).
- Through the *Indigenous Family Violence Partnerships Program*, Federal and State/Territory governments fund local projects in rural and remote Indigenous communities to address family/community violence, child abuse and child protection (A\$37.3 million over four years).
- Through the *Indigenous Family Violence Regional Activities Program (Non-Legal)* projects in Indigenous communities, to prevent and address Indigenous family violence and/or sexual assault, are funded by the Australian Government (A\$3.8million per year).
- Enhancing Indigenous women's leadership opportunities, at the same time as supporting the positive role of Indigenous men in their families and communities (A\$16.5 million over four years).

19. The Government has also funded projects with an Indigenous focus funded under the *Stronger Families and Communities Strategy*. Some examples are:

- A total of A\$4 million has been allocated over four years to the *Secretariat for National Aboriginal and Islander Child Care* (SNAICC) to concentrate on prevention and early intervention strategies that will contribute substantially to the long-term development of a broad, holistic and child focused Indigenous early childhood development sector.
- The *National Aboriginal Sports Corporation Australia* (NASCA) will be funded (A\$500 000 over 4 years) to develop and pilot a model using prominent sports men and women as promoters, in conjunction with health professionals. This innovative approach will engage families and communities, especially young parents and will improve outcomes for Indigenous children and families through early intervention and education.

20. In December 2002, the Council of Australian Governments (COAG) agreed that there should be an increased national focus on Indigenous child protection issues. COAG is a peak inter-governmental forum consisting of the Prime Minister, State Premiers, Territory Chief Ministers and the President of the Australian Local Government Association. COAG requested a report to consider ways to enhance responsiveness to Indigenous families at risk and in crisis, improve safety and wellbeing outcomes for Indigenous children, and address causal factors behind abuse. COAG is currently examining ways to enhance responsiveness to Indigenous families at risk and in crisis, and to improve outcomes for Indigenous children and the prevention of child abuse in Indigenous communities. The June 2004 COAG *National Framework Agreement on Indigenous Family Violence and Child Protection* is at Annex A.

Policies and programs to ensure the safety and security of children in immigration detention

21. The Australian Government meets its obligations under the Convention on the Rights of the Child (CRC) through a comprehensive range of policies and practices which aim to ensure the safety and protection of all children in immigration detention. These policies and practices include such matters as the development, on both formal and informal bases, of effective working relationships between state child welfare authorities and detention service providers and the mandatory reporting of child abuse concerns.

22. The relevant Federal department – the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) - has formalised arrangements with state child welfare agencies dealing with child abuse and neglect, developed alternative detention arrangements and better accommodation for families, women and children and provides parents with support in the immigration detention environment. Immigration Detention Standards (IDS) form part of the contract with the detention services provider and establish standards governing safety and security of detainees in immigration detention. They were developed in consultation with the Commonwealth Ombudsman and the Human Rights and Equal Opportunity Commission (refer to Part C of this submission). The IDS along with State child protection laws and the parents' primary

responsibility to protect their children, adequately safeguards children in immigration detention from violence, injury, abuse, neglect and maltreatment.

23. A number of innovations and improvements have been progressively developed to respond to the needs of children in detention. Over the last two years, DIMIA has developed residential housing projects, worked with state child welfare authorities to support unaccompanied and other vulnerable minors in foster care arrangements and worked with community groups to support prospective bridging visa applicants. Where possible, the Government has moved women and children out of immigration detention centres and continues to develop innovative alternative detention strategies for children.

Protections for children in Australia's migration law

24. There is special recognition in Australia's migration laws of the need for victims of domestic violence to still be eligible for permanent residence without being forced to remain in abusive relationships. The domestic violence provision (DVP) allows applicants for Partner visas (and certain other business or skilled visas) to continue with their applications for permanent residence if their relationship with their partner breaks down and they (or their dependants) have suffered domestic violence inflicted by their partner. The provision is available to both male and female applicants. An applicant can be considered under the DVP if the relationship was genuine until it ceased and the applicant presents acceptable evidence prescribed by the Migration Regulations that their sponsor has inflicted domestic violence.

25. The DVP was introduced in 1991 in response to community concerns that some spouses and partners might feel compelled to remain in abusive relationships rather than end the relationship and be forced to leave Australia. Domestic Violence Contact Officers are located at DIMIA offices in each State and Territory. They are immigration officers who are experienced in handling applications from people seeking permanent residence on the grounds of domestic violence. They provide information on the DVP as well as details of organisations that offer a range of welfare and legal services.

26. It is the Government's view that a deportation decision-maker must determine the best interests of any children aged less than 18 years who are in a parent-child or other close relationship with the potential deportee.

- Where there are two or more relevant children, the best interests of each child should be considered separately and also together with each other and with other members of the family. It should not be assumed that the interests of each child will coincide, and it may be that the best interests of one child may indicate that the potential deportee should not be deported, but that the best interests of another child may point towards deportation.
- In general, the starting point for any consideration of the best interests of the child would be that the child's best interests will be served if the child remains with its parents. Countervailing considerations, which may point to the child's best interests being served by separation from the potential deportee, include, but are not limited to:

- (a) any evidence that the potential deportee has abused or neglected the child in any way, including physical, sexual and/or mental abuse; or
 - (b) any evidence that the child has suffered or experienced any physical or emotional trauma arising from the potential deportee's unlawful conduct.
- When considering what are the best interests of the child or children, regard should be had to:
 - (a) the nature of the relationship to the potential deportee;
 - (b) whether the child is an Australian citizen or permanent resident;
 - (c) the likely effect that any separation from the potential deportee would have on the child or children;
 - (d) the likely effect on the child or children of leaving Australia if the parents decided to take the child or children with them from Australia; and
 - (e) the impact of the potential deportee's prior conduct on the child.
- Considerations which aid in assessing the above factors include:
 - (a) the age of the child;
 - (b) the time that the child has spent in Australia;
 - (c) any language barriers for the child in the likely country of future residence, but taking into account the relative ease with which younger children acquire new languages;
 - (d) any cultural barriers for the child in the likely country of future residence, but taking into account the relative ease with which younger children adapt to new circumstances;
 - (e) any medical problems of the child and the likely access to relevant facilities in the likely country of future residence;
 - (f) the child's degree of emotional and psychological dependence on the potential deportee; and
 - (g) the amount of time that the potential deportee has actually spent with the child.

Current Australian legislation relevant to the issue of child brides

27. Current Australian legislation relevant to the issue of child brides states that a person between the ages of 16 and 18 may only marry a person who is over the age of 18 where a Court order has been issued and parental consent given. A Court Order allowing the marriage will only be granted in exceptional circumstances. These exceptional circumstances may include where Indigenous customary law provides for the marriage. However, under no circumstances will a child under the age of 16 be permitted to marry.

Part C: Australia's national human rights institution – the Human Rights and Equal Opportunity Commission

28. The Human Rights and Equal Opportunity Commission was established under the *Human Rights and Equal Opportunity Commission Act 1986* (the HREOC Act) and is Australia's independent national human rights agency.

29. The Commission carries out its functions independently from government and can and does criticise the Government if it concludes that there has been a breach of domestic human rights legislation or a breach of the international human rights treaties to which Australia is a party.

30. The Commission is administered by its President, and currently includes the Human Rights Commissioner, Sex Discrimination Commissioner and the Aboriginal and Torres Strait Islander Social Justice Commissioner. These Commissioners also have responsibility for race, disability, and age discrimination matters.

31. Complaints of unlawful discrimination under the *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992* and *Age Discrimination Act 2004* can be made to the Commission. The Commission can investigate and attempt to conciliate the complaints. Where a complaint is unable to be conciliated, it can be terminated by the Commission and proceedings alleging unlawful discrimination can be instituted in the Federal Court of Australia or the Federal Magistrates Court.

32. HREOC's functions also include promoting an understanding and acceptance of human rights through education and public awareness-raising, and monitoring Australia's human rights performance. 'Human rights' is defined under the HREOC Act by reference to a number of international treaties and, relevant to the issue of violence against children, includes those rights set out in the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR).

33. HREOC monitors human rights in a number of ways, including by examining Federal laws to determine their consistency with human rights standards and inquiring into complaints of breaches of human rights resulting from the acts or practices done by or on behalf of the Commonwealth. In the conduct of such inquiries, HREOC is empowered to require the production of documents and the giving of evidence.

34. With the leave of the court HREOC can intervene in court cases dealing with human rights issues, and Commissioners can assist the court as an *amicus curiae* ('friend of the court'). HREOC has not intervened in any cases which have directly concerned violence against children and is not aware of any cases concerning violence against children in which courts or tribunals have made reference to international human rights standards. HREOC has, however, made submissions as to the relevance of the rights recognised in the CRC and ICCPR where those rights relate to children (and in particular the 'best interests of the child' principle).

Human Rights Education by HREOC

35. Paragraphs 11(1)(g) and (h) of the HREOC Act provide that it is a function of HREOC

(g) to promote an understanding and acceptance, and the public discussion, of human rights in Australia;

(h) to undertake research and educational programs and other programs, on behalf of the Commonwealth, for the purpose of promoting human rights, and to co-ordinate any such programs undertaken by any other persons or authorities on behalf of the Commonwealth.

36. Human Rights education is one of the core responsibilities of the Commission. The Commission conducts public awareness and educational programs aimed at the community, government and business sectors. For example, the Commission has developed internet resources to assist high school teachers educate students on human rights. The materials include case studies, videos, guided discussion, role plays and teaching notes.

37. The Commission also conducts major public education projects under this function. For example, it recently completed its *Isma-Listen* project concerning prejudice against Arab and Muslim Australians, which comprised national consultations, an empirical and qualitative research project, and an audit of strategies and initiatives that have been undertaken by organisations to counter anti-Arab and anti-Muslim prejudice.

Human rights inquiries by HREOC

38. Paragraph 11(1)(f) of the HREOC Act provides that it is a function of HREOC:

to inquire into any act or practice that may be inconsistent with or contrary to any human right, and:

(i) where the Commission considers it appropriate to do so – to endeavour, by conciliation, to effect a settlement of the matters that gave rise to the inquiry; and

(ii) where the Commission is of the opinion that the act or practice is inconsistent with or contrary to any human right, and the Commission has not considered it appropriate to endeavour to effect a settlement of the matters that gave rise to the inquiry or has endeavoured without success to effect such a settlement – to report to the Minister in relation to the inquiry.

The ‘acts’ and ‘practices’ to which paragraph 11(1)(f) primarily relates are acts and practices done by, or on behalf of, the Australian Government.

39. Where HREOC is unable to resolve a matter through conciliation (or forms the view that conciliation is not appropriate) and concludes, following an inquiry, that an act or practice is inconsistent with, or contrary to, any human rights, HREOC is required to report to the Attorney-General in relation to the Inquiry. The Attorney-General is required to table reports received from HREOC in Federal Parliament within 15 sitting days of receipt of such reports.

40. Following a finding of a breach of human rights, HREOC has the power to recommend the taking of action to remedy or reduce loss or damage suffered as a result of an act or practice, including the payment of compensation. Recommendations may also be made to prevent the repetition or continuation of an act or practice found to breach human rights.

41. The Commission is not a Court and therefore does not have the power to enforce its recommendations. This was established by the High Court in *Brandy v Human Rights and Equal Opportunity Commission & Ors* (1995) 183 CLR 245, in which it was held that the Commission, as a non-judicial body, does not have the power under the Constitution to make binding, authoritative and enforceable decisions.

42. Recently, HREOC released the report of its inquiry into children in immigration detention, '*A last resort?*'. The report can be found at the HREOC website, www.hreoc.gov.au. The Government's press release on this report can be found at the Department of Immigration and Multicultural and Indigenous Affairs website, www.minister.immi.gov.au/media_releases/, 'HREOC Inquiry into Children in Immigration Report Tabled', 13 May 2004.

Trafficking of children

43. HREOC has developed significant expertise in issues of the trafficking of women and children. HREOC, in partnership with leading anti-trafficking NGO, Project Respect, and other partners, convened a very successful conference on trafficking called *Stop the Traffic 2* on 23 and 24 October 2003 in Melbourne. Members of Parliament from all the major political parties, including Senator Ellison, Minister for Justice and Customs, attended the conference. The conference received significant press and broadcast media attention. Keynote speaker, Paul Holmes, an international expert in anti-trafficking, child prostitution, paedophilia and the commercial exploitation of human beings, also provided training for HREOC staff and others on anti-trafficking work.

44. HREOC is working with Project Respect on developing a joint training package for State and Federal government agencies that deal with trafficking. Members and staff of HREOC have also worked on anti-trafficking projects in the Asia Pacific Region, particularly as part of the China Australia Human Rights Technical Co-operation Program (refer to page 14). The most recent activity of that program involved leading a study tour of Chinese and Australian participants to investigate anti-trafficking activities in Thailand and Vietnam.

Aboriginal and Torres Strait Islander children

45. HREOC has a specific position of Aboriginal and Torres Strait Islander Social Justice Commissioner. The functions of the Commissioner include reporting to Federal Parliament on the exercise and enjoyment of human rights of Indigenous peoples (the annual Social Justice Report), conducting educational activities about Indigenous human rights, and promoting awareness and discussion about the recognition and protection of Indigenous human rights. In performing these functions, the Social Justice Commissioner is required to have regard to the CRC and any other international instruments that the Commissioner considers relevant.

46. In the exercise of these functions the Social Justice Commissioner has paid attention to issues relating to violence against Indigenous children. Some examples include:

- The *Social Justice Report 2003* reports on progress by Australian governments in addressing family violence in Indigenous communities, as well as a statistical profile of Indigenous communities, including issues relating to care and protection and juvenile justice systems.
- The *Social Justice Report 2003* and *Social Justice Report 2002* evaluate government progress in addressing Indigenous disadvantage, including the adequacy of data collection, performance monitoring and evaluation systems. HREOC has endorsed the commitments of all Australian governments (through the COAG) to addressing Indigenous disadvantage. COAG has identified three priority outcomes for Indigenous policy, including ‘positive child development and prevention of violence, crime and self-harm’ and ‘safe, healthy and supportive family environments’.
- The Social Justice Commissioner has developed nationally accredited training programs for Indigenous people working on criminal justice, family violence and legal issues. The *National Indigenous Legal Advocacy Courses* are taught by licensed Indigenous-controlled educational institutions to Indigenous students. In 2003, for example, the courses were being taught to family violence workers across the Torres Strait Island region.
- In the past two years, the Social Justice Commissioner has participated in processes relating to the recognition of Indigenous customary law and the intersection of such laws with family violence issues. In 2003, for example, the Social Justice Commissioner and the Sex Discrimination Commissioner at HREOC provided substantial submissions on the interaction of human rights standards and the appropriate recognition of customary law of Indigenous peoples to two inquiries in Western Australia and the Northern Territory. The Social Justice Commissioner also convened a workshop on these issues in Sydney in November 2003.

Sexual Harassment of children

47. As noted above, HREOC’s functions include receiving, investigating and conciliating complaints of unlawful discrimination under the Racial Discrimination Act 1975, Disability Discrimination Act 1992, Age Discrimination Act 2004, and Sex Discrimination Act 1984. Of greatest relevance to the issue of violence against children, HREOC receives complaints of sexual harassment contrary to the Sex Discrimination Act, a proportion of which come from children and may include allegations of violence and intimidation.

Part D: Assistance to other countries’ efforts to respond to problems of violence against children

48. Australia works with multilateral agencies, regional organisations, partner governments and non-government organisations in a range of ways to combat child exploitation, including violence against children, throughout the Asia Pacific.

Multilateral Agencies

49. Australia continues to provide annual core funding for multilateral agencies such as UNICEF, the United Nations Development Fund for Women and the United Nations High Commissioner for Refugees, whose mandates include promoting and protecting the rights of women and children.

50. Australia's development cooperation program's increasing engagement with UNICEF has provided the opportunity for the Government to work more closely with regional partners on child protection issues. For example, during the Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Youth, which was held in Fiji in September 2003, plans of action against commercial sexual exploitation of children were formulated by nine Pacific Island countries. The development cooperation program is now considering follow up support to UNICEF Pacific in the areas of: commercial sexual exploitation of children situation analyses which would provide a sound baseline for further action; finalization of the plans of action; and selected activities included in the plans of action. Initially, the focus countries would be Vanuatu, Kiribati, the Solomon Islands and Fiji.

Regional projects

51. Australia devotes considerable attention towards developing the institutional human rights infrastructure of the Asia Pacific as a practical way in which to improve the observance and promotion of human rights, including those of children. For example, Australia remains the largest donor (A\$500,000 per year) for the region's only multilateral human rights body, the *Asia Pacific Forum of National Human Rights Institutions* (APF). The APF supports, through regional cooperation, the establishment and development of national institutions that seek to ensure that human rights norms are implemented at the country level. Through its various activities such as its annual meetings and the work of subsidiary bodies such as the Advisory Council of Jurists, the APF has helped sensitise regional national institutions and governments to the problem of violence against children through examination of child pornography, trafficking and child sexual exploitation in the region.

52. The Government is particularly concerned to do all it can to help counter the heinous crime of trafficking in persons – including children. While the number of people trafficked into Australia is estimated to be well below 100, it is thought that trafficking in women for the purpose of sexual exploitation has increased in recent years in South-East Asia. In response, in 2003, the Government announced a A\$20 million whole-of-government package of measures with a regional focus which aims to prevent trafficking in persons, prosecute perpetrators and protect victims of trafficking (refer to page 3). Complementing this package, the Government has also funded A\$14 million worth of

anti-trafficking activities as part of Australia's development cooperation program. Two examples include the following:

- *Regional Cooperation to Prevent People Trafficking in South East Asia (2003-2006)* – This project aims to strengthen legal frameworks and regional co-operation between national contact points in ASEAN and China (Yunnan Province) to more effectively prevent trafficking in women and children.
- *International Organization for Migration (IOM) Return & Reintegration of Trafficked Women & Children Ph 2 (Mar 2004-Feb 2007)* – The goal of this project is to develop sustainable support mechanisms and structures for the identification, return, recovery and integration of victims of trafficking within government and NGO agencies in and between selected countries of the Mekong region (Thailand, Cambodia, Vietnam, Burma and Lao PDR). The Australian-assisted portion of the project will focus on Lao PDR and Burma.

Bilateral cooperation

53. Australia has also assisted partner countries in the region to address the problem of violence against women and children through local-level initiatives. The following are key examples:

- *Pacific Children's program: Protecting Children From Violence* – Under this A\$3.5 million program (2001 - 2004) Australia is cooperating with local organisations, communities and government in addressing the physical, sexual and emotional violence and neglect of children in Pacific countries.
- *Philippines Vulnerable Groups Facility (1999-2003)* – Provides targeted funding to support essential Philippine Government programs for vulnerable groups including women, children, the urban poor, marginal or casual workers and indigenous and minority groups. Funding of almost A\$40 million has been provided to date for programs including the *Street and Urban Working Children Project*.
- *UNICEF's Fifth Country Program for Children (CPC V) in the Philippines* – Australia's contribution of A\$15.5 million (2000-2004) is supporting the Government of the Philippines to implement the CRC through a national 'Child-Friendly Movement'. The Program will assist communities in their effort to provide universal immunisation, pre-natal care, child growth monitoring, education and child protection.
- *The Australia-China Human Rights Technical Cooperation Program (HRTC)* - Since 1997, Australia has provided A\$5.5 million for activities under the HRTC, which has assisted in strengthening the promotion, protection and administration of human rights in China. This has included a number of training activities and workshops (total value A\$227,672 to date) for officials and community-level workers on practical methods to combat trafficking of women and children. In 2003-04, Australia will provide a total of A\$1.4 million for the HRTC, including A\$117,800 for regional anti-trafficking workshops, involving Chinese officials, in Vietnam and Thailand.

Non-Governmental Organisations as implementing partners

54. In addition to the programs already mentioned, Australia has also implemented various programs, through both Australian and partner country NGOs, that have focused on local-level prevention of child exploitation and support. Key examples include:

- *Children, Youth and Community Development Program in Bangladesh, Lao PDR, and PNG* (A\$203,346 in 2003-04) – This program, being delivered by *Save the Children Fund Australia*, aims to increase awareness of child rights and to strengthen the capacity of local community groups to protect and promote the rights of children and youth.
- *Child protection in Bangladesh, East Timor, PNG and Nepal* (Australian contribution: A\$316 588 in 2002-03) – This program, being delivered by *UNICEF Australia*, is undertaking a range of activities to protect and promote the rights of children including: birth registration in Bangladesh; strengthening protection services in East Timor; data collection on child abuse and developing support services for victims of child abuse in PNG; and safeguarding working children from violence, exploitation and abuse in Nepal.
- *Vocational Training for Working Children in Madurai in Southern India* (A\$43,705 over 3 years, 2000–2003) – This project, delivered by *OzChild*, aimed to increase the opportunities for employment and self-sufficiency for children in Madurai in Southern India. The project included teaching children about their rights under the CRC.
- *Center for Reproductive and Family Health (RaFH), Hanoi, Vietnam* - In 2002-03, Australia provided A\$44,000 to RaFH for the "Support for the Rehabilitation of Trafficked Women in the Northern Border Area of Vietnam" project. The project's objectives were to rehabilitate trafficked women - both mentally and physically, improve their economic situation, increase public awareness of the dangers of people trafficking, and to involve the community in rehabilitation of trafficked women.
- *AFESIP Cambodia (Agir Pour Les Femmes en Situation Precaire)* - In September 2003, Australia provided US\$29,920 to AFESIP for their victim support program for trafficked women and children.

Part E: Other relevant initiatives

Significant civil society initiatives addressing violence against children

55. The *Child and Family Welfare Association of Australia* (CAFWAA) is the national peak body representing non-government organisations working with children and young people and their families, where abuse and neglect is a major factor in determining the types of services provided.

56. Community organisations funded under the *Stronger Families and Communities Strategy* engage in early childhood intervention work and child protection. Academic researchers interested in understanding the dynamic forces that shape early childhood outcomes, including exposure to family violence, contribute through a Longitudinal

Study of Australian Children. Researchers, policy makers and practitioners come together under the umbrella of the *Australian Research Alliance for Children and Young People* (ARACY), to improve the broad range of conditions that shape children's lives.

57. NAPCAN (*National Association for Prevention of Child Abuse and Neglect*) produces national campaigns and distributes free resources that promote positive and practical actions to stop child abuse. It works with Federal, state government and non-government organisations to develop child protection legislation, policies and practices that are in the best interests of children.

58. The *Australian Childhood Foundation* is an independent national charity that aims to prevent child abuse and reduce the harm it causes to children, families and the community. It provides counselling services for children who have experienced abuse and family violence. It also runs a range of recognised prevention, education, advocacy and research programs.

Government support for civil society initiatives

59. The *Australian Council for Children and Parenting* (ACCAP) advises the Minister for Children and Youth Affairs on improving outcomes for 'children at risk', defined as encompassing, but not limited to, children at risk of violence. ACCAP comprises 15 experts who bring together knowledge and experience to provide advice to Government in the areas of early intervention and prevention, parenting and child abuse prevention strategies, early childhood and emerging early childhood initiatives.

60. FaCS and the *Task Force on Child Development, Health and Wellbeing* view the *National Agenda for Early Childhood* as one co-ordinating mechanism that extends to civil society. In addition, the *Task Force* has provided funding to ARACY, specifically to help bridge the divide between research, government initiatives and practitioners around improving outcomes for the nation's children.

61. The Australian Government funds the Chair of Child Protection at the University of South Australia. The Chair will develop a research program in Child Protection and promote the application of research outcomes in professional practice across all professions working with children. Detailed qualitative and quantitative analyses of national, state and local trends will support and shape policy analysis and development, and assist in developing targeted, nationally-recognised training programs and in building community partnerships.

Campaigns for raising awareness of and preventing violence against children

62. Young people are the key focus of a new A\$20 million, national campaign against domestic violence and sexual assault, launched on 6 June 2004 ("*Violence Against Women. Australia Says NO*"). The national campaign commenced with television

advertisements and is to be followed by radio, cinema and magazine advertisements. It is supported by a national, Australian Government-funded, 24-hour confidential helpline, which provides immediate assistance by experienced counsellors. Households have received a comprehensive booklet, which will provide information for young people, parents, other family members, friends and the community. A 'schools kit' aimed at prevention is currently being developed. The centrepiece of this kit will be a documentary telling the tragic story of a young woman severely injured by her boyfriend.

63. The *Regional Family Violence Awareness Program* (A\$3m for 2003-04) aims to raise Indigenous community awareness on family violence issues and the long-term effects on families, particularly women and children, and their communities.

64. The Australian Government also funds *Child Protection Week* and biennial *National Child Protection Awards* to help raise public awareness.

Participation in internationally coordinated activities

65. Australia cooperates at an international level to tackle child abuse and exploitation. The Australian Government is a major sponsor for the 15th biennial *Congress of the International Society for the Prevention of Child Abuse and Neglect* (ISPCAN), to be held in Brisbane in September 2004. This will be the first time that Australia hosts this international gathering of child abuse prevention experts, practitioners and policy makers. Some 1500 delegates are expected to attend.

66. Australia has signed the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* and the *Optional Protocol on the Involvement of Children in Armed Conflict*. Ratification of these instruments is progressing.

Annex A

NATIONAL FRAMEWORK FOR PREVENTING FAMILY VIOLENCE AND CHILD ABUSE IN INDIGENOUS COMMUNITIES

All jurisdictions agree that preventing family violence and child abuse in Indigenous families is a priority for action that requires a national effort. Jurisdictions will work cooperatively to improve how they engage with each other and with indigenous communities to prevent family violence and child abuse in indigenous families. Jurisdictions will formalise their cooperation through bilateral arrangements between the Commonwealth and State and Territory Governments.

Jurisdictions' action to prevent family violence and child abuse in indigenous families will be based on the following principles:

Safety

1. Everyone has a right to be safe from family violence and abuse.

Partnerships

2. Preventing family violence and child abuse in indigenous families is best achieved by families, communities, community organisations and different levels of government working together as partners.

Support

3. Preventing family violence and child abuse in indigenous families relies on strong leadership from governments and indigenous community leaders and sustainable resourcing.

Strong, resilient families

4. Successful strategies to prevent family violence and child abuse in indigenous families enable indigenous people to take control of their lives, regain responsibility for their families and communities and to enhance individual and family wellbeing.

Local solutions

5. Successful strategies to prevent family violence and child abuse in indigenous families are flexible, work across jurisdictional and administrative boundaries, enable communities and governments to work together in new and innovative ways and enable local indigenous communities to set priorities and work with governments to develop solutions and implement them.

Address the cause

6. Successful strategies to prevent family violence and child abuse in indigenous families address the underlying causes of violence and abuse, including alcohol and drug abuse, generational disadvantage, poverty and unemployment.

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