

Australia's progress in implementing the United Nations Convention on the Rights of Children

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Health and health services (Art 24)

Rights of Children with intersex variations

Intersex Human Rights Australia (ihra) is acting to inform government, non-government and educational organizational practices. The Darlington Statement (www.darlington.org.au) ratified in March 2017 represents a joint consensus statement by Australian and Aotearoa/New Zealand intersex organisations. This statement sets out the significance for a consultative model for addressing intersex human rights. Intersex advocates from around Australia and Aotearoa/New Zealand came together in April 2018 to invite intersex people and the broader community to affirm the Darlington Statement.

It is important that children with intersex variations (regardless of age) are respected and their rights to bodily integrity, physical autonomy and self-determination recognised and upheld. This includes avoiding pathologising terminology such as 'disorder'. Concerted efforts must be made to ensure information and resources provided by professionals to people with intersex variations (and their families) is validated by the national and international intersex community. This is to avoid repeating the past traumatic experiences of individuals with intersex variations that have had long term negative social, emotional and educational implications. Earlier this month, 7 May, ihra submitted an issues paper to the Australian Law Commission on the review of the Family Law System (www.ihra.org.au/32111/alrc-may-submission), in which the needs and rights of children with intersex variations are explicitly outlined. (provided by Agli Zavros-Orr)

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))

Queensland still does not have state legislation outlawing corporal punishment in non-government schools.

Right to education, including vocational training and guidance (art. 28)

2012 recommendation

The Committee recommends that the State party include public education on child rights as a core objective of its proposed National Human Rights Action Plan. The Committee further recommends that the State party consider including mandatory modules on human rights and the Convention in its school curriculum and in training programmes for all professionals working with or for children.

Australia still has no public education program on children's rights. There are no mandatory modules on human rights and the convention in the Australian school curriculum. The Australian Curriculum general capability of Ethical Understanding does specify exploration of rights, without any specific naming of human rights and a focus on honouring the rights of others (e.g., "exploring what it means to treat people equally"). What is noticeably absent in

the Australian Curriculum is the right to participation—to take part in matters that affect their lives (Article 12 of the CRC).

Teacher Education programs do not provide courses on human rights and human rights education, so teachers then in the most are ambiguous and ill-informed on defining and teaching human rights. Further the Australian Professional Standards for Teachers make no mention of knowing and honouring the United Nations Convention on the Rights of Children. (See Phillips, L. (2016). Human rights for children and young people in Australian curricula. *Curriculum Perspectives*.36(2), 1-14.)

Rest, play, leisure, recreation and cultural and artistic activities (art. 31)

On p. 33 the report notes - *The Regional Arts Fund will provide \$153,810 over four years between 2016–17 and 2019–20 to deliver a program to give young people in regional South Australia the opportunity to develop the skills to pursue an arts career through intensive artist retreats, residences and youth-led projects.*

This is notably an insignificant figure, less than \$40 000 a year – yet it can cost that much for one children’s arts program to run for one group of children (say 30) 1-2 weeks. Australia’s funding for the arts has been gravely reduced in recent years.

In 2012–2013, total arts expenditure for people of all ages was around 0.3 percent of the total combined State and Territory and Australian Government expenditure (based on ABS 2014, Cultural Funding by Government, Australia, 2012–13, (cat. no. 4183.0), 30 May. Based on ABS 2014, Government Finance Statistics, Australia, 2012–13, (cat. no. 5512.0), 28 May). More recent figures to reflect the significant reduction in public arts funding since 2015, have not been released on the Australian Bureau of Statistics.

Through the Catalyst program the federal Government committed \$37.5 million for 2016–17 and over four years to small to medium arts organisations. Only \$971 262 was funded to arts programs for children and young people in Australia.

Here are the arts programs that received Federal funding for children and young people across 2017-2018 under Catalyst funding program:

AWESOME Arts Australia Ltd, WA, Children's Rights to Art and Culture Exhibition - Western Australia. 2016 AWESOME Festival presents The Charter of Children's Rights to Art and Culture featuring 18 works of art that celebrate children as citizens. AUD 32 000

Liverpool City Council (Casula Powerhouse Arts Centre), NSW, COGS - Performance Project for Children with Moderate to Severe Disabilities AUD 73612

The Song Room Limited, VIC Engaging Young People through the Creative Arts, Partnering with leading arts organisations and nationally, to ensure there is access to rich, high quality

arts participation across multiple arts forms for all children through ARTS:LIVE (2 Years)
AUD401 600

Sydney Writers' Festival, Western Sydney + regional touring program, To boost accessibility to reading and literature to children of all ages, backgrounds and abilities. AUD 461 350

Across 2016-2017, the Australia Council noted 34644 artistic experiences by, with and for children and young people (Australia Council Annual Report - <http://www.australiacouncil.gov.au/workspace/uploads/files/australia-council-for-the-arts-5a1b80d5da897.pdf>).