



DIPLOMACY
TRAINING
PROGRAM



**The United Nations Convention on the
Rights of the Child
*Building Capacity on Implementation and
Reporting***

Program Report

I will be more alert to applying a child-rights lens to the workand will be reviewing concluding observations (previous and future) to inform future policy and law development¹.

09 November—10 November 2017

¹ This and other quotes in the report are taken from participant evaluations completed at the end of the workshop unless otherwise indicated.

1. Executive Summary

This is the report of a pilot capacity building program on the UN Convention on the Rights of the Child (CRC) and the Australian reporting process to the UN Committee on the Rights of the Child (Committee)². The program was developed and delivered by the National Children's and Youth Legal Center (NCYLC)³, Dr Noam Peleg and the Diplomacy Training Program (DTP) at UNSW Sydney on November 9 and 10, 2017.

The program was developed to coincide with the Australian Government's reporting to the Committee. The periodic reporting process to the Committee is an opportunity to review and reflect on progress and challenges to implementation of the CRC across Australia - and to promote wider awareness and understanding of the rights of the child.

The program aimed to build knowledge and awareness to enable government officials and NGOs at the state and territory level to more effectively engage with the reporting process to the Committee and to relate the CRC to policy and practice in Australia.

Responding to the opportunity of the reporting process to build knowledge and understanding of the CRC, and to foster dialogue on its implementation the program sought to bring together representatives from government and civil society. There were 23 participants from government, statutory bodies and NGOs/community sector.

The program was facilitated by Matthew Keeley and Noam Peleg with support from DTP. Individual sessions were delivered by Associate Professor Justine Nolan and Associate Professor Anna Cody. Lucy McAuliffe and Andrew Symonds from Commonwealth Attorney-General's Department presented Australia's draft report to the Committee and the reporting and engagement process.

Participants evaluated this pilot program positively and affirmed its value, as well as providing feedback and advice for subsequent programs. The program was funded by the fees of the participants, with in-kind support from DTP and UNSW Sydney. The facilitators and trainers donated their services pro-bono and their generous contribution is acknowledged with appreciation. NCYLC's participation was financially supported by the Commonwealth Attorney-General's Department (see Appendix 1).

This report draws on the participant evaluations, provides a description of the program and makes recommendations in relation to future directions.

2. Program Objectives

The capacity building program had three principal objectives:

1. To enhance the capacity of government officials and NGOs/community organisations to engage with the CRC reporting process to promote greater awareness and

² Program Schedule. Appendix 2

³ For more information on the program organisers and

- understanding of the CRC and how it applies to policies at state and territory level.
2. To build the knowledge and skills of participants in relation to applying the CRC and other human rights standards to relevant social and economic policies targeted at children.
 3. To enhance the effectiveness of the CRC Reporting Process in Australia in promoting the implementation of the rights of the child.

3. Program Description and Key Issues

3.1. Introductions and scene -setting. Following a **Welcome to Country** by Lola Callaghan (La Perouse Local Aboriginal Land Council) the participants were welcomed to the program by the organisers who also provided some of the **context, background and rationale**, for this pilot program. After informal introductions the participants shared their **expectations** for the two days.

Justine Nolan provided an **overview of the UN Human Rights Treaty System** - the nine human rights treaties, their monitoring mechanisms and the reporting cycles.

‘Effective engagement with the committee’s reporting processes provides an important opportunity to harness the power of the international human rights system to reinforce advocacy messages and affect change for the advancement of child rights at national level.’

Noam Peleg provided further explanation on the role of government and civil society in the reporting cycle. He noted that meaningful engagement necessitates a continuous commitment to the different phases of the reporting cycle – from preparation of the periodic reports through to implementation and monitoring of the Committee’s concluding observations (recommendations to the government). Noam’s message to civil society was that without their involvement critical issues may remain unaddressed, as governments can be reluctant to highlight challenges, lack of progress and failures to fully implement the CRC. Noam also provided some examples of good practice relating to the **participation of children** in the reporting process.
<http://www.childrightsconnect.org>

3.2 The Convention on the Rights of the Child (CRC) –

Noam provided an overview of the key components of the CRC, tracing its early beginnings from the League of Nations to its almost universal ratification today. He distinguished the four categories of **rights under the Convention**: civil and political rights; socio-economic rights; rights unique to children (to identity, to survival, to play and leisure, to development)

SOME EXPECTATIONS:

Introduction to the CRC
 How the CRC & report can be used to support refugee/asylum seeker children
 Role of state & territory governments in the reporting process
 Wholistic implementation of CRC in government policy & practice
 How to engage with reports to treaty bodies
 Enforcement and monitoring of CRC obligations
 How CRC and reporting can address removal of Aboriginal and Torres Strait Islander children
 How to use the CRC in the judicial space
 How young people can use the CRC to understand and advocate for their rights

and the right to participation; and the four **guiding principles** which should be reflected in all policies related to children.

1. The right to non-discrimination (Art. 2)
2. The principle of the best interests of the child (Art. 3)
3. The right to life survival and development (Art. 6)
4. The right to participation (Art. 12)

Noam used a number of real-life scenarios to engage the participants in a practical exercise to identify rights and the **'best interests of the child'** in each of the cases.

Four of the eight 1.5-hour sessions of the program were dedicated to building knowledge and understanding of the principles and rights in the CRC.

3.1 CRC Reporting: Purpose and Process

Andrew Symonds and Lucy McAuliffe presented on the **responsibilities of the Attorney General's Department** for preparing Australia's CRC Report and for responding to the Committee's List of Issues, preparation for the face-to-face dialogue in Geneva and recommendations and concluding observations.

Lucy outlined the process for preparing the report, including the establishment of the new Standing Human Rights Mechanism to improve communications and coordination between the Commonwealth agencies. Lucy also described the process of interaction with the state and territories, which have responsibilities for respecting, protecting and fulfilling the CRC through their legislation, policies and programs.

One of the participants was able to share his experience of being involved in the CRC reporting process in Afghanistan – and the commitment there to extensive engagement with civil society in the reporting process.

The participants discussed, and provided input, on **how the Attorney Generals Department could better use the reporting process** as an opportunity to promote and progress the rights of the child, including through engagement with state and territory government officials and statutory agencies.

Matthew Keeley detailed the **opportunities for civil society to engage in the CRC reporting cycle**, including:

- a) The two-week window to communicate with the Commonwealth on their draft report⁴;
- b) Involvement in the preparation and submission of NGO reports – either with the Child Rights Taskforce (consolidated report) or independently;
- c) The three-month period between the Committee providing the 'list of issues' and the government's appearance before the Committee - a significant opportunity to engage with the government on the issues identified by the Committee and to refine NGO recommendations to the Committee on the List of Issues;

⁴ This is the timeframe provided by the Attorney Generals Department. There are no fixed guidelines from the UN for this consultation period, but the advice from the Committee is to engage with NGOs/CSOs from the beginning. It is also important to leave sufficient time for all stakeholders to provide comment and feedback on the draft report.

- d) Providing information to members of the Committee, to engage with the government delegation attending the interactive dialogue with the Committee in Geneva and members of the NGO delegations;
- e) Concluding Observations. It is important for NGOs to continue their engagement with governments at all levels in relation to implementation of the Concluding Observations.

Anna Cody, Director of Kingsford Legal Centre, who has extensive experience in engaging in the reporting process, shared her experience and reflections on engaging with the reporting process from an NGO perspective. Anna emphasized the importance of enabling the voices of those who have experienced discrimination to be heard in this process.

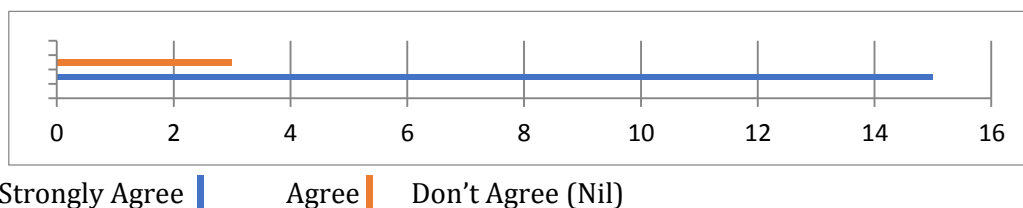
Anna suggested thinking about CRC reporting in phases:

- Preparation of the report – how to go about it and who to involve;
- Implementing a media strategy;
- Using the report to engage in constructive dialogue with governments;
- Delegation-selection, allocating roles, preparing oral statements for those who can go to Geneva for the interactive dialogue;
- During the oral review/interactive dialogue - providing additional or correcting information/meeting with members of the Committee;
- Post Review meeting: another opportunity for dialogue between government and NGOs working together;
- Concluding Observations: promoting for advocacy and for building awareness.

4. Workshop Evaluation

...very good opportunity for me to learn about the concepts, principles and practices of the CRC in the context of Australia
.... useful practical insights into reporting process, but also the challenges and opportunities of international law and children’s rights

The anonymous end-of-program questionnaire asked participants to indicate whether their expectations had been met.



The majority of participants were very positive about the extent to which their expectations had been met. They appreciated both the opportunity to deepen their understanding of CRC, both theoretical and practical aspects, and the reporting process and opportunities for meaningful involvement. The more general overview of the United Nations and human rights international law was also valued.

It was fantastic to get more depth in terms of thinking about the CRC’s limitations and particularly the participation of children in child’s rights discourse.

Participants commented that the two days were interesting, thought provoking and useful. They acknowledged the quality of the trainers and the opportunity to hear the perspectives and insights from the representatives of the Commonwealth Attorney Generals Department. They also found the practical exercise, applying the CRC in practice, to be valuable, and they appreciated the opportunity to engage and dialogue with other interested parties/sectors.

They were very interesting thought provoking and allowed for discussion to provide different perspectives and more engagement with the CRC

The participants expressed appreciation for the opportunity to come together with different stakeholders -state/territory and government/non-government. The value of building collaboration between the different sectors to strengthen the implementation of the CRC was affirmed in a number of the evaluations.

All the participants had ideas and plans for applying the content of the workshop to their work. Many identified the applicability of the content to strengthening their work and the use of the CRC to frame ongoing work, to critique policies and develop policy advice, and to leverage coordinated work for better outcomes for children. There was new and renewed commitment to engaging with the reporting and human rights monitoring processes, including participation in the preparation of shadow reports and accessing shadow reports to build knowledge on stakeholder concerns. Several participants identified that the information would flow through to their advocacy and would be incorporated into submissions to government. And finally, there were a number of comments on how the information would be disseminated more widely including to communities, members and with local child/youth services and individuals to improve services.

5. Reflections on Outcomes and Next Steps

Participant Reflections: The participants felt strongly that there was a need for more of this type of training to be made available. A number had come from interstate as there were no opportunities for similar training at the state/territory level. States/Territories were expected to provide input to the official Australian government report – but few if any of the officials responsible had received any training either on the CRC or on the reporting process to the Committee. The potential of the reporting process to build knowledge and awareness of the CRC was therefore unfulfilled, and perhaps more importantly it is difficult to apply the CRC to policy and practice without knowledge and understanding of its content.

Participants had a number of suggestions for consideration in developing future programs:

- providing content specific to key groups including Aboriginal and Torres Strait Islander children, refugee and asylum seeker children, children living with disabilities and children in conflict with the police/authorities
- additional content related to children's rights in certain contexts, particularly child care/protection.
- align the content to different stakeholders – policy and law makers and professionals working in care and juvenile justice.
- Extend the training by a day or two
- hold the training in other states and territories for officials there and non-urban areas so that grassroots organisations have access
- bring in the voices of children

Reflections of the Organising Partners

Following the program, the organisers met to review the participant evaluations and to review the planning, implementation and outcomes of the program.

- Assumptions made about the need for the program had been validated given the lack of training on CRC and CRC reporting available to state/territory government officials
- The decisions to mix participants from government/NGO sectors was validated by the benefits that both felt from positive dialogue and interaction with each other
- The collaboration between NCYLC, DTP, Kingsford Legal Centre and the academics at UNSW Law worked well
- It was very valuable to have the input from AGs – and to have Australia’s draft report available at the time of the program
- It would have been better to have kept the flow of the program as intended – with a focus on content of CRC being followed by a focus on the reporting process, but this had to be adapted because of the availability of some of the resource people
- The difficulties of reaching out and promoting the program to the targeted participants were noted. A distribution list has now been established, and many of the participants in this program offered to help promote similar training opportunities to colleagues/networks.

At the end of the program the participants and organisers shared the belief that the CRC reporting process provides real opportunities to bring Federal, State and Territory governments and civil society together for dialogue on child rights – and that such dialogue is critical in ensuring implementation of the CRC.

The program partners share a commitment to building on this pilot program – and to running follow-up programs at the state/territory level where needs/funding can be identified.

Appendix 1: Organising Partners and Trainers

National Children's and Youth Law Centre (NCYLC)

The NCYLC is a community legal centre which provides the only free, nationwide legal information and problem-solving service to Australian children and young people under the age of 25. The NCYLC is dedicated to addressing human rights issues for children and young people in Australia through advocacy, legal education and legal services. The NCYLC co-convenes the Australian Child Rights Task Force with UNICEF Australia and is accredited to the UN Economic and Social Council. NCYLC's participation was supported by a grant of financial assistance from the Commonwealth Attorney-General's Department, which is gratefully acknowledged.

The Diplomacy Training Program (DTP)

DTP is an NGO affiliated with the Faculty of Law at UNSW and has nearly 30 years of experience in developing and delivering participatory capacity building programs in Australia, Asia and the Pacific. It is committed to valuing the knowledge, skills and perspectives of its participants. Its courses integrate the building of knowledge and skills. It received the Sir Ron Wilson Human Rights Award from the Australian Council for International Development.

Noam Peleg

Prior to joining UNSW Law School as a lecturer and coordinator of the UNSW Law's Honour's Program, Dr. Noam Peleg, was a research fellow at the Minerva Centre of Human Rights at the Hebrew University and a Postdoctoral Fellow at the University College London. Noam's primary areas of research are in children rights, international human rights law and family law. He has published and presented on issues concerned with children's rights, and consulted non-governmental organisations on various children's law related issues. His forthcoming books include 'The Child's Right to Development' (Cambridge University Press), and 'Commentary on Article 30 of the UN Convention on the Rights of the Child' (Brill Publications). Noam is a member of the editorial board of the International Journal of Children's Rights.

Matthew Keeley

Matthew is a lawyer, human rights advocate and researcher. Matthew spent his early career as a lawyer and manager in private, government and non-government legal practices and developed specialities in human services and disability rights and the law. Prior to his current role of Director at the National Children's and Youth Law Centre (NCYLC), Matthew was Director of Legal Services at the then NSW Department of Ageing, Disability and Home Care. As Director of NCYLC, Matthew practices and researches in a broad range of child-related areas, including domestic violence, child protection, forced marriage, cyber safety, information sharing and privacy.

Justine Nolan

Associate Professor Justine Nolan teaches at the Faculty of Law at UNSW Sydney where she is also Associate Dean (Academic). She is a Visiting Professorial Scholar at NYU's Stern Center for Business and Human Rights. Justine's research focuses on the intersection of business and human rights, in particular, accountability for corporate violations of human rights. She is a co-author of *The International Law of Human Rights* (OUP, 2011) and *Business and Human Rights: From Principles to Practice* (Routledge, 2016). She teaches international human rights law and related courses on development, globalisation, business and human rights.

Anna Cody

Associate Professor Anna Cody is Director of Kingsford Legal Centre, a community legal centre which is part of the University of New South Wales Law Faculty. She has taught at Kingsford Legal Centre for over 15 years. Prior to joining the Faculty, Anna worked in international human rights advocacy with the Center for Economic and Social Rights in New York developing their program on the right to health. Anna also worked with Indigenous women in Alice Springs establishing a domestic violence service. Anna has been active in working with other human rights NGOs in Australia to engage with the UN Human Rights Treaty Reporting process and the Universal Periodic Review. Her current areas of research are clinical legal education, human rights and community development.

Patrick Earle

Patrick Earle is Executive Director of the Diplomacy Training Program (DTP) and has over 25 years' experience working in the human rights movement in Australia and internationally. Prior to joining DTP, Patrick worked with the Human Rights Council of Australia with a focus on its ground-breaking project on the relationship between human rights and development, and is co-author of "The Rights Way to Development – Policy and Practice" and helped to coordinate the first Australian shadow report to the UN Committee on Economic, Social and Cultural Rights. Prior to that he worked for Amnesty International in London and produced their first International Campaigning Manual.



The United Nations Convention on the Rights of the Child Building Capacity on Implementation and Reporting

**November 9-10, 2017
Faculty of Law Building**



8:30-9:00 Registration	Day 1 –	Day 2 –
Morning 1 Session 1 09:00 to 10:30	Introductory Session: <ul style="list-style-type: none"> - Welcome Remarks from the partner organisation and program outline - Introductions and program expectations - Participants identify child rights issues in Australia Key Notes: Justine Nolan Setting the Scene. CRC Reporting: An opportunity to reflect, review and progress the rights of the child.	The UN Convention and the Rights of the Child (Part 2) <ul style="list-style-type: none"> - Key Principles [Best Interests of the Child] and Rights [right to non-discrimination; right to life, survival and development; right to participation]
Facilitator(s)	Patrick Earle - Diplomacy Training Program	Matthew Keeley & Noam Peleg
	Tea 10:30-10:45	Tea 10:30-10:45
Morning 2 10:45-12:30	The Human Rights Framework and Introduction to the Convention on the Rights of the Child <ul style="list-style-type: none"> - Follow-on from Justine – CRC as one of 9 core human rights treaties (7 ratified by Australia) - The role of the CRC Committee and time-line for Australia’s current reporting (Noam Peleg) 	Civil Society Reflections on Australia and the Treaty Reporting Process: <ul style="list-style-type: none"> - Anna Cody, Kingsford Legal Centre Practical Session: Application of Key CRC Principles in Australia How would the CRC be applied to the challenges identified by participants
Facilitator(s)	Noam Peleg	Noam Peleg/ Matthew Keeley
	Lunch 12:30 – 1:30	Lunch 12:30 - 1:30
Afternoon 1 1:30-3:00	The CRC Reporting: Purpose and Process <ul style="list-style-type: none"> - How does the Australian government prepare its report – Federal government/State & Territories/AHRC/Civil Society - - Presentation of the Australian Government’s draft report – key issues – Andrew Symonds & Lucy McAuliffe - The role of civil society – consultation, parallel reports and concluding observations (Matthew Keeley-Child Rights Task Force) Q & A / Group Work	Practical session: Strategies for Implementing Child Rights in Australia-
Facilitator(s)	DTP	Noam Peleg
	Tea 3:00 – 3:15	Tea 3:00-3:30
Afternoon 2 3:30-5:00pm	Practical Session. CRC Reporting <ul style="list-style-type: none"> - Australia’s Reporting - Group Work – Engaging with Australia’s Report and Process - Further opportunities for input 	Next Steps: <ul style="list-style-type: none"> - identifying opportunities for collaboration & engagement in process - strategies to incorporate the CRC more effectively in work Evaluation
	Course Convenors	Course Convenors

Appendix 3 Participant List

Name	Position	Organisation
Natalie Ross	Advocate	People with Disability Australia
Hannah Baldry	Acting Senior Legal Policy Officer	Department of Communities, Child Safety and Disability Services
Nawal Ali	Founding member and Advocacy Co-ordinator	RISE (Refugees, Survivors of War, Ex-Detainees)
Bronwyn Penrith	Mentor / Facilitator UN Waged	Mudgin-Gal Women Centre
Kerry Weste	Vice-President and Frequent Juvenile Justice Spokesperson	Australian Lawyers for Human Rights
Anna Szabo	2018 Graduate Policy Officer	Attorney-General's Department
Farhad Arian	Senior Research Officer	Edmund Rice Centre for Justice and Community Education
Clare Patterson	Executive Assistant and Research Officer, National Children's Commissioners	Australian Human Rights Commission
Laura Sweeney	Specialist LGBTI Advisor	Australian Human Rights Commission
Dr. Isobelle Barrett-Meyering	Course convenor	School of Humanities and Languages, Faculty of Arts and Social UNSW
John Birrell	Senior Solicitor	Civil Section, North Australian Aboriginal Justice Agency
Melanie Kallmier	Coordinator	Mid North Coast Community Legal Centre
Aaron Tang	Acting Solicitor in Charge, Children's Legal Service	Legal Aid NSW
Melanie White	Principle Advisor State Schools Disability and Inclusion	Department of Education and Training – Queensland
David Clements	Commissioner	Office of the Commissioner for Children and Young People
Carol Barnes	National convenor	GLD Australia (NGO)
Rachel Jackman	A/Director, Oversight and Evaluation	Queensland Family and Child Commissioner
Jordan Bell	Principal Community Advocate	Office of the Guardian for Children and Young People (SA)
Sally Galovic	Sessional Staff and Student (PhD candidate) – Centre for Law and Justice	Charles Sturt University
Martin Gibson	Senior Policy Analyst	Department of Premier and Cabinet
Andrew Symonds	A/g Director Civil Law Unit – Human Rights	Attorney-General's Department
Lucy McAuliffe		Attorney-General's Department
Geetha Varughese	Principal Legal Policy Officer	Office of the Children's Guardian

Appendix 4:

Feedback/Recommendations on Improving CRC Reporting in Australia

The workshop brought together 23 participants from around Australia – from State and Territory governments, statutory bodies and civil society organizations. In one session participants were asked to consider and provide feedback on how the CRC reporting process in Australia could be improved to better fulfill its potential of building understanding and awareness of the CRC and enabling dialogue between governments and civil society⁵.

An Opportunity for Dialogue and Engagement

- The drafting of the report should be seen as an opportunity to bring civil society and government representatives together – at Federal and State/Territory Levels.
- More on-going NGO consultation
- Establish a National Advocate for children
- Feedback process to be established by lead agencies
- Provide funding to NGOs so they can participate
- Resources for more capacity building

CRC Reporting - Commonwealth Government Processes

- Provide clearer guidance on the timelines for the preparation of the reports and opportunities for input from states/territories and civil society
- Longer lead-times in providing information and feedback on drafts
- Provide guidance for how the state/territory governments and statutory bodies can better engage in the reporting process
- Explore how the newly established Standing Mechanism can engage states/territories
- Explore engagement of Parliamentary Committee on Human Rights in the process
- Dissemination of Concluding Observations and follow-up processes on implementation
- Consider how to build faith in government – right now there is little to no faith
- Involvement with civil societies through the whole cycle
- Include more CSO principles

CRC Reporting - States and Territories

- Capacity building of officials in States/Territory governments/departments where knowledge and understanding of CRC is more limited
- Improved coordination of departments at state/territory level
- Engagement between State/Territory government officials and NGOs to enable contribution to report;
- Establishment of equivalent mechanism to Standing Mechanism at State/Territory level
- Engage more statutory bodies

CRC Reporting - Increase the participation of children

- View the 5 years between reporting as a preparation phase for building relationships with youth organisations/sector to enable their input
- Take measures to involve organisations representing youth at national and state/territory level - including those from remote and rural areas

⁵ There was acknowledgement of the hard work and commitment of the staff that had been involved in drafting Australia's report, and also of the progress that had been made in fostering greater engagement between Commonwealth government departments.

- Take measures to enable young people and their families to feel safe when contributing critically – including use of child friendly language
- Report needs to be released in child-friendly language
- Portal for children to report directly
- Family workshops
- Involve schools in consulting
- Longer lead time with children to establish rapport

CRC Reporting – raising the profile of CRC in key audiences:

- Support capacity building initiatives for civil society organisations to build broader understanding of CRC
- Increase use of social media – using Twitter and other forms of social media to promote CRC and the reporting process
- Establish a Child rights wiki – to build a shared knowledge base across jurisdictions and government and civil society across Australia
- Embedding the CRC in government department and NGO annual reports
- Mailing list to communicate concluding recommendations
- Website for accountability
- Statement of compatibility – PC or HR