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Subject: Australian Response to OHCHR Questionnaire
Protecting the Rights of the Child in Humanitarian Settings

The Department of Foreign Affairs and Trade hereby presents the Australian Government’s response to the Office of the High Commissioner of Human Rights’ (OHCHR) Questionnaire on protecting the Rights of the Child in Humanitarian Settings.

Australia is a federation of six States which, together with two self-governing Territories, have their own constitutions, parliaments, governments and laws.  Responsibility for matters is divided between the Commonwealth Government and the governments’ of the states and territories.

Australia notes the definition of ‘Humanitarian Settings’ used in this Questionnaire:

“Humanitarian Situations are understood as encompassing armed conflict and its consequences, complex emergencies (e.g. protracted crises, situations of violence and forced displacement) and natural disasters.”

Our response will seek to address this broad definition.

1. **Please provide information on the main challenges that your country is facing in protecting the rights of children in humanitarian situations**

Australian governments at all levels are working to ensure that children’s rights are protected during, and in the aftermath of, natural disasters. Australia experiences a range of natural disasters including bushfires, floods, severe storms, earthquakes and landslides. These events can cause loss of life, significant damage to infrastructure, disruption to services, financial hardship for families and communities as well as creating emotional stressors for affected populations. Though all people are affected by an emergency, children and young people are uniquely vulnerable and require targeted and specialised interventions to help ensure the best opportunity to achieve a successful recovery.

1. **Please indicate the current status of your country’s legal framework with regards to the protection of the rights of the child in humanitarian situations. Please include information on legal provisions (including Constitutional provisions) which explicitly deal with the protection of children and their rights in humanitarian situations with regard to their physical and mental health, protection from exploitation, and education.**

Australia is a party to the seven core international human rights law treaties, including the Convention on the Rights of the Child (CRC) on 17 December 1990. Australia also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) on 26 September 2006 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) on 8 January 2007.

Australia’s obligations under the CRC and the Optional Protocols, including the protection of children’s rights in humanitarian situations (such as natural disasters), are implemented through a range of legislation, policies and programs at the Commonwealth, state and territory levels.

All Australian Ministers and Departments share a responsibility for protecting and promoting the rights of children. Matters such as education, child protection, healthcare, and youth justice primarily fall within the constitutional responsibility of states and territories, as a result many of them have Ministers for children and youth.

The first National Children’s Commissioner, Megan Mitchell, was appointed to the Australian Human Rights Commission in 2013. The Commissioner monitors the national implementation of the Convention on the Rights of the Child, and reports annually on the enjoyment and exercise of human rights by children and young people.

The Commissioner conducts inquiries into children’s issues, makes submissions to other inquiries and undertakes projects involving children’s rights, such as youth dialogues and education projects. The Commissioner consults widely with children and young people and their representatives.

1. Please provide information on national policies, strategies and plans of action relating to the rights of children in humanitarian situations.

The Australian Government Department of Foreign Affairs and Trade’s (DFAT) *Humanitarian Strategy* (2016) guides Australia’s international humanitarian action and supports the rights of children in humanitarian situations. The Humanitarian Strategy articulates Australia’s commitment to support vulnerable groups disproportionately affected by humanitarian crises, including women and girls, children, and people with disabilities. Australia recognises that women, girls, boys and men have different needs, responsibilities and capacities in crises, and commits to addressing these differences in all humanitarian action. The Strategy is further guided by a commitment to put affected people – including children – at the centre of humanitarian assistance, when determining needs, in the allocation and delivery of relief, and when assessing impact.

Australia’s approach to delivering on its humanitarian action is informed by thematic priorities, including gender equality and women’s empowerment, and protection. Australia supports the active participation of all gender and age groups in disaster response, as well as improved data collection and disaggregation by sex and age, to better plan for and understand the impacts of humanitarian assistance. Australia’s commitment to protection in humanitarian action includes prioritising the safety and dignity of affected populations in line with internationally accepted standards, and ensuring protection is mainstreamed into all Australian funded humanitarian action. Australia’s Humanitarian Strategy is underpinned by the *Protection in Humanitarian Action Framework (2013)*, which further details Australia’s commitment to protecting women, girls, men and boys in international humanitarian response. All Australian humanitarian programming complies with DFAT’s *Child Protection Policy[[1]](#footnote-1)* and its nine compliance standards, and considers possible risks to children in program design.

Australian governments at the Commonwealth and state and territory levels have established plans and arrangements to respond to, and recover from, natural emergencies. Australia can also provide emergency response capabilities to disasters overseas. The Australian Government maintains response plans for a range of assistance options that can be provided to state and territory governments and international partners responding to an emergency.

National Plans

The Australian Government maintains a number of response plans to ensure coordinated responses for all types of natural disasters. These plans include:

* Australian Government Disaster Response Plan – this plan explains how the Australian Government responds to requests for assistance from state and territory governments responding to a disaster
* Australian Government Overseas Assistance Plan – this plan explains the coordination arrangements for providing physical assistance following a disaster or emergency in another country
* Australian Government Plan for the Reception of Australian Citizens and Approved Foreign Nationals Evacuated from Overseas – this plan explains how the Australia Government evacuates Australian citizens and approved foreign nationals following an emergency incident overseas, and
* National Catastrophic Natural Disaster Plan – this plan explains the national coordination arrangements for supporting states, territories and the Australian Government in responding to and recovering from catastrophic natural disasters in Australia.

State Plans

The Victorian Government, with the Commonwealth Government, has prepared *Emergency Management Planning for Children and Young People: Planning guide for Local Government.* This document aims to assist local government emergency managers in planning for the needs of children and young people in emergencies. The guide outlines best practice and practical steps that emergency management planners can carry out to immediately improve planning for the needs of children and young people when emergencies and disasters occur.

1. Please provide examples of good practices undertaken by your Government to protect the rights of the child in humanitarian situations, both within your State and internationally.

International Humanitarian Responses

Internationally, Australia protects the rights of the child in humanitarian action and response. Australia’s Syria Crisis Humanitarian and Resilience Package (Syria Package) includes dedicated components to address the vulnerabilities and support the rights of children impacted by conflict. Australia recognises that many refugees in Jordan and Lebanon continue to lack access to quality education and economic opportunities, which has led to an increase in negative coping mechanisms and protection concerns. Australia’s Syria Package addresses this need with dedicated education components, which aim to improve access to quality education systems for disadvantaged children in Jordan and Lebanon, including Syrian refugees and local populations. Many partners of Australia’s Syria Package have committed to providing age disaggregated data, and all partners are compliant with DFAT’s Child Protection Policy (2013). Specific activities that protect the rights of the child under this package include:

* providing remedial education, psychosocial support, teacher training, parental support, school upgrades and life skills classes targeting the most marginalised children and youth in Jordan
* supporting UNICEF’s Reaching All Children with Education (RACE 2) programming in Lebanon, with a specific focus on disability inclusion.

Following Tropical Cyclone Winston in Fiji, Australian invested AUD4 million of its AUD15 million response package to help children safely return to school and to normalcy as soon as possible. Through this support, Australian implementing partners provided temporary learning spaces for over 15,000 students, school feeding programs for almost 10,000 and learning materials for over 50,000 children. Water, sanitation and hygiene (WASH) supplies were provided for over 20,000 students and WASH facilities in schools were repaired. Australia remains committed to helping children recover from the impact of TC Winston and is repairing or rebuilding 34 schools damaged by TC Winston as part of its AUD20 million recovery and reconstruction assistance in Fiji.

Since 2012, Australia has contributed over AUD39 million to World Food Program’s (WFP) school meals programs. Australia values WFP’s efforts to meet the food and nutrition needs of children from impoverished and vulnerable communities, and recognises the contribution the program has in improving the enrolment and retention of children in assisted schools. School feeding also keeps children in schools during emergencies and protracted crises. The school meals programme is WFP’s largest safety-net program and, in 2015, it reached 17.4 million schoolchildren in 62 countries.

International Armed Conflict

Australia supports international efforts to protect children affected by armed conflict, including by:

* Providing funding to civil society partners to support the monitoring and reporting of grave violations of child rights
	+ in 2017, our support included funding to the NGO *Watchlist on Children and Armed Conflict* (AUD 237,334).
* Participation in the New York-based Group of Friends on Children and Armed Conflict to deliver joint messages and statements on the issue, and engage with the Office of the UN Secretary-General’s Special Representative on Children and Armed Conflict.
* Deliver statements in the Security Council and the General Assembly supporting the protection of children affected by armed conflict, including addressing the issue of the recruitment and use of children by non-state armed groups.

DFAT’s Due Diligence processes require all non-government partners to respond to questions on child protection and provide evidence of child protection policies.

Domestic Natural Disasters

Disaster Resilience Education

Australia’s National Curriculum incorporates education about natural disasters, their causes and effects, and ways to minimise their harms.

The Australian Institute for Disaster Resilience (AIDR) was formed through a partnership between the Australasian Fire and Emergency Services Authorities Council, the Australian Red Cross the Bushfire & Natural Hazards CRC, and the Attorney-General’s Department.

The AIDR has set up a National Disaster Resilience Education Strategy Group to focus on broadening the understanding of disaster resilience and developing strategies to embed that understanding into school curriculum alongside capabilities in specific disasters. This group works to strengthen the ability of schools to deliver disaster resilience education to build in students a foundation for lifetime resilience.

In recent years, emergency management agencies, non-government agencies and governments have invested significantly in the development of a broad selection of emergency, disaster and recovery-specific educational materials for schools and for the community. In addition, several projects have been undertaken to map the emergency management and disaster curriculum content into the national schools’ curriculum.[[2]](#footnote-2)

1. Please specifically indicate how your government involves children in decision-making processes relating to humanitarian situations – both in terms of planning and implementation.

Natural Disasters

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| Case Study: Macedon Ranges Shire Council Municipal Emergency Management Planning Committee’s Youth Consultation The Macedon Ranges Shire Council Municipal Emergency Management Planning Committee endorsed a youth consultation on its emergency plan in 2012. The youth team at the shire was consulted and its expertise and connections to local young people were harnessed. This team advised that a workshop format would work best. Details were posted on a Facebook page, set up as an information source by the youth team for other young people in the shire. This allowed young people to nominate to participate. The youth team also made contact with the five local secondary schools in the shire to seek nominations from the school principals and senior-year coordinators. Fourteen young people aged between 16 and 23 attended the consultation on the first day of their September school holidays. |

1. Further information on *DFAT’s Child Protection Policy* is available online: <http://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>. [↑](#footnote-ref-1)
2. Further information on *Australian Institute for Disaster Resilience, National Curriculum Mapping*, is available online: <https://www.emschools.org.au/content/national-curriculum> [↑](#footnote-ref-2)