

The UN Convention on the Rights of the Child: Building Capacity On Implementation and Reporting Workshop 24-25 February, 2020, Brisbane, Australia

Summary Report



“It exceeded my expectations and is more applicable to my workplace than I realised. I also think that our organisation can contribute to a collaborative partnership for advocacy in the child rights space.”¹

On 24-25 February 2020, in Brisbane, the Diplomacy Training Program (DTP) held the third in a series of intensive training programs on the UN Convention on the Rights of the Child (CRC). There were 14 participants drawn from governments and civil society across Australia.

The 2-day program enabled government officials and NGO representatives to build their knowledge and understanding of the CRC and its principles - including the influential interpretations (General Comments) of the UN Committee on the Rights of Child (the Committee). Program content related the CRC to relevant policy and practice in Australia.

This was the third in a new series of training programs focused on Australia’s reporting on CRC implementation to the Committee. This workshop focused on the recommendations (Concluding Observations) the Committee made to the Australian government in September 2019.

Australian governments now have the responsibility to implement these Concluding Observations – and this process should involve the Commonwealth government, as well as State and Territory governments, and should be done in consultation with children and with the civil society organisations working with, and delivering services to, children.

In September 2019, the Committee also issued its *General Comment 24 on Children’s Rights in Juvenile Justice*. This General Comment is very relevant and timely to Australian discussions about the disproportionate number of Indigenous young people in custody, and reform efforts to raise the minimum age of criminal responsibility across Australia.

The program was made possible with support from the Commonwealth Attorney-General’s Department, and organised with DTP’s partners, [Youth Law Australia \(YLA\)](#), Youth Justice Network (YJN), and [Australian Lawyers for Human Rights \(ALHR\)](#). DTP acknowledges with appreciation the involvement of the National Children’s Commissioner and the support of King & Wood Mallesons.

¹ This and other quotes are taken from the end of training anonymous participant evaluations

This brief report draws on participant evaluations of the program and provides some background to the program and its objectives. It also looks at next steps for DTP and its partners.

Participants:

Participants came from Queensland, Western Australia, NSW and Victoria. The participants represented different departments within state governments, and NGOs and community organisations working/advocating with and for children. 71% of the workshop's participants were women.

"I was so impressed by the knowledge of our trainers and I was so grateful for the stories shared by the other participants."

The opportunity for discussions between the different stakeholders is one of the strengths of this program. This has been reflected in evaluations from all three workshops. Given that the CRC intersects across a wide range of departments and the limited exposure to and understanding of the Convention, greater government participation is a goal for the organisers going forward.

Trainers/Facilitators:

Key issues for the program were addressed in the Welcome to Country from Aunty Peggy Tidyman who shared very relevant insights on the experience of Aboriginal and Torres Strait Islander children and their families.

The workshop was led by international child right's expert, [Dr Faith Gordon](#) (Monash University and Director of YJN) and Matthew Keeley (YLA), with a presentation by [Megan Mitchell](#) – National Children's Commissioner. DTP acknowledges their pro bono contribution to the program.

"I was really inspired by the wealth of knowledge (and willingness to share) by the facilitators."

Program Content and Methodology:

The program was designed to develop knowledge of the rights outlined in the CRC, and the four key guiding principles of the CRC, including children's right to participate, and the best interests of the child. Some participants reflected that while they were familiar with the "*best interests of the child*" terminology, they associated it with concerns that it had been misapplied/interpreted narrowly for example in processes of removal of children. There was agreement that the concept as outlined in the CRC was much more useful, and encouraged a more holistic approach, including taking into account children's views, and issues of culture and identity.

"I came to the training with the realisation that I have work with children but I have never been trained on children's human rights. For me this training is another (very relevant and important) tool to improve my work. I plan to use the human rights lenses from now on."

Participants valued the opportunity to learn more about the CRC reporting process, the role of the Committee and the importance of General Comments in elaborating specific rights and issues.

Efforts were made to ensure that the program responded to the issues and concerns of the participants, and the feedback was positive about this.

"The workshop was a very great balance between discussions of the Convention & General Comments and the lived experience of the participants from both Government and the NGO sector."

Some participants felt there was too much time in working group discussions on the Concluding Observations. The intersectionality of children's rights with the rights of children with a disability also emerged as a key focus, responding to issues raised by the current Disability Royal Commission.

Reflections and Next Steps:

The participant evaluations were very positive. They emphasised appreciation of the opportunity to look at the content of the CRC, to learn more about government responsibilities, and to share perspectives among practitioners with different roles and responsibilities across government and civil society.

Reporting processes can encourage a compliance approach, but feedback from participants, suggested that the value the CRC reporting process is that it can encourage fresh perspectives and thinking on often difficult issues. There was a keen interest in more workshops on specific issues such as child removals/ the other treaties, particularly the Convention on the Rights of Persons with Disabilities and support for workshops on CRC in other states and territories.

The organisers/facilitators also reflected positively on this opportunity to bring government and civil society representatives together in a safe learning environment, to look at the CRC and the challenges of implementation in different jurisdictions. Planning is currently underway for CRC workshops in Western Australia and NSW.² A key challenge is to attract more participants, and from a wider cross section of governments/departments.

DTP agreed to share contact details, and to link the participants together with the participants in the previous programs, and to explore how best to develop the community of child rights practitioners in Australia.

“Keen to maintain discussions with an alumni of participants to keep momentum.”

Program Background and Objectives:

Australia took an active role in the drafting of the CRC and was one of the first countries to ratify the treaty agreeing, with some limited reservations, to implement its provisions in law, policy and practice in Australia.

As a party to the treaty, Australia has agreed to reporting periodically to the Committee on its record in implementing the CRC. This reporting process is an opportunity to review and reflect on progress and challenges to implementation. Importantly it is also an opportunity to build knowledge and understanding of the CRC more widely. The reporting process puts an emphasis on honest and constructive dialogue between government and civil society in Australia and between Australia and the Committee.

States and territory officials feed information into Australia’s official reports collated in Canberra. Civil society should be engaged in this process as well as being invited to submit their own shadow/parallel reports. The Committee scrutinizes the reports, engages the government in dialogue and makes its recommendations. When the Concluding Observations are issued, it is State and Territory governments that often have the key responsibilities for implementation of the recommendations before the next reporting cycle.

The reporting process brings together relevant Federal Government agencies in Canberra. State and Territory government officials have more limited opportunities to learn about the content of the treaties, the reporting process and its implications for legislation and policies. It is similar for NGOs and service providers in States and Territories. This inhibits their capacity to engage effectively with responsible Federal agencies and staff.

Linking with Australia’s combined fifth and sixth report to the Committee in 2018-2019, DTP and its partners are piloting a new approach, using the reporting process to build knowledge and understanding of the CRC with state/territory governments and civil society. This approach emphasizes the importance of dialogue, of sharing good practice, and of building collaborative relationships across governments and civil society.

A successful pilot program on Australia’s reporting to the Committee, jointly organised by the National Children’s and Youth Legal Center³, Dr Noam Peleg⁴ and DTP was held at UNSW in November 2017. A second program was held in Darwin in July 2019, in partnership with ALHR and Danila Dilba Health Service. The Brisbane program focused on implementing the Committee’s recommendations.

² Please contact Clare Sidoti at ctp@unsw.edu.au to register your interest in this workshop

³ Now Youth Law Australia <https://yla.org.au/>

⁴ UNSW Law Faculty and Australian Human Rights Institute

Day 1 – 8:30-9:00 Registration	Day 2 – 8:30-9:00 Registration
Morning 1 9:00 to 10:30 Introductory Session: <ul style="list-style-type: none"> Welcome to Country Welcome Remarks from Program Partners and program outline Introductions, acknowledgements and program expectations Setting the Scene – the need for capacity building 	Morning 1 9:00 to 10:30 Recap: The CRC and Concluding Observations (Group Report Backs) The CRC, Reporting and Implementation – Concluding Observations – Focus on Juvenile Justice <ul style="list-style-type: none"> Introducing the CRC General Comment on Juvenile Justice - Groupwork on COs: look at substance of recommendation, what it means for gov/CS, prioritisation and steps towards implementation Q & A / Group
Facilitator(s): Patrick Earle - Diplomacy Training Program	Facilitator(s): Faith Gordon and Matthew Keeley
Tea 10:30-10:45	Tea 10:30-10:45
Morning 2 10:45-12:30 The International Human Rights Framework and Introduction to Australian Reporting on the Convention on the Rights of the Child <ul style="list-style-type: none"> Intro to UN Human Rights Monitoring System -UPR, SPs, TBs – Focus on TBs. Current status of Australia’s reporting cycle for treaties (Clare) Reporting cycle of the CRC and Government/CSO Engagement (Matthew) - Update Intro to CRC Committee: Role of Committee, General Comments (Faith) 	Morning 2 10.45-12:30 The CRC, Reporting and Implementation – Concluding Observations – Focus on Juvenile Justice (Continued) Recommendation Priorities: CRC, Australian Human Rights NGOs and UPR (Matthew)
Facilitator(s): Clare Sidoti, Matthew Keeley and Faith Gordon	Facilitator(s): Faith Gordon, Matthew Keeley and Clare Sidoti
Lunch 12:30 – 1:30	Lunch 12:30 - 1:30
Afternoon 1 1:30-3:00 Introduction to the UN Convention on the Rights of the Child Introduction to Four Key Guiding Principles of CRC: <i>Non-Discrimination/Equality; Best Interests of the Child; Survival and Development; Participation/Inclusion.</i> <ul style="list-style-type: none"> What do these mean for Policy and Practice in Australia? Key interpretative Guidance from CRC (General Comments) 	Afternoon 1 1:30-3:00 The CRC, the Role of the Australian Human Rights Commission and challenges for Child Rights going forward (Megan Mitchell) The AHRC and how it operates, AHRC and Children’s Commissioner in relation to the CRC and the reporting process - the COs and their implementation, results of the recent Child Rights Report 2019 – Reflections of Australia’s first Child Rights Commissioner
Facilitator(s): Faith Gordon	Facilitator(s): Matthew Keeley
Tea 3:00 – 3:15	Tea 3:00-3:15
Afternoon 2 3:15-5:00pm CRC Reporting – The Concluding Observations/Recommendations for Australia and Implementation Challenges <ul style="list-style-type: none"> Groupwork on COs: look at substance of recommendation, what it means for gov/CS, prioritisation and steps towards implementation Q & A / Group Work	Afternoon 2 3:15-5:00pm Strategies for Implementing Child Rights in Australia <ul style="list-style-type: none"> Reflections – how can the CRC help change policy and practice affecting children in Australia How can the CRC Reporting Process and COs be used to address the priorities identified in Australia? Next steps for participants and organisers (UPR, Visit of CAT) Program Evaluation
Facilitator(s): Faith Gordon, Matthew Keeley and Clare Sidoti	Facilitator(s): Course Convenors