

**Commissioner for Children
and Young People Tasmania**

MAKING RIGHTS REAL FOR CHILDREN AND YOUNG PEOPLE IN TASMANIA

**A child rights-
based approach
to monitoring
and evaluating
the wellbeing
of children and
young people**



Acknowledgment of Country

The Commissioner for Children and Young People acknowledges and pays respect to the Palawa of Lutruwita/Tasmania as the original and ongoing custodians of this Land who for more than 40,000 years have cared for their Country and their children.

Acknowledgement of children's contributions

Throughout this conceptual plan are images of artwork provided by children and young people from across Tasmania. Children and young people were asked to think about and write, paint or draw what their rights mean to them. Their ideas and experiences have been valuable in informing the work of the Commissioner, including in the development of this conceptual plan.

Commissioner for Children and Young People (Tas) 2025. *Making Rights Real - A child rights-based approach to monitoring and evaluating the wellbeing of children and young people.*

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Any questions regarding this report or the work of Tasmania's Commissioner for Children and Young People more generally may be directed to the Commissioner by emailing childcomm@childcomm.tas.gov.au or by telephoning +61 3 6166 1366.

For more information, visit: www.childcomm.tas.gov.au.



Abbreviations

ARACY	Australian Research Alliance for Children and Youth
CCYP	Commissioner for Children and Young People (Tas)
OHCHR	United Nations Office of the High Commissioner for Human Rights
OOHC	Out of Home Care
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCEDAW	United Nations Convention on the Elimination of All Forms of Discrimination against Women
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDRIP	United Nations Declaration on the Rights of Indigenous Persons
UNICEF	United Nations Children's Fund
YJ	Youth Justice

Foreword from the Interim Commissioner for Children and Young People

This document introduces and outlines a child rights-based approach to monitoring and evaluating the wellbeing of children and young people in Tasmania. This new approach places the rights, experiences, and voices of children at the centre of how we assess the impact of the systems that affect their lives. We call this approach Making Rights Real for Children and Young People in Tasmania (Making Rights Real).

Making Rights Real prioritises children's rights (including their participatory rights) and recognises the government's duty to realise those rights.

This document is not just a technical framework but a statement of intent. The aim of Making Rights Real is to promote and protect the wellbeing of all children and young people in Tasmania through independent and systemic monitoring and evaluation of their enjoyment of their rights.

It is my hope that Making Rights Real will help inform current and future governments, policy makers, organisations, advocates, communities and children themselves about what needs to happen to strengthen children's rights and improve outcomes for all Tasmanians over time.

It will do so by identifying a small number of key attributes that reflect the 'essence' of children's rights and monitor the government's commitment, effort and results in progressively realising those rights.

With the release of this document, the work of my Office shifts toward implementation. Importantly, while this conceptual plan is progressively operationalised, ongoing programmatic monitoring work continues.

Making Rights Real draws from and builds on the work of successive former Commissioners and is intended, in turn, to serve as a foundational resource for future Commissioners. I acknowledge with immense appreciation the former Commissioners, external experts, and the dedicated staff of the Office of the Commissioner, past and present, whose commitment and expertise have helped shape this work.

I especially acknowledge the children and young people whose insights and reflections on what rights mean to them have influenced Making Rights Real. Some of their observations, communicated through beautiful artwork, are included in these pages.

Isabelle Crompton

Interim Commissioner for Children and Young People

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Role of the Commissioner

The Commissioner for Children and Young People (the Commissioner) is an independent statutory office established by the *Commissioner for Children and Young People Act 2016* (CCYP Act).¹

The United Nations Convention on the Rights of the Child (UNCRC) outlines the actions that nation states shall undertake to advance the rights of children and young people. One of these measures is the establishment of statutorily independent children's rights institutions like children's commissioners. In performing their functions, the Commissioner is required to observe several principles outlined in the CCYP Act.² Relevantly, this includes a requirement that when performing a function or exercising a power under the Act, the Commissioner must:

- a.** do so according to the principle that the wellbeing and best interests of children and young people are paramount
- b.** observe any relevant provisions of the United Nations Convention on the Rights of the Child.

Broadly speaking, it is the role of the Commissioner to promote the rights and wellbeing of all children and young people in Tasmania (see Appendix A).³ For example, the Commissioner has the following functions:

- a.** Advocating for all children and young people in the State generally
- b.** Acting as advocate for a detainee under the *Youth Justice Act 1997*
- c.** Researching, investigating and influencing policy development into matters relating to children and young people generally
- d.** Promoting, monitoring and reviewing the wellbeing of children and young people generally
- e.** Promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters that may affect their lives
- f.** Assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally
- g.** Encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young people in matters that may affect them.⁴

1. *Commissioner for Children and Young People Act 2016* (Tas) ('CCYP Act')

2. CCYP Act (n 1) s3

3. CCYP Act (n 1) s8

4. CCYP Act (n 1)



A note regarding the proposed establishment of a new Commission for Children and Young People

This conceptual plan was developed in the context of planned reforms arising from the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.⁵ These recommendations include a range of legislative and policy reforms, among them the establishment of:

- a new Commission for Children and Young People
- new statutory officers including a Commissioner for Children and Young People, Commissioner for Aboriginal Children and Young People, and Child Advocate⁶

The monitoring and evaluation program outlined in this document is informed by the principles, functions and responsibilities outlined in the current CCYP Act.

5. *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (Final Report, August 2023). ('Commission of Inquiry'). Note: The Tasmanian Government accepted all recommendations arising from the Commission of Inquiry (see 'Keeping Children Safe', <<https://keepingchildrensafe.tas.gov.au/recommendation-status/>>).

6. *Commission of Inquiry* (n 5) Recommendation 18.6

Advisory Panel

This conceptual plan was developed with the guidance and advice of a Rights-based Monitoring and Evaluation Advisory Panel comprising the following members:

Professor Sharon Bessell

Crawford School of Public Policy

Australian National University

Professor John Tobin

Melbourne Law School

University of Melbourne

Professor Daryl Higgins

Institute for Child Protection Studies

Australian Catholic University

Dr Greet Peersman

Independent Senior Evaluation Consultant

Professor Kitty te Riele

Peter Underwood Centre

University of Tasmania



Artwork about their love of the right to access nature by Lylah



Children and Young People in Tasmania 2023-2024

Demographics⁷

Tasmania was home to around **114,000** children and young people aged **0-17** years



52% identified as male

48% identified as female



Tasmanians born in **2023** can expect to live to between **80** and **84** years of age⁸

5,468 babies born in Tasmania



11% of children and young people aged **0-17** identified as Aboriginal or Torres Strait Islander

7. Australian Bureau of Statistics, *National, state and territory population* (Catalogue No 3101.0, 19 June 2025), Table 56. Estimated Resident Population By Single Year of Age, Tasmania; Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians* (31 August 2023) Table 7.6 Estimated resident Aboriginal and Torres Strait Islander, non-Indigenous and Total populations, Tasmania, single year of age (to 65 and over) 30 June 2021. By Single Year of Age, Tasmania.
8. Australian Bureau of Statistics, *Life tables, age and sex by state and territory of usual residence (Life Expectancy 2021-2023, 8 November 2024)*, Table 6 Life table, age and sex by Tasmania, 2021-2023.

Children and young people in care



940 children and young people were living in the Tasmanian out-of-home care system⁹



Youth justice¹⁰



On an average day:

17.3 (per 10,000)

young Tasmanians aged between **10-17** were under youth justice supervision

2.9 (per 10,000)

young Tasmanians were under youth detention orders

Health



Over
94%

of one-year-old Tasmanians were fully vaccinated¹¹



73,183 General Practitioner visits for **0-to 4-year-olds**¹²

Arts and culture engagement in 2023¹³



47,500 young Tasmanians aged **5-14** participated in a creative activity

33,200 young Tasmanians participated in at least one cultural activity

23,800 young Tasmanians read for pleasure

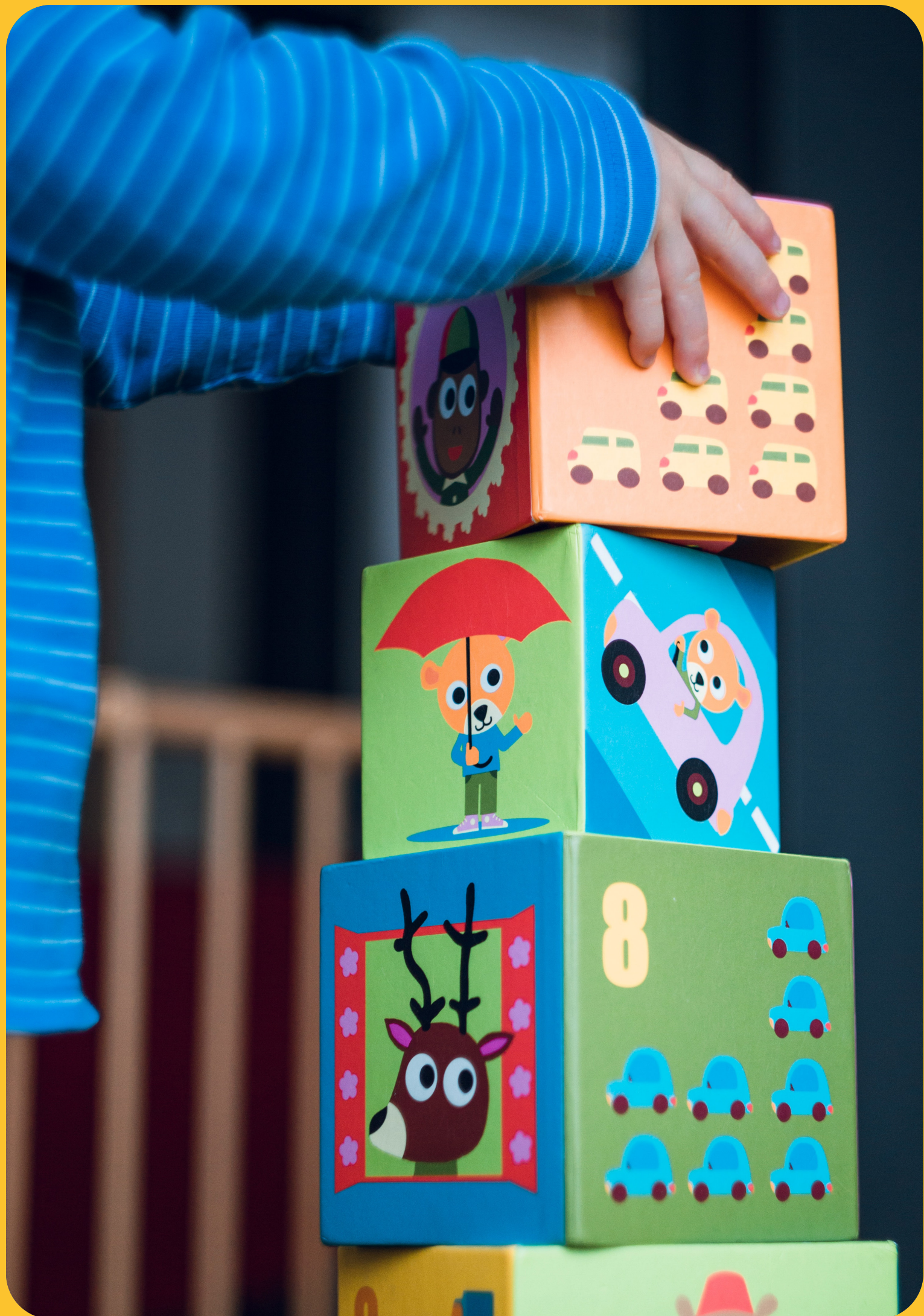
9. Australian Institute of Health and Welfare, Child protection Australia 2023-24 (CWS 99, 25 June 2025), Table S5.3 Children in out-of-home care, by type of placement and state or territory, 20 June 2024 (number and percent).

10. Australian Institute of Health and Welfare, Youth justice in Australia 2023-24 (JUV 145, 28 March 2025), Tables S137(a-c).

11. Australian Government Department of Health and Aged Care, Current coverage data tables for all children (Immunisations) (Webpage, Accessed 15 November 2024) <<https://www.health.gov.au/topics/immunisation/immunisation-data/childhood-immunisation-coverage/current-coverage-data-tables-for-all-children#one-year-olds>>

12. Services Australia, Medicare Statistics Medicare Item 23 (Website, accessed 15 November 2024) Item 23 (July 2022-June 2023) Age Range 0-4 (total persons)

13. Australian Bureau of Statistics, Cultural and creative activities 2023, (Website, accessed 12 March 2025) <<https://www.abs.gov.au/statistics/people/people-and-communities/cultural-and-creative-activities/latest-release#children-s-attendance>>



1. Background to monitoring in Tasmania

The Commissioner for Children and Young People plays a crucial role in independently monitoring and evaluating legislation, policies and services affecting the rights and wellbeing of children and young people. Guided by a duty to advocate for the best interests of children and young people,¹⁴ the Commissioner's work includes monitoring and evaluation to ensure the voices of children and young people are heard, their needs met and their rights upheld.

Assessment of government services affecting children and young people has included those relating to child safety, health, education, youth justice, and the out-of-home care (OOHC, or 'care') system.¹⁵ These activities continue to inform ongoing advocacy and provide vital insights into how children and young people in Tasmania experience their health, safety, and wellbeing.¹⁶ Since 2019, Commissioners have undertaken a monitoring program focusing on the Tasmanian out-of-home care system.¹⁷

The conceptual plan for that program, [Laying the Foundations](#) (see Spotlight 1), was released in 2018.¹⁸ With support from an expert Advisory Panel, that program established systematic OOHC monitoring with activities focused on 6 wellbeing domains,¹⁹ aligning with the Tasmanian Government's Child and Youth Wellbeing Framework and since incorporated into the Child and Youth Wellbeing Strategy [It Takes a Tasmanian Village](#).²⁰ Through that program, Commissioners have regularly engaged with children and young people, their carers, care providers, peak bodies, and Tasmanian Government agencies.²¹ This work enabled former Commissioner McLean to identify strengths and weaknesses of the system and ways to support the government's work by highlighting areas where the rights and wellbeing of children and young people in care required further attention.²²

14. CCYP Act (n 1) s3. Note: the UNCRC integrates the concepts of rights, wellbeing and best interests making it possible to address legal obligations (rights) with ethical imperatives (wellbeing and best interests).

15. CCYP Act (n 1) s3 2(b), s4.

16. The Commissioner's monitoring activities have resulted in a range of outputs including: Listening to Children and Young People in Tasmania (2016) <<https://childcomm.tas.gov.au/wp-content/uploads/2022/07/CCYP-Listening-to-Children-and-Young-People-Report-2016.pdf>>, Health and Wellbeing of Tasmania's Children and Young People (2018) <<https://www.childcomm.tas.gov.au/wp-content/uploads/2018/08/The-Health-and-Wellbeing-of-Tasmanias-Children-and-Young-People-Report-2018.pdf>>, Investing in the Wellbeing of Tasmania's Children and Young People (2020) <<https://www.childcomm.tas.gov.au/wp-content/uploads/Investing-in-the-Wellbeing-of-Tasmanias-Children-and-Young-People.pdf>>, the Voices of Young People in the Youth Justice System Project <<https://childcomm.tas.gov.au/everyone/major-programs/youth-justice/the-voices-project/>>, and Out of Home Care reports <<https://childcomm.tas.gov.au/everyone/major-programs/out-of-home-care-monitoring/>>. In December 2022 and February 2023 former Commissioner McLean held a series of 'Data Symposia' with representatives of the Tasmanian Government on the impacts of COVID-19 on children and young people in Tasmania. These symposia covered a range of topics including, education, health and youth justice.

17. Commissioner for Children and Young People *Laying the Foundations: A Conceptual Plan for Independent Monitoring of Out-of-Home Care in Tasmania* (Report, April 2018) ('*Laying the Foundations*').

18. *Laying the Foundations* (n 17).

19. *Laying the Foundations* (n 17) Note: these wellbeing domains were developed by the Australian Research Alliance for Children and Youth (ARACY) and subsequently incorporated, with adjustments, into the Tasmanian Government's Child and Youth Wellbeing Framework, *It Takes a Tasmanian Village* <<https://wellbeing.tas.gov.au/strategy>>.

20. Tasmanian Government, *It Takes a Tasmanian Village: Child and Youth Wellbeing Framework* (August 2021)

21. Since 2019, the Departments responsible for the OOHC system were the Department of Communities, and then the Department for Education, Children and Young People (since October 2022).

22. Commissioner for Children and Young People (Tas), *A Place at the Table: An investigation into a change to the case management of children and young people in care in Tasmania* (Final Report, December 2023) ('*A Place at the Table*'). Note: this investigation, published in 2023, was the first major systemic investigation undertaken by a Commissioner for Children into the OOHC system in Tasmania.



Artwork about the right to play and take part in creative activities by Flora

Spotlight 1: Overview of out-of-home care monitoring

The OOHC monitoring program was publicly released by Interim Commissioner David Clements in 2018.²³ At the time of implementation, the monitoring program incorporated 3 interlinked parts (Parts A–C) as follows:

Part A involved monitoring of regular administrative data reports from government on compliance with standards and other agreed indicators of the wellbeing of children and young people in Tasmania.²⁴

Part B involved thematic monitoring focusing annually on one of the 6 domains of the Tasmanian Government's Child and Youth Wellbeing Framework.²⁵ Since commencing in 2019, thematic monitoring has covered the wellbeing domains of 'Being Healthy'²⁶ and 'Loved and Safe'.²⁷

Part C involved the Commissioner undertaking 'Responsive Investigations' into emerging or other systemic policy and program issues.²⁸ The first own-motion investigation was announced by former Commissioner McLean in 2022 and explored how children and young people in care were affected by a change in their case management.²⁹ A report containing 7 recommendations was published by the Commissioner in December 2023.³⁰

In 2019, former Commissioner Leanne McLean expanded the OOHC monitoring program to include a fourth component (Part D) that monitored the government's progress against the Commissioners' previous recommendations.

23. *Laying the Foundations* (n 17)

24. *Laying the Foundations* (n 17) p37

25. *Laying the Foundations* (n 17) p37

26. Commissioner for Children and Young People (Tas), *Monitoring Report No. 1 The Tasmanian Out-of-Home Care System and 'Being Healthy'* (Report, October 2019) < <https://childcomm.tas.gov.au/wp-content/uploads/2022/11/October-2019-FINAL-CCYP-Out-of-Home-Care-Monitoring-Report-No-1.pdf> >

27. Commissioner for Children and Young People (Tas), *'Somebody in your corner': The views of children, young people, carers and care providers on children and young people being stable and safe in out-of-home care* (Report, December 2023) < https://childcomm.tas.gov.au/wp-content/uploads/2023/12/StableAndSafe_2023_FINAL.pdf >

28. *Laying the Foundations* (n 17) p37

29. *A Place at the Table* (n 22)

30. *A Place at the Table* (n 22).

1.1 Review of Commissioner’s monitoring activities: Laying the Foundations

In 2023-2024, the Office of the Commissioner undertook a comprehensive internal review of the monitoring program. This review examined the most effective ways to monitor, promote, and protect the rights and wellbeing of children and young people in Tasmania. With advice from an Advisory Panel (see page 9), the then Commissioner committed to incorporate the current wellbeing monitoring program into a child rights-based approach informed by the articles of the UNCRC (see section 3.1).

While primary responsibility for monitoring the wellbeing of children rests with the government³¹, the Commissioner’s role as an independent advocate for children and young people is critical to ensure government systems and services are consistent with its duty to uphold children and young people’s rights.³² Adopting a rights-based approach to monitoring enhances the Commissioner’s ability to perform their functions by informing and strengthening advocacy to advance children and young people’s rights to protection, provision, and participation.³³

In its recommendations, the Commission of Inquiry emphasised the critical roles of both the government and independent statutory bodies in safeguarding children and young people, especially those who are disadvantaged or vulnerable.³⁴ The new program described in this plan continues the commitment to improving the lives of all children and young people, including those to whom the government has a greater duty under the UNCRC. This is achieved through engagement with children and young people about the enjoyment of their rights and assisting the government, through rights-based advocacy, to respect, protect, and fulfil those rights.

The UNCRC provides that it is in the best interests of children to respect, protect and fulfil their rights, as doing so will improve their wellbeing (see Appendix B Background to child rights). More specifically, article 3(2) of the Convention, in part, states:

*States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible to them.*³⁵

1.2 Introducing the new rights-based monitoring and evaluation program

This new conceptual plan, titled Making Rights Real, outlines a new child rights-based monitoring and evaluation program (the new Program). Building on the successes of previous monitoring activities, which focused on the experiences of children and young people in the OOHC system in Tasmania, the new Program focuses on how government systems³⁶ work to respect, protect and fulfil children and young people’s rights as expressed in the UNCRC (see Appendix B for more detail).

31. Tasmanian Government Department of Premier and Cabinet, ‘Child and Youth Wellbeing’ (Website, accessed 26 November 2024) <<https://www.dpac.tas.gov.au/divisions/cpp/child-and-youth-wellbeing>>

32. CCYP Act (n 1) s8 1(f)

33. Refer to Appendix B for more information on the rights to protection, to be provided for, and the right to participate.

34. Commission of Inquiry (n 5)

35. United Nations Convention on the Rights of the Child, GA Res 44/25, (20 November 1989) (‘UNCRC’) art 3(2)

36. This may include: the youth justice system, the child safety system, the health and education systems.

The new Program will shift from thematic monitoring against individual wellbeing domains to instead working closely with children and young people from across Tasmania to establish, monitor, and evaluate a set of child rights-based indicators against each article of the UNCRC (see section 4: Methodology).

The Commissioner's focus on conducting systemic investigations and monitoring of implementation of previous recommendations will remain unchanged and will be further strengthened by integrating child rights-based approaches wherever possible (see section 2.2).

1.3 Key considerations and guiding principles

Informed by the principles and functions set out in the CCYP Act, the following key considerations and guiding principles have shaped the development of the new Program.

1.3.1 Key considerations

Key considerations informing the development of the new Program include:

Independent, impartial, and in the public interest³⁷ – the Program independently and impartially monitors, evaluates and reports on children and young people's enjoyment of their rights in Tasmania.³⁸

Systemic focus – the Program involves systemic monitoring and evaluation. This means that the Program focuses on how government systems and services respect, protect and fulfil the rights of children and young people.³⁹

Strengthened advocacy – the Program strengthens advocacy to improve children and young people's enjoyment of their rights in Tasmania. It uses co-designed qualitative and quantitative indicators based on the UNCRC to support the government (as duty-bearer) to respect, protect and fulfil the rights of children and young people through the delivery of laws, policies, and services (see section 4: Methodology for more information).

37. CCYP Act (n 1) s8 (3) states '...the Commissioner must act independently, impartially and in the public interest when performing a function or exercising a power under this Act or any other Act.'

38. United Nations Human Rights Office of the High Commissioner, *A Human Rights-Based approach to Data: Leaving no one behind in the 2030 agenda for sustainable development* (Guidance Note, 2018) <<https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>>

39. Under s14 (1)(a) of the CCYP Act, the Commissioner does not have the authority to investigate or review a specific decision made in respect to an individual case or specific circumstances.

Information Box 1: What is a child-centred approach to monitoring and evaluation?



A child-centred approach prioritises the needs, rights and perspectives of children and young people in decision-making processes that affect them.⁴⁰ Generally, this approach will help ensure that children are respected, actively involved and listened to and that their views are acted upon in ways that are consistent with article 12 of the UNCRC.

The Program engages with children in ways in which children feel safe, valued and empowered to express their views, through age-appropriate, inclusive and responsive practice.

Taking a child rights-based approach to child-centred monitoring and evaluation – across all its activities, what data are collected and how they are analysed and reported – will further strengthen children and young people's experience of their rights and improve outcomes for all Tasmanians over time.

1.3.2 Guiding principles

The following 6 principles have shaped the development of the new Program:

Principle 1: Child-centred – the Program empowers children and young people by providing them with opportunities to express their views through child-centred practices consistent with the UNCRC.

Principle 2: Accountable – the Program maintains transparency in its findings and processes. It will be accountable to children and young people, their families and communities.

Principle 3: Safeguards – the Program safeguards the physical and emotional safety of children and young people through minimising the risk of harm and distress by creating safe environments for participation and engagement.

Principle 4: Culturally safe – the Program acknowledges and respects the cultural, social and linguistic backgrounds of all children and young people, without discrimination. Cultural safety will be achieved through a range of practices including co-design with diverse communities, promoting inclusive and accessible language, and reflecting cultural diversity throughout the new Program.

Principle 5: Data-driven – the Program uses relevant and reliable data collection and analysis methods.⁴¹ By prioritising reliable data sources and robust evaluation methods,⁴² the Program ensures that findings accurately reflect the realisation of children and young people's rights and the lived experiences of children and young people. Data insights are communicated transparently to all relevant stakeholders, including children and young people.

Principle 6: Ethical – monitoring and evaluation activities adhere to the Commissioner's approach to ethical engagement.

40. Saron Bessell, and Cadhla O'Sullivan, 'More for Children: Rights-based methodology for Research with Children about Poverty' (2024) Australian National University

41. United Nations Office of the High Commissioner for Human Rights, *A human rights-based approach to data* (Guideline, 2018) ('*Human Rights Indicators*') p50

42. *Human Rights Indicators* (n 41) p7-10. Note: consistent data management practices will allow the monitoring and evaluation Program to disaggregate data which will provide greater insight into different populations of children and young people.

1.4 Adopting a child rights-based approach to monitoring and evaluation

A child rights-based approach to monitoring and evaluation focuses on the lived experiences of children and young people in a way that prioritises their rights (including their participatory rights) and recognises the government's duty to realise those rights.⁴³

While welfare-based approaches also seek to maximise wellbeing, they view children as dependent recipients of protection or care. In contrast, a child rights-based approach seeks to maximise children's wellbeing through their active participation in claiming and enjoying their rights (see Appendix D for more information).

Grounded in internationally recognised good practices and rights instruments, including the UNCRC, a child rights-based approach affirms children's rights to protection, provision and participation.⁴⁴ Using the UNCRC as a framework, the new Program monitors and evaluates children's wellbeing (through the enjoyment of their rights) and evaluates how the Tasmanian Government is meeting its duty to uphold these rights. This requires that children's voices are heard and acted upon in relation to decisions affecting them and that their rights are upheld by all relevant government systems and services.

Information Box 2: Who is responsible for child rights?



The importance of respecting, protecting and fulfilling the rights of children and young people is not new. Everyone in Tasmania has a role in upholding the rights of children and young people. This responsibility includes children and young people themselves, their families and caregivers, communities and governments.

Australia signed and ratified the UNCRC in 1990⁴⁵ and thereby committed to respect, protect and fulfil the rights of all children and young people. As a federation of states, the moral responsibility for upholding the articles of the UNCRC rests with federal, state and territory governments.⁴⁶ As recently as 2021 the Australian Government reaffirmed this in its response to the Universal Periodic Review:

*State and territory governments are responsible for delivering many of the programs and services that give effect to Australia's obligations under the Convention on the Rights of the Child, including education, health, youth justice and child protection. Each jurisdiction within Australia has a Children's Commissioner or advocate, who is able to independently monitor, promote and protect children's rights.*⁴⁷

43. United Nations Office of the High Commissioner for Human Rights, *The human rights based approach to development cooperation: Towards a common understanding among UN agencies* (Website and Attachment, accessed 19 November 2024) <https://humanrights.gov.au/sites/default/files/content/social_justice/conference/engaging_communities/un_common_understanding_rba.pdf> ('Human Rights Based Approaches - towards a common understanding')

44. Thomas Hammarberg, 'The UN Convention on the Rights of the Child - and How to Make It Work' (1990) 12(1) *Human Rights Quarterly* 97

45. United Nations, 'UN Treaty Body Database' (Website, accessed 12 March 2025) <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en>

46. *Commonwealth of Australia Constitution Act 1900* (Cth)

47. Australian Government Attorney-General's Department, *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21** (Report, 2021) para 88.

State and territory governments have a duty to work to develop policies and programs that are informed by child-rights principles, and they can be held accountable by children and young people, as rights-holders, for their actions. For example, in situations where the state assumes the responsibility of the parent or guardian, article 20 of the UNCRC states that:

| *States Parties shall in accordance with their national laws ensure alternative care for such a child.*⁴⁸

In these situations, the state has assumed responsibility for the protection and care of young people and must act in accordance with the UNCRC.

In Tasmania, the Commissioner for Children and Young People plays an important role in relation to the realisation of children and young people's rights. The CCYP Act provides that the Commissioner must:

| *observe any relevant provisions of the United Nations Convention on the Rights of the Child, and*

| *[assist] in ensuring the State satisfies its national and international obligations in respect of children and young people generally.*⁴⁹

Spotlight 2: Advocating for child rights in Tasmania



Under the CCYP Act, the Commissioner is responsible for promoting, monitoring and reviewing the wellbeing of children and young people in Tasmania.⁵⁰ The performance of these functions informs the Commissioner's independent, evidence-based advocacy on behalf of the children of the state. A rights-based monitoring and evaluation approach, grounded in the UNCRC, provides the Commissioner with a strong foundation for advocacy.

Rights-based approaches to monitoring emphasise the accountability of duty-bearer(s) for children's active participation, empowering them as holders of economic, civil, political and cultural rights rather than passive recipients of services (see Appendix D).⁵¹ This approach further enhances the evidence base for the systemic and structural reforms needed to ensure that government policy, process and service delivery affecting the lives of children and young people respect, protect and fulfil their rights.

48. for example, see UNCRC art(s) 9, 18, 20, 21, 25.

49. CCYP Act (n 1) s3 s8(1)(f)

50. CCYP Act (n 1) s8 1(d)

51. John Tobin, 'Children's Rights: Shifting Conceptions, Exploring Possibilities and Honouring Obligations (2020) 14 *Court of Conscience* 9-12 ('Shifting Conceptions')



2. Updating the monitoring and evaluation program: Overview

The aim of the new Program is to promote and protect the wellbeing of all children and young people in Tasmania through the independent and systemic monitoring and evaluation of children and young people's enjoyment of their rights. This Program is one of several activities that provide the Tasmanian community with information about how systems and services affect the lives of children and young people.

Recent national and state-based inquiries and reports have demonstrated the adverse impact on children and young people of government systems and services that do not respect, protect and fulfil child rights.⁵² In addressing these issues, the new Program:

- aims to make rights real for children and young people through child-centred participation, and rights-based and data-driven advocacy
- implement a rights-based monitoring and evaluation program based on the UNCRC.

To do this, the Program:

- enhances existing monitoring activities by implementing an evidence-based approach to child-rights indicator design and selection
- builds knowledge of child-rights through participation and by informing the Program about how children and young people are enjoying their rights
- extends existing government monitoring activities⁵³ through independent data-driven and rights-based advocacy
- includes a focus on all Tasmanian children and young people and especially those who experience vulnerability or disadvantage, including those to whom the government owes a greater duty under the UNCRC.⁵⁴

An infographic summary of the new Program is provided at Appendix E.

2.1 Overarching program characteristics

In taking a child rights-based approach, this Program is informed by the principles and standards established by the United Nations.⁵⁵

Consistent with rights-based approaches, the key characteristics of the Program are:

- Grounded in child rights – the Program, including a new child rights-based monitoring framework, is grounded in the UNCRC (see section 3: Part A Framework)

52. For example see: (a) Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (Report, August 2023); (b) Tasmanian Government Closing the Gap: Tasmanian Implementation Plan 2021-2023 <https://www.dpac.tas.gov.au/_data/assets/pdf_file/0027/228852/Closing-the-Gap-Tasmanian-Implementation-Plan-August-2021.pdf>; (c) Commissioner for Children and Young People (Tas.) A Place at the Table: An investigation into a change to the case management of children and young people in care in Tasmania <<https://childcomm.tas.gov.au/young-people/a-place-at-the-table/>> (Out-of-home Care Monitoring Program, December 2023).

53. This program will also complement monitoring and evaluation programs that are undertaken by other organisations. For example, Productivity Commission Report on Government Services (ROGS), Australia's Universal Periodic Review to the United Nations.

54. UNCRC (n 35) Note: According to the UNCRC this may include children and young people who are in contact with Youth Justice (art 37, 40), or who are in out of home care (art 9, 20, 25)

55. *Human Rights-Based Approaches* (n 43), see also Australian Human Rights Commission, 'Human rights based approaches' (Website, accessed 29 October 2024), <<https://humanrights.gov.au/our-work/rights-and-freedoms/human-rights-based-approaches>>

- Co-designed with children and young people – the Program upholds the participatory rights of children and young people through the design, development and implementation phases of the Program
- Informed by evidence – the Program adapts monitoring and evaluation methods developed and tested by the United Nations or other key institutions/ organisations⁵⁶
- Guided by expertise and lived experience – drawing upon the expertise of key community stakeholders in monitoring and evaluation approaches, the Program is further strengthened through the contributions of individuals, including children and young people with relevant lived experience
- Working constructively with government – the Program will support government to better understand and satisfy its duty to respect, protect and fulfil children and young people's rights.

2.2 Parts of the new Program

Whereas previous programmatic monitoring focused primarily on the experiences of children and young people in the OOHC system in Tasmania, the new Program expands the Commissioner's focus to all systems that interact with children and young people. This expanded focus strengthens the Commissioner's ability to identify systemic issues affecting children and young people while also highlighting specific concerns for children and young people experiencing, or at-risk of experiencing, disadvantage.⁵⁷ The new Program retains 3 existing parts of the OOHC monitoring program – monitoring and evaluation, systemic investigations and recommendations monitoring – and realigns them to the rights of children and young people expressed in the UNCRC. The parts of the new Program are outlined separately below.

2.2.1 Part A: Rights-based monitoring and evaluation framework

The most significant change under the new Program is the development of a child rights-based indicator framework using a set of qualitative and quantitative indicators based on the UNCRC articles (see section 4: Methodology).

Indicators will be selected using a method published by the United Nations Office of the High Commissioner for Human Rights (OHCHR), with guidance from a child-rights working group and through the participation of children and young people.⁵⁸

Monitoring activities conducted under Part A will involve the routine flow of a discrete set of quantitative indicators based on government administrative data and qualitative data relating to the experiences of children and young people on a regular basis.

The systematic monitoring of child rights under the new Part A Framework (the Framework) will provide significant insights into children and young people's enjoyment of their rights in Tasmania. This will inform, as appropriate, systemic investigations (Part B) and ongoing monitoring of recommendations (Part C).

56. *Human Rights Indicators* (n 41)

57. *CCYP Act* (n 1). Under s3 of the *CCYP Act* 2016, the Commissioner must pay special regard and serious consideration to children and young people who are disadvantaged or vulnerable for any reason.

58. *Human Rights Indicators* (n 41)

Rights-based Monitoring and Evaluation Advisory Panel

The new Program is currently supported by a panel of internationally recognised experts (Advisory Panel). Panel members have provided high-level technical expertise and strategic advice to the Commissioner in areas including child rights, child safety, child participation, education, and monitoring and evaluation. Panel membership will be periodically reviewed to ensure relevant expertise and perspectives to support the effectiveness of the new program.

Child-Rights Working Group

A Child-Rights Working Group will be established to inform the Program.⁵⁹ Reflecting the diversity of services that affect the lives of children and young people, representatives from relevant government departments, senior community members, and others – including young people with relevant lived experience (e.g., of the healthcare system)⁶⁰ – will be invited to participate. This group, operating under agreed terms of reference, will work together to identify government administrative data relevant to each indicator.⁶¹ The working group will also assist in identifying ways to improve the quality of government administrative data related to child rights.

Data sources

The Framework will rely on a range of both qualitative and quantitative indicators.

- **Qualitative data sources** will include qualitative insights into the enjoyment of individual rights gathered as part of the Commissioner’s ongoing participation and engagement activities with children and young people, and other stakeholders (e.g., healthcare and OOHC care providers)
- **Quantitative data sources** will include data sourced from a range of state and national databases, reports, and through specific quantitative data requests.⁶²

Through the new monitoring and evaluation program, data that are not routinely collected by the state may be identified. In these cases, the Commissioner will work constructively with relevant agencies to ensure the new Program realises its aims and outcomes.

To reduce the administrative burden on government departments and agencies, and to ensure effective use of existing data resources, the Commissioner, with advice from the Child-Rights Working Group, may elect to use a range of existing administrative data sources including, but not limited to:

- Australian Bureau of Statistics (ABS)
- Australian Institute of Health and Welfare (AIHW)
- Productivity Commission Report on Government Services (ROGS)
- Closing the Gap Reports (Tasmania)

59. CCYP Act (n 1) s13 1(c)

60. including children and young people

61. CCYP Act (n 1) s11 s12

62. United Nations General Assembly *Fundamental Principles of Official Statistics* A/RES/68/261 (3 March 2014). Note Principle 5 states: Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents

- Australian Universal Periodic Review Reports⁶³
- Medicare and other relevant public health databases
- Other government survey data (for example, National Assessment Program, Literacy and Numeracy (NAPLAN), Australian Early Development Census (AEDC)).

2.2.2 Part B: Systemic investigations

Systemic investigations examine how government systems and services affecting children and young people uphold their rights. Investigations will explore systemic and structural issues affecting the rights of children and young people and may result in publication of findings and recommendations.

Systemic investigations will:

- enable early identification of emerging issues affecting children and young people's enjoyment of their rights, especially those experiencing disadvantage and social exclusion
- inform understanding of how government systems are working to respect, protect, and fulfil children and young people's rights
- provide an evidence base to help guide government systems and services to improve outcomes for children and young people, consistent with their rights.

2.2.3 Part C: Recommendation monitoring

Recommendation monitoring involves the regular review and evaluation of progress in the implementation of recommendations arising from Part A and Part B monitoring activities. Monitoring recommendations improves the accountability of government policy making and will help identify areas where ongoing support is required by the government to uphold child rights.

2.3 Program outcomes

In line with the functions and powers of the Commissioner, the Program will underpin the following outcomes:

- improved knowledge about how well child rights are being fulfilled for all children and young people in the Tasmanian context
- increased awareness and understanding of children and young people's experiences of their rights⁶⁴
- further evidence-based advocacy for system reforms to uphold children and young people's rights in Tasmania.

63. Australian Government Attorney-General's Department, 'Australia's Universal Periodic Review: Australia's Third Universal Periodic Review' (Report, December 2020) <<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/united-nations-human-rights-reporting/australias-universal-periodic-review>>. Note: Universal Periodic Review reports are submitted by Australia to the United Nations Human Rights Council every 5 years. Each report is peer-reviewed by other member states, and reports cover a broad range of human rights, including the rights of the child. Australia has completed 3 period review cycles (2011, 2015 and 2020-2021).

64. *UNCRC* (n 35). Note: This may also assist with the realisation of art 42 of the *UNCRC* which states, 'States parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike'

To achieve these outcomes, outputs will be tailored to specific audiences including children and young people, the broader community and government. Outputs may include:

- resources to build knowledge and awareness of child rights
- reports on the realisation of child rights, accompanied by specific recommendations for policy or system improvements
- a publicly accessible data dashboard.

Consistent with child-centred participation and informed by the Lundy model of child participation,⁶⁵ child-friendly outputs will be co-designed with children and young people. This approach will help ensure information is presented to children in accessible ways. Child-friendly outputs may include:

- easy-to-read infographics on individual articles
- animations or videos
- social media posts
- picture books containing information on each right.

2.4 Conceptual limitations – Part A Framework

The Framework (see section 3) will not enable monitoring of every aspect of children and young people's rights. This is intentional; the design of the Program is informed by children and young people about what matters most to them about each right. The Child-Rights Working Group will be guided by children and young people's views as it maps what matters most to children and young people about each of their rights to available data.⁶⁶ Supporting the realisation of children and young people's vision for the Program ensures it is embedded in their rights.

Spotlight 3: Supporting the rights of Aboriginal Tasmanians



Through this rights-based approach to monitoring, the Commissioner for Children and Young People seeks to respect, promote and uphold the rights of Aboriginal children in a way that is both culturally respectful and grounded in the principles of self-determination. Aboriginal communities have the right to determine how data about their children and young people is collected, interpreted, and used to inform policy and practice. This Program will be guided by the Aboriginal community and as this Program is implemented, current and emerging opportunities to work with Aboriginal Tasmanians in data governance and decision-making will be actively pursued.

The Tasmanian Government has committed to establishing a new statutory role of Commissioner for Aboriginal Children and Young People. Once established, this new role will be critical in ensuring monitoring aligns with the priorities of the Commissioner for Aboriginal Children and Young People, and will contribute to a stronger, more coordinated approach to upholding the rights of Aboriginal children.

65. Laura Lundy, 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child' (2007) 33(6) *British Education Research Journal* 927.

66. If appropriate data indicators do not exist, the Commissioner will work constructively with the government to incorporate these into the routine flow of data to the office.



3. Part A framework: Developing a child rights-based monitoring and evaluation framework

The following section describes how the Framework is informed by the general principles of rights-based approaches to monitoring and evaluation. Recognising their special participatory rights, the Framework ensures that children and young people from diverse backgrounds and experiences receive the necessary support to engage in monitoring and evaluation in ways that are both child-centred and developmentally appropriate.

3.1 Developing a child rights-based approach to monitoring and evaluation

Child rights-based approaches to monitoring and evaluation position children as rights-holders, and governments as duty-bearers to uphold their rights.⁶⁷ Part A monitoring will use qualitative and quantitative indicators to reflect children and young people's experiences of their rights alongside the government's commitment to upholding them.

To ensure a principled foundation for the Part A monitoring and evaluation framework, the Program is guided by the United Nations 'Common Understanding' of a human rights-based approach, adapted here as a child rights-based approach.⁶⁸ As outlined below, applying this approach means the framework will:

- further the realisation of children's rights as expressed in the UNCRC, and other rights instruments
- use child rights and principles from the UNCRC to guide government behaviour, actions, policies and programs
- build capacity of children as rights-holders to claim their rights, and the capacity of duty-bearers to fulfil their obligations to children.⁶⁹

3.1.1 Developing the Part A Framework

Selecting appropriate indicators for use in the Framework is critical to ensure monitoring focuses on child rights. Adapting methodologies recommended by the OHCHR,⁷⁰ the framework uses qualitative and quantitative indicators that describe the government's commitment, effort, and results in upholding children's rights as expressed in the UNCRC. More information on indicator identification and selection is provided in section 4.

67. *Human Rights-Based Approach – towards a common understanding* (n 43).

68. *Human Rights-Based Approach – towards a common understanding* (n 43).

69. *Human Rights-Based Approach – towards a common understanding* (n 43).

70. *Human Rights Indicators* (n 41)

3.1.2 Using child rights and the UNCRC to guide government legislation, policy and programs

This Program will ensure advocacy is directly informed by the voices and experiences of children and young people about their enjoyment of rights. Combining the experiences of children and young people with critical analyses of rights-based data indicators allows the Commissioner to influence government actions, behaviours, policies and programs by providing targeted recommendations that support the realisation of child rights.

In advocating for systemic improvements, the Program will strengthen the government's capacity to fulfill its duty, ensuring that policies and practices are responsive to the needs and rights of children and young people, including those who are vulnerable or at disadvantage⁷¹ and to whom the government has a greater duty under the UNCRC.

3.1.3 Building capacity of children and young people (rights-holders)

The participation of children and young people is central to a child rights-based approach, as it embodies their right to be heard⁷² and to receive information⁷³ and respects their evolving capacity as active contributors to society. Engaging children and young people in monitoring activities not only reflects their role as rights-holders but also enriches the data and insights gathered. Monitoring activities will incorporate age-appropriate, inclusive engagement methods to ensure that children and young people's perspectives on the services and systems that affect them are genuinely represented. This approach offers children and young people participatory opportunities, by supporting them to express their views through child-centred practices.

3.1.4 Building duty-bearer capacity to uphold children's rights

Informed by the functions of the Commissioner under the CCYP Act, the new Framework will build capacity of the government and other organisations to realise children and young people's rights through a range of methods. These may include:

- participation in the Child-Rights Working Group
- review of monitoring and evaluation outputs
- implementation of recommendations arising from the Program
- improved governance of decision making and implementation.⁷⁴

71. CCYP Act (n 1). This is also consistent with the principles set out in s3 (2)(b) which includes: *'the interests and needs of children and young people who are disadvantaged for any reason or vulnerable should be given special regard and serious consideration.'*

72. UNCRC (n 35). According to UNICEF, art 12 has been interpreted as follows: *'Every child has the right to have a say in all matters affecting them, and to have their views taken seriously'* (UNICEF)

73. UNCRC (n 35) According to UNICEF, art 13 has been interpreted as follows: *'Every child must be free to say what they think and to seek and receive all kinds of information, as long as it is within the law'*.

74. UNCRC (n 35). Appropriate governance should also include implementation of children rights, see art 4.

3.2 Evaluation rubrics

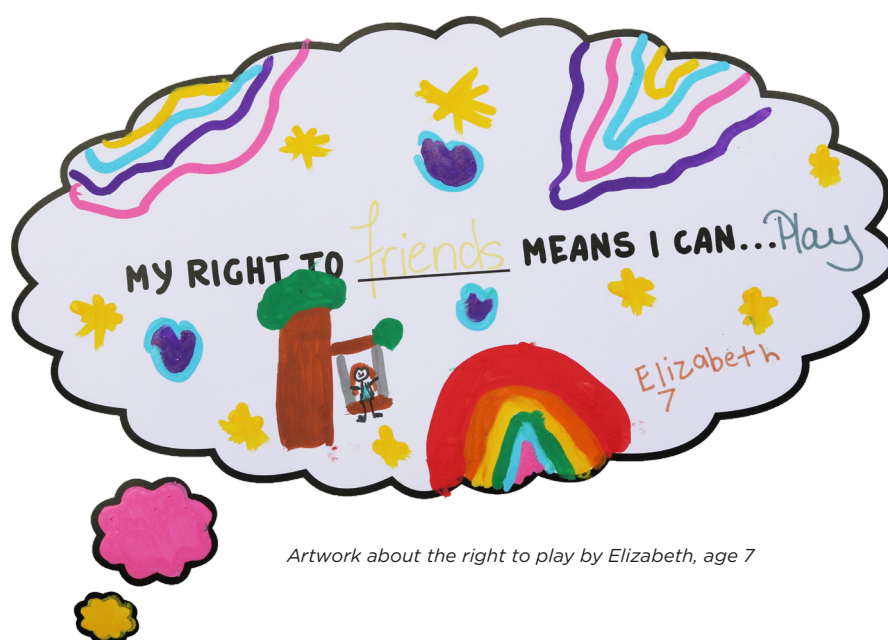
The new monitoring and evaluation Program will use an evaluation framework that integrates qualitative and quantitative data to assess the degree to which each child right expressed in the UNCRC is realised. By combining measurable indicators with qualitative insights gathered from children, young people and other key stakeholders, the evaluation framework will provide a view of how rights are experienced across diverse contexts. This approach will ensure robust and integrated analysis of all relevant data. It will provide a deeper understanding of the performance of different levels of the system in respecting, protecting and fulfilling the rights of children and young people to protection, provision, and participation.

Spotlight 4: From recognition to realisation – supporting the realisation of all UNCRC rights



The government is increasingly embedding child-rights principles into key initiatives, including, among others, the Child and Youth Safe Standards,⁷⁵ the Change for Children strategy,⁷⁶ the Youth Justice Blueprint⁷⁷ and Uplifting Care Reforms.⁷⁸ These efforts mark significant progress in the realisation of rights, yet much of the focus to date has been on safety, participation (article 12), and best interests (article 3).

Once fully implemented, this child rights-based monitoring and evaluation Program will complement and extend this work, ensuring all rights under the UNCRC are progressively realised.



Artwork about the right to play by Elizabeth, age 7

⁷⁵ Child and Youth Safe Organisations Act 2023 (Tas) Schedule 1 – Child and Youth Safe Standards

⁷⁶ Change for Children Tasmania's 10-year strategy for upholding the rights of children by preventing, identifying and responding to child sexual abuse (Report, March 2025)

⁷⁷ Youth Justice Model of Care (Report, December 2024) Note: Outcome 7 states 'Children, young people and their families' rights are consistently upheld and services are delivered in a manner consistent with the United Nations Convention on the Rights of the Child'

⁷⁸ Minister for Children and Youth, 'The Uplifting Care Expert Panel commences' (Media Release, 19 February 2025) < <https://www.premier.tas.gov.au/latest-news/2025/february/the-uplifting-care-expert-panel-commences>>



4. Methodology – Part A: Developing a child rights-based monitoring framework

As outlined below, the Framework developed under Part A establishes a structure for implementing the new Program.

- **Phase 1** (Developing) This involves the selection of quantitative and qualitative indicators and associated evaluation rubrics.
- **Phase 2** (Activating) Following iterative indicator and evaluation rubric design, this phase involves the progressive activation of rights monitoring through data analyses and engagements with children and young people and other stakeholders.

As rights are activated, work will continue under Phase 1 on developing indicator sets for other rights under the UNCRC.

- **Phase 3** (Auditing) Once each right in the UNCRC has been activated, the Program will undergo regular auditing and review with children and young people and the Advisory Panel.

4.1 Phase 1: Developing the Part A monitoring Framework

The Framework will include a rights-based indicator set developed – in collaboration with children and young people, the Advisory Panel and the Child-Rights Working Group – by mapping indicators to individual articles of the UNCRC, following the method developed by the OHCHR (the ‘Human Rights Indicator Approach’).⁷⁹ This approach involves analysing each article of the UNCRC and identifying a small number of key attributes through an exhaustive socio-legal analysis (see section 4.1.1). From these attributes, a series of structural, process and outcome indicators will be selected. Together, structural, process and outcome indicators reflect the government’s commitment, effort and results in realising articles of the UNCRC (Figure 1).

4.1.1 Identifying and selecting UNCRC article attributes

Identifying article attributes is the first step in translating the UNCRC from a legal framework into a set of indicators used to assess a right. This step involves performing a comprehensive socio-legal analysis of each UNCRC article.⁸⁰ The goal is to identify attributes that reflect the ‘essence’ of the article as informed by the views of children and young people in Tasmania.

⁷⁹ *Human Rights Indicators* (n 41).

⁸⁰ Supporting documents may include United Nations General Comments, Legal Analyses (e.g. John Tobin, *The United Nations Convention on the Rights of the Child, a commentary* (Oxford University Press, First Edition, 2019), other legal commentaries, international and/or national peer-reviewed literature, and any other identified texts.

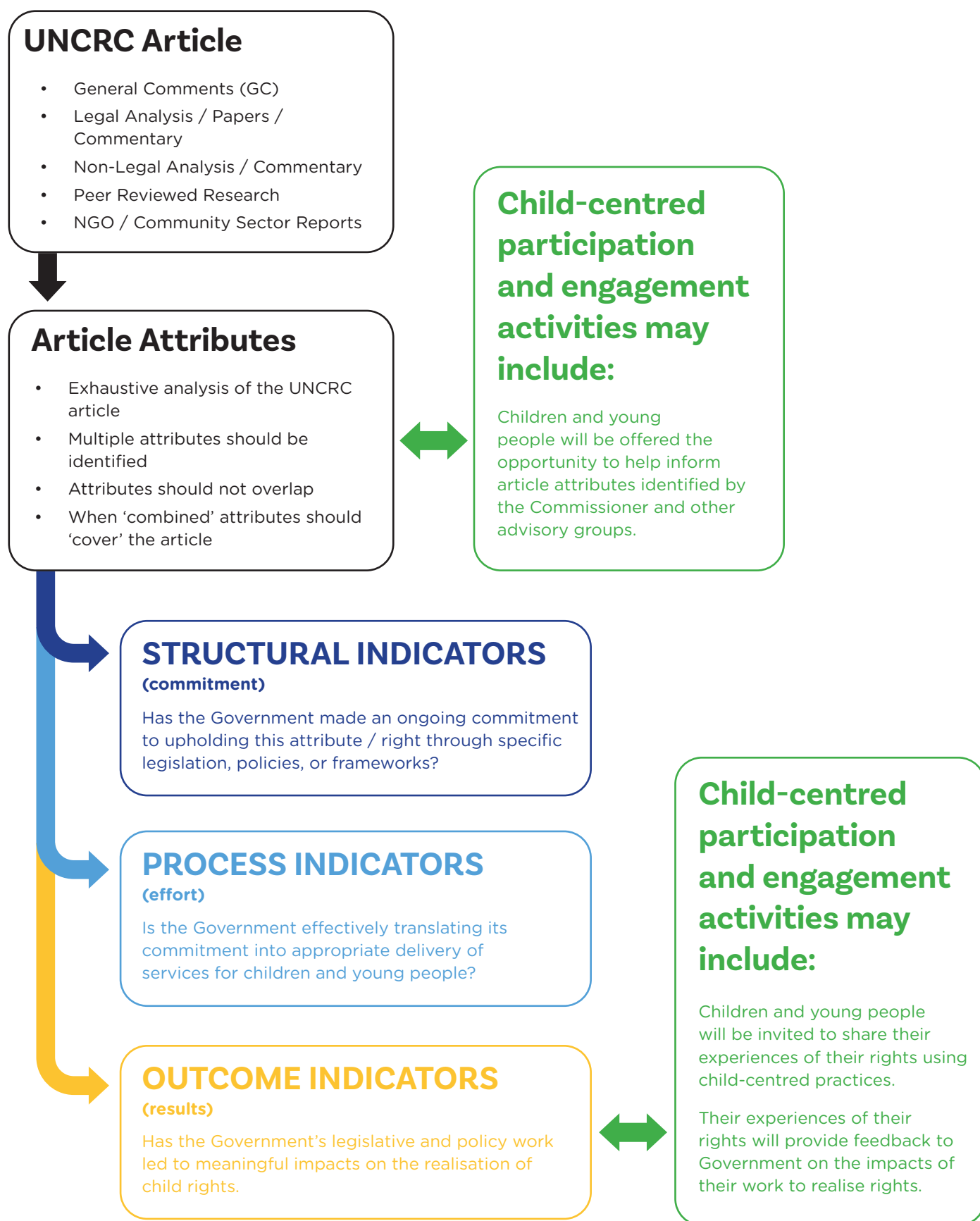


Figure 1: Overview of indicator and selection mapping under the Part A Framework

Information Box 3: How will children and young people participate in attribute selection?



Children and young people will be asked to help select and share their views on which article attributes matter most to children and young people in Tasmania. The attributes identified by children and young people through this process will be used to develop indicator sets.

4.1.2 Selecting structural indicators (commitment indicators)

Once article attributes have been identified and selected, the next step will be to identify a set of structural indicators that outline the government's⁸¹ commitment to implementing ways to uphold each right.

Governments may commit to upholding a specific right through a range of methods, including legislation or the creation of dedicated departments and/or business units. Each attribute may have one or several related structural indicators including:

- timeframe and coverage of state legislation (with reference to national legislation as relevant)
- date of entry for and coverage of formal protocols, frameworks, or policies
- existence of specific policy statements.⁸²

In some instances, a single structural indicator may apply generally for all children and young people; however, there will be instances where a structural indicator will correspond to a particular duty the government has to a particular group. For example, the government has a particular duty to provide 'special protection and assistance' for children and young people who are 'deprived of their family environment'.⁸³

4.1.3 Selecting process indicators (effort indicators)

After assessing government commitment to a particular right, the next step is to identify qualitative and quantitative indicators that directly measure the government's efforts to transform its duty into outcomes for children and young people. Process indicators link a structural indicator to an outcome indicator and capture the effort being made by the government and other organisations in meeting their duty. For example, process indicators may include:

- budget allocation and efficiency of resource use for government policies or programs⁸⁴
- proportion of children in disadvantaged areas receiving essential services compared to non-disadvantaged areas⁸⁵
- average response time for child protection interventions.⁸⁶

81. The government is the duty-bearer and therefore has the duty to realise child rights

82. *Human Rights Indicators* (n 41) p35. A policy statement is a means of translating human rights obligations of a State party (A government) into an implementable program of action that helps in the realisation of human rights.

83. *UNCRC* (n 35) art 20; see also *Children Young Persons and Their Families Act 1997* (Tas.)

84. While process indicators may include an assessment of budget allocations to a policy or program (commitment indicator), this information alone is not sufficient to evaluate the effort being made by the government to satisfy its duty to realise child rights.

85. On closer inspection these types of indicators also probe non-discrimination as it evaluates the equity and adequacy of resource distribution.

86. Note, this indicator is not looking at the outcome of the interventions, but rather the ability of the system that interacts with children and young people to respond to a call for intervention. Assessing the outcome of the intervention can be framed as an outcome indicator which are described in section 4.1.4.

4.1.4 Outcome indicators (results indicators)

Finally, outcome indicators assess the effectiveness of government commitment and effort to uphold the rights of children and young people. Together, the attributes and indicators provide a means to monitor and evaluate how well the government is delivering services, policies and programs that uphold children and young people's rights.

Children and young people will be invited to participate in identifying and selecting potential outcome indicators. The feasibility and the availability of data to support these potential outcome indicators will be reviewed with assistance from the Child-Rights Working Group (see section 2.2.1). Each indicator will be assessed against the RIGHTS⁸⁷ criteria to ensure it is relevant, effective and measures what it is intended to measure.

4.1.5 Evaluation rubrics

Evaluation rubrics will be developed and used to assess the extent to which each right is upheld. Evaluation rubrics ensure transparency and consistency in forming judgements about the 'merit, worth, and significance of an activity or service'.⁸⁸ For Part A monitoring activities, evaluation rubrics will serve as a means of assessing performance in upholding child rights.

The benefits of adopting evaluation rubrics include:

- identifying areas of success
- identifying areas where additional supports are required
- monitoring progressive improvements in the realisation of rights
- improving data quality generally (through feedback via the Child-Rights Working Group).

4.1.6 Indicator data dictionary

To ensure transparency of the Part A monitoring activities, a data dictionary will be made publicly available. It is anticipated the dictionary may contain the following information:

- an indicator definition
- why the indicator is relevant to the attribute
- source and frequency of data collection
- a comment on the limitations on the interpretation and use of the indicator
- a reference list of material used to identify the attribute
- any other comments relevant to the indicator.

87. *Human Rights Indicators* (n 41) p50-51. Note: these 6 criteria considerations that ensure indicators are relevant (R), independent in its method of data collection (I), globally meaningful to the population under evaluation (G), consistent with human-rights standards (H), timely (T), and simple to understand (S).

88. Julian King, Kate McKegg, Judy Oakden, and Nan Wehipeihana, 'Evaluative Rubrics: a Method for Surfacing Values and Improving the Credibility of Evaluation' (2013) 9(21) *Journal of Multidisciplinary Evaluation* 9(21) 11.

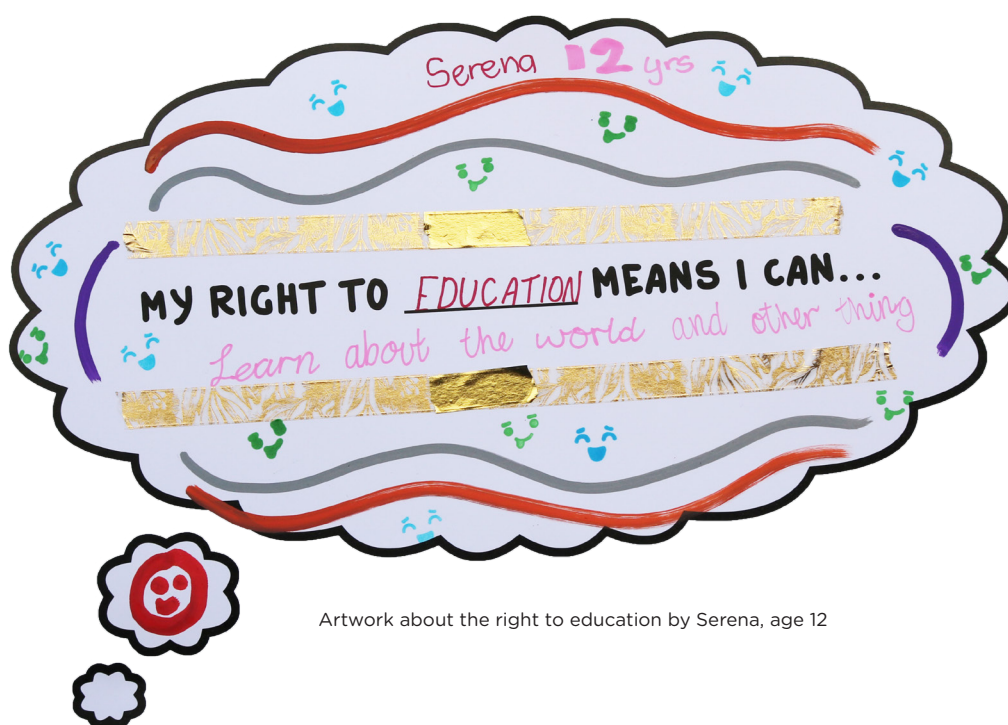
4.2 Phase 2: Activating the Part A Framework

Phase 2 (activating) involves the progressive ‘activation’ of rights through the monitoring of qualitative⁸⁹ and quantitative indicators. During activation, work will continue under Phase 1 for developing indicator sets for the other rights in the UNCRC.

Phase 2 will begin by progressively developing indicator sets and evaluation rubrics for a UNCRC article, informed by the core principles expressed in articles 2, 3, 6 and 12 of the UNCRC. During this period, work to identify and select indicators for additional rights will continue, ensuring an iterative expansion of the Framework.

4.3 Phase 3: Auditing the Part A Framework

In Phase 3 (auditing), the Framework will involve a regular auditing process to ensure the Part A remains consistent with the guiding principles of the Program (see section 1.3.2) and the (continued) usefulness and feasibility of the selected indicator sets for assessing fulfilment of children and young people’s rights in Tasmania. Initially, these audits may be timed to occur as successive rights are activated under Phase 2. Audits will include the views of children and young people, the Advisory Panel and the Child-Rights Working Group.



Artwork about the right to education by Serena, age 12

89. This will involve the participation of children and young people.

Appendix A: Selected provisions of the Commissioner for Children and Young People Act 2016

Part 1: Preliminary

3. Principles to be observed

1. The Commissioner or any other person performing a function, or exercising a power, under this Act, must –
 - a. do so according to the principle that the wellbeing and best interests of children and young people are paramount; and
 - b. observe any relevant provisions of the United Nations Convention on the Rights of the Child.
2. Subject to subsection (1), this Act is to be administered according to the following principles:
 - a. children are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation;
 - b. the interests and needs of children and young people who are disadvantaged for any reason or vulnerable should be given special regard and serious consideration;
 - c. the contributions made by children to the community should be recognised for their value and merit;
 - d. the views of children on all matters affecting them should be given serious consideration and taken into account;
 - e. parents, families and communities have the primary role in safeguarding and promoting the wellbeing of children and should be supported in carrying out their role.

Part 2: Office of the Commissioner for Children and Young People

Division 2 – Functions and powers of Commissioner

8. General functions of Commissioner

1. The Commissioner has the following functions:
 - a. advocating for all children and young people in the State generally;
 - b. acting as advocate for a detainee under the Youth Justice Act 1997 ;
 - c. researching, investigating and influencing policy development into matters relating to children and young people generally;

- d. promoting, monitoring and reviewing the wellbeing of children and young people generally;
 - e. promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives;
 - f. assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally;
 - g. encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young people in matters that may affect them;
 - h. such other functions as are prescribed.
2. If the Commissioner advises the Minister under this Act or any other Act, the Commissioner must also provide the advice to any other Minister who administers the department, Agency or legislation that is the subject of the advice.
 3. Unless otherwise specified, the Commissioner must act independently, impartially and in the public interest when performing a function, or exercising a power, under this Act or any other Act.
 4. For the purpose of performing any function, or exercising any power, the Commissioner may determine when a child is considered a young person for the purpose of the function or power.

11. General powers of Commissioner

1. The Commissioner has the power to do all things necessary, or convenient, to be done in connection with the performance of his or her functions, and the exercise of his or her powers, under this or any other Act.
2. Without limiting subsection (1), the Commissioner may –
 - a. require any person to provide information, answer questions, or produce documents, so far as may be relevant to the performance of the functions, or the exercise of the powers, of the Commissioner or the administration of this Act; and
 - b. require information and data for the purposes of –
 - i. collating, studying, interpreting and maintaining information in relation to the wellbeing of children and young people in the State; and
 - ii. identifying and monitoring trends in respect of the wellbeing of children and young people in the State; and
 - c. investigate, and make recommendations in respect of, the systems, policies and practices of organisations, government or non-government, that provide services that affect children and young people; and

- d. investigate, and make recommendations in respect of, the effects of any legislation, proposed legislation, documents, government policies, or practices or procedures, or other matters relating to the wellbeing of children and young people; and
 - e. advise and make recommendations, in relation to the rights and wellbeing of children and young people, to Ministers, State authorities and other organisations; and
 - f. provide information to other organisations in accordance with this Act or any other Act; and
 - g. report publicly on the wellbeing of children and young people in the State; and
 - h. exercise such other powers as are prescribed.
3. In performing a function, or exercising a power, under this Act, the Commissioner –
- a. may regulate any proceedings held under this Act in any manner he or she considers appropriate; and
 - b. is not bound by the rules of evidence but may inform himself, or herself, on any matter in any manner the Commissioner thinks fit; and
 - c. is not required to hold a hearing as part of an investigation or review, or as part of the performance of any other function, under this Act; and
 - d. may investigate, or review, a matter in any manner he or she considers appropriate; and
 - e. may hold an investigation, or review, under this Act in public or in private.

12. Power to compel information

1. If necessary for the performance of a function, or the exercise of a power, the Commissioner may require a person to do any one or more of the following:
- a. to provide information in the format, or manner, specified by the Commissioner, including information that contains identifying details of a child or young person if specifically required by the Commissioner;
 - b. to answer questions whether orally or in writing;
 - c. to produce documents as specified in the requirement.
2. A person must comply with a requirement of the Commissioner under subsection (1) unless, to do so, would require the person to provide information, answer questions, or produce documents –
- a. in respect of which there is a lawful claim or right of privilege; or
 - b. that contain information, communicated to a medical professional in confidence, relating to the physical, mental or psychological health of a person; or

- c.** that may incriminate the person in an offence.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

- 3.** In addition to any penalty imposed on a person under subsection (2) , a court may make an order requiring the person to provide information, answer questions, or produce documents, to the Commissioner in accordance with the order.
- 4.** A person complying with a requirement of the Commissioner under subsection (1) or of a court order under subsection (3) cannot, by virtue of complying with that requirement –
 - a.** be held to have breached any code of professional etiquette or ethics; or
 - b.** be taken to have departed from acceptable standards of professional conduct; or
 - c.** be taken to have contravened any confidentiality requirements of any Act.

Part 3: Reporting

20. Other reports

- 1.** The Commissioner may, at any time, prepare a report on –
 - a.** any investigation, review or research conducted in the performance of the Commissioner’s functions; or
 - b.** any other matter arising in the performance of those functions; or
 - c.** any other matter or issue relating to children that the Commissioner considers appropriate.
- 2.** A report under subsection (1) may include recommendations relating to –
 - a.** changes to written law, draft law, policy, practice or procedure; or
 - b.** the taking of any other action that the Commissioner considers appropriate to safeguard and promote the wellbeing of children.
- 3.** The Commissioner must provide the Minister with a copy of the report under subsection (1) within 7 days after the report is finalised.
- 4.** The Commissioner may cause a copy of a report under subsection (1) to be laid before each House of Parliament no sooner than 7 sitting-days after a copy of the report has been given to the Minister in accordance with subsection (3).

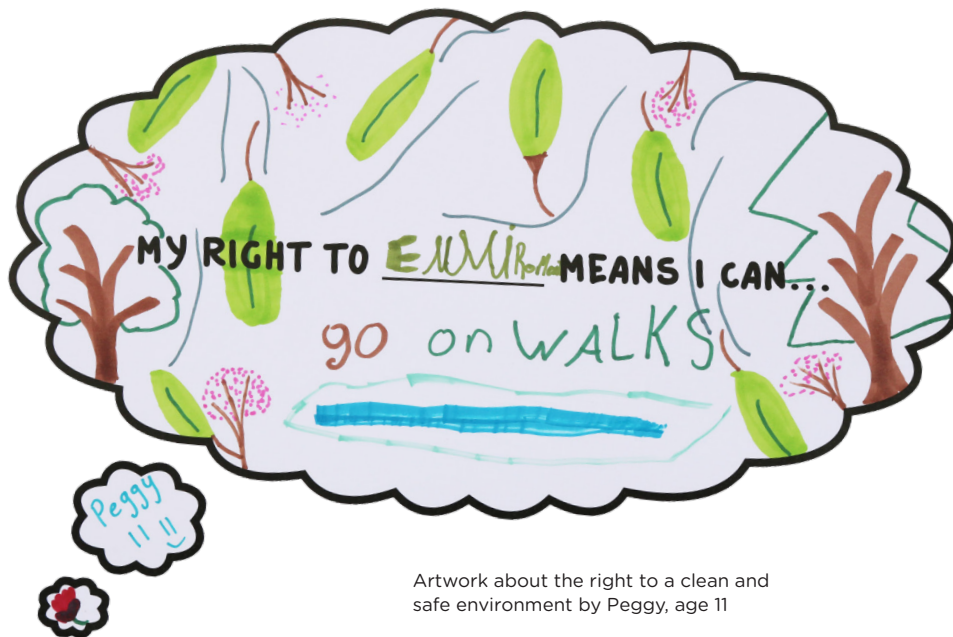
21. Adverse comments in reports

Despite anything in this Part, the Commissioner must not include a comment in a report that is adverse to a person unless the Commissioner has –

- a. notified the person in writing of his or her intention to make the comment; and
- b. allowed the person at least 15 working days to make representations to the Commissioner in respect of the comment before the report is finalised.

22. Publication of reports

1. The Commissioner –
 - a. must publish a version of the report, or such parts of the report as the Commissioner considers appropriate, in a form that is suitable for children unless the Commissioner considers that it is not appropriate to do so; and
 - b. may publish the report, including a version of the report to be published under paragraph (a), in any manner the Commissioner considers appropriate.
2. Despite subsection (1), if the Commissioner intends to lay a report before both Houses of Parliament, the Commissioner must not publish the report until after the report has been laid before both Houses of Parliament.



Artwork about the right to a clean and safe environment by Peggy, age 11

Appendix B: Background to Children's Rights

In 1948 the United Nations adopted the Universal Declaration of Human Rights (UDHR),⁹⁰ which sets out 30 human rights to which everyone is entitled. These include civil and political rights such as the rights to life, freedom of expression and freedom of religion, and economic and social rights, including the rights to education, health care and housing.

Human rights are underpinned by 4 key concepts:



Dignity

Every person is born free and equal in dignity and rights (article 1).⁹¹



Inalienability

Every person is entitled to rights just by virtue of being human and states are only able to restrict rights where they can show that restriction is necessary in the interests of a democratic society (article 29(2)).



Universality

Every person in every state is entitled to every right without distinction of any kind (article 2).



Indivisibility and interdependence

There is no hierarchy between the 2 sets of rights and the realisation of one right will invariably require the realisation of another right. For example, the right to have best interests considered (article 3) lacks meaning in the absence of a right to participate (article 12).

As human beings, children are entitled to enjoy all the rights under the UDHR. However, while the UDHR recognises the unique status of childhood, it does not address the special needs and interests of children.⁹² As a result, many nation states and advocates for children recognised the need to develop a special treaty identifying the special rights of children. This process, which commenced in 1979, led to the adoption of the United Nations Convention on the Rights of the Child ('UNCRC') in 1989.

90. United Nations Universal Declaration of Human Rights <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> UN/GA 217A (10 December 1948) ('UN UDHR')

91. Australian Human Rights Commission 'What are human rights?' (Website, accessed 10 December 2024) <<https://humanrights.gov.au/about/what-are-human-rights>>

92. see also Article 25(2) of the UDHR which states in part 'Motherhood and childhood are entitled to special care and assistance...'

The United Nations Convention on the Rights of the Child

The UNCRC is the most widely ratified international human rights treaty. Almost every nation state⁹³ has now ratified the UNCRC, including Australia, which did so in 1990.⁹⁴ Under international law, ratification means that a state has a legal obligation to comply with all its obligations under the UNCRC to ensure the effective protection of children and young people's rights.

However, the status of the UNCRC in Australian domestic law is more complex. Australia has a dualist system which means specific legislation must be enacted to give effect to international treaties within domestic law. While the Commonwealth is yet to pass such legislation,⁹⁵ the UNCRC is still relevant in domestic law. There are numerous legislative and policy initiatives at the national, state and territory levels into which elements of the UNCRC have been incorporated. For example, Australia has a National Children's Commissioner whose mandate is to promote the UNCRC and make recommendations to ensure its implementation. Similarly, the Tasmanian Commissioner for Children and Young People is charged with promoting the UNCRC and assisting the state to realise its national and international obligations in respect to children and young people.⁹⁶

Overview of the UNCRC articles

The UNCRC contains 54 articles outlining the rights of the child, the rights of their parents (and caregivers) and the obligations of the state to uphold these rights (see Appendix C for a child-friendly version of the UNCRC published by UNICEF). Articles 1–42 provide children with individual rights, and articles 43–54 provide mechanisms to help governments work and report back to the UN Committee on the Rights of the Child on how they are progressively realising these rights.⁹⁷

When discussing articles 1–42 of the UNCRC, it has become customary to categorise them into the '3 Ps' – protection, provision and participation.⁹⁸ Approaching the UNCRC through the lens of the 3 Ps helps simplify the understanding and implementation of children and young people's rights, and aids policymakers, practitioners, educators and advocates in applying the UNCRC more effectively. A brief overview of the UNCRC in terms of the protection, provision and participation of children is presented in Table B1.⁹⁹

93. The United States of America signed the treaty in 1995 but is yet to ratify the UNCRC.

94. United Nations, 'UN Treaty Body Database' (Webpage, accessed 7/3/2025) <https://tbinetnet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en>

95. Currently, only 3 jurisdictions (Australian Capital Territory, Victoria and Queensland) have passed specific human rights legislation.

96. *CCYP Act* (n 1) s8(1)(f)

97. Australian Human Rights Commission, 'The UN Committee on the Rights of the Child and Reporting on children's rights' (Website, accessed 14 November 2024), <<https://humanrights.gov.au/our-work/childrens-rights/un-committee-rights-child-and-reporting-childrens-rights>> Note: the UNCRC states that Australia must report to the Committee on the Rights of the Child every 5 years on: (a) what it is doing to protect and promote the rights contained in the UNRC, (b) the progress made against protecting and promoting these rights, and (c) the barriers encountered in implementing the UNCRC.

98. Thomas Hammarberg, 'The UN Convention on the Rights of the Child – and How to Make It Work' (1990) 12(1) *Human Rights Quarterly* 97

99. Note the below section is not intended to provide an exhaustive list of rights and their categories. Rather, it is intended provide a general overview of how the 3 Ps approach may help make the UNCRC more accessible to children and young people, their parents, and to the Government.

Table B1: The 3 Ps of children's rights under the UNCRC

<p>The right to protection</p> 	<p>Every child has the right to be protected from harm, discrimination, abuse, or exploitation. Articles such as article 19 (protection from violence) provide, in simplified terms that:</p> <p style="padding-left: 40px;">Governments must protect children from violence, abuse and being neglected by anyone who looks after them.¹⁰⁰</p> <p>In addition to mental and physical protections (such as the freedom from physical punishment), the right to protection extends to children having the right to live and interact with others in safe environments.</p>
<p>The right to provision</p> 	<p>Every child has the right to enjoy access to essential resources, services and information that supports their development to the maximum extent possible.</p> <p>These include the right to education (articles 28, 29), to healthcare, healthy food, clean water and a clean environment (article 24) and the right to information (article 13).</p>
<p>The right to participate</p> 	<p>Children and young people have the right to participate and to be supported to participate (articles 12, 13).¹⁰¹ Participatory rights recognise children as active agents in their own lives, and acknowledge that their participation is vital to their social, psychological, and physical development.¹⁰² The right to participate is not limited to an ability to express their opinions (or to make decisions consistent with their level of maturity), but includes the right to choose what to think and believe (article 14)¹⁰³ and to take part in cultural social and/or religious activities (articles 15, 30).</p>

100. In addition to the official language of the UNCRC, there exist multiple versions of the UNCRC that express each article in various simplified forms that are intended to be read by children and young people. The language included here is taken from a children's version published by UNICEF and supported by the UN Committee on the Rights of the Child (see <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>).

101. Laury Lundy, John Tobin, and Aisling Parkes, 'Article 12: The Right to Respect for the Views of the Child' in John Tobin (Ed), *The UN Convention on the Rights of the Child A Commentary* (Oxford University Press, 2019) p398 ('Article 12 Analysis').

102. *Article 12 Analysis* (n 101) p399

103. Article 14 of the UNCRC places some limitations according to what is considered necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

General children's rights principles of the UNCRC

The UN Committee on the Rights of the Child has identified the following 4 'core' articles of the UNCRC as the basis for all state decisions regarding the interpretation and realisation of child rights.¹⁰⁴



Article 2 *Right to non-discrimination*

All rights in the UNCRC apply to every child without discrimination of any kind, regardless of race, gender, disability, religion or any other status. Non-discrimination ensures that children's rights are upheld equally.



Article 3 *Best interests of the child*

The best interests of the child must be a primary consideration in all actions concerning them, whether taken by public institutions, the private sector or within the family. This principle helps guide decisions and policies, ensuring they are made with children's well-being and optimal development as priorities.



Article 6 *Right to life, survival and development*

A child's inherent right to life obliges the government to ensure their survival and development as fully as possible. This principle supports an environment that fosters both immediate and long-term developmental, physical, emotional, social and intellectual needs.



Article 12 *Right to be heard*

This principle recognises the child's right to express their views freely in matters affecting them, with their views given due weight according to their age and maturity. It underscores the importance of respecting children as active participants in their own lives and in society.

While these core articles should not be used in place of the entire UNCRC,¹⁰⁵ they are helpful interpretative tools that remind individuals, policy makers and others to prioritise the inclusion, welfare, development and active participation of children in matters that affect them.¹⁰⁶

The following section provides a summary of the core principles of the UNCRC and their interpretive value in understanding individual articles of the UNCRC.¹⁰⁷

104. UN Committee on the Rights of the Child, *General Comment No 5 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, CRC/GC/2003/5 (27 November 2003) ('General Comment 5').

105. Bronagh Byrne, and Laura Lundy, 'Children's rights-based childhood policy: a six-P framework', 2019 23(3) *The International Journal of Human Rights* 357-373.

106. *General Comment 5* (n 104).

107. United Nations Office of the High Commissioner for Human Rights, 'Convention on the Rights of the Child' (Website, accessed 12 March 2025) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>. Note, these summaries are intended to be general in nature and do not provide an exhaustive analysis of the general principles.

The role of parents and caregivers to respect, protect and fulfil child rights

In addition to the 4 core principles, the rights of children under the UNCRC are enabled when parents and caregivers are supported by governments to create environments that reflect the child's evolving capacities to realise their rights.¹⁰⁸ Under article 5 of the UNCRC, parents and caregivers have a responsibility to provide guidance and direction that respects, protects and fulfils children and young people's rights. Recognising that children's maturity evolves over time means that the policies and programs of governments should enable children to gradually claim and enjoy their rights in line with their evolving capacities to do so.¹⁰⁹



108. UNCRC (n 35)

109. John Tobin, *The UN Convention on the Rights of the Child: A commentary* (Oxford University Press, 1st Ed, 2019) 178

Other supporting treaties and protocols

The UNCRC is supported by other international treaties and optional protocols, guidelines and general comments that assist with its interpretation. These additional treaties include the Convention on the Rights of Persons with Disabilities (UNCRPD),¹¹⁰ the United Nations Declaration on the Rights of Indigenous Persons (UNDRIP)¹¹¹ and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (UNCEDAW).¹¹² Taken together, the UNCRC and these other international treaties provide a comprehensive set of rights specific to children and young people (Figure 2).¹¹³

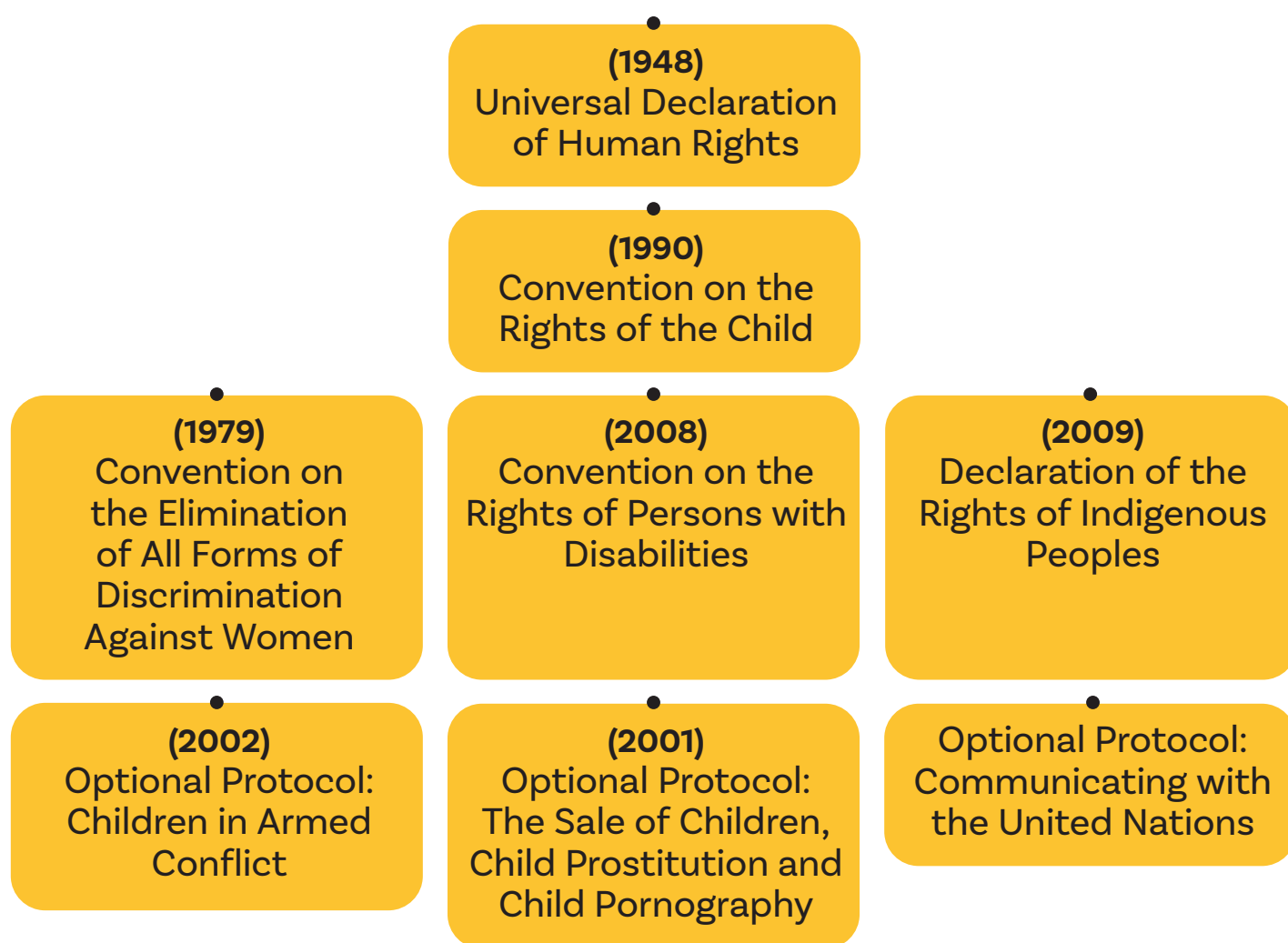


Figure 2: The United Nations instruments that outline the rights of the child

110. *Convention on the Rights of Persons with Disabilities*, A/RES/61/106 (12 December 2006). Note: for example article 7 of this convention outlines recognises the fundamental freedoms and human rights of children with disability.

111. *United Nations Declaration on the Rights of Indigenous Peoples*, A/RES/61/295 (13 September 2007). Note: art 14 (2)(3), 17(2), 21 (2), and 22(1)(2) recognise specific rights of indigenous children.

112. *Convention on the Elimination of All Forms of Discrimination against Women*, GA/31/180 (18 December 1979). Note: for example, art 16 1(d-f) recognises, in part, the best interests of children and young people as being 'paramount'.

113. There are other optional conventions, such as the convention against torture (OPCAT), that may further aid with interpreting UNCRC articles.

Appendix C: Child-friendly version of the UNCRC



This child-friendly version of the UNCRC is published by UNICEF and is accompanied by short, simple explanations on what each right means. For more information refer to Convention on the Rights of the Child: The Children's version <<https://www.unicef.org/reports/convention-rights-child-children-version>> published by UNICEF in its Kids Corner (<https://www.54reasons.org.au/kids-corner>) .

Appendix D: Traditional (welfare-based) versus rights-based approaches

Welfare-based approaches to child wellbeing focus on addressing children's needs through protective interventions determined by adults. These approaches are often grounded in paternalism, with children and young people defined by their vulnerability and a view that they require protection, care and charity.¹¹⁴ Commenting on such approaches, the UN Committee on the Rights of the Child has identified that these approaches tend to:

- exclude children and young people from meaningful involvement in decision-making¹¹⁵
- view children as objects of protection rather than active participants¹¹⁶
- favour the need for protection at the expense of child participation.¹¹⁷

Welfare-based approaches may therefore inadvertently undermine the rights of the child by reinforcing existing power imbalances between adults and children.¹¹⁸

Rights-based approaches view children and young people as rights-holders, with inherent dignity and agency.¹¹⁹ This shift in focus respects children and young people as individuals with evolving capacities to claim their rights and makes clear the duty on governments to respect, protect and fulfil their rights (see Table C1).¹²⁰



114. *Shifting Conceptions* (n 51)

115. *General Comment 5* (n 104)

116. UN Committee on the Rights of the Child, General Comment 12 *The right of the child to be heard* CRC/C/GC/12 (20 July 2009)

117. UN Committee on the Rights of the Child, General Comment 14 *The right of the child to have his or her best interests taken as a primary consideration* (art. 3 para 1) CRC/C/GC/14 (29 May 2013)

118. John Eekelaar, 'The Emergence of Children's Rights' (1986) 6(2) *Oxford Journal of Legal Studies* 161

119. *Shifting Conceptions* (n 51)

120. *Shifting Conceptions* (n 51)

Table C1: Summary of differences between welfare-based and rights-based approaches¹²¹

Welfare-based approaches	Rights-based approaches
Victims and passive recipients of assistance	More than victims and potential agents and collaborators
Vulnerable and in need of protection	Protection necessary but capacity for supported decision making
Incompetent and incapable	Evolving capacities
Entirely dependent on adults' welfare/beneficence	Capacity for resilience and independence and interdependence with adults
Lacking in expertise	Possessing (relevant and relative) expertise
Object of intervention	Subject with entitlements under the convention
Do not require access to information about circumstances	Require access to appropriate information about circumstances
Silenced (seen but not heard)	Active participants (seen, heard, listened to and taken seriously)
Deficits-based approach	Strengths-based approach

The UN Committee on the Rights of the Child has highlighted the importance of creating legal, institutional and cultural frameworks that recognise children as holder's of rights rather than passive recipients of services.¹²² Unlike welfare-based approaches that tend to offer temporary or limited supports,¹²³ rights-based approaches promote structural and systemic changes enabling governments to realise their commitment to respect, protect and fulfil child rights under the UNCRC.

¹²¹. *Shifting Conceptions* (n 51) p10

¹²². *General Comment 5* (n 104)

¹²³. Supports are often linked to individual government programs or frameworks and may not persist once program funding is exhausted.

Appendix E: Making Rights Real infographic

Making rights real for children and young people in Tasmania

The Commissioner's Vision

Children and young people live their best lives when they know their rights, and when governments realise their rights.

Children's Rights

Realising children's rights makes the lives of all Tasmanians better over time.

Why do we need a child rights-based approach?



Children and young people need to be and feel safe. ^{1, 2}



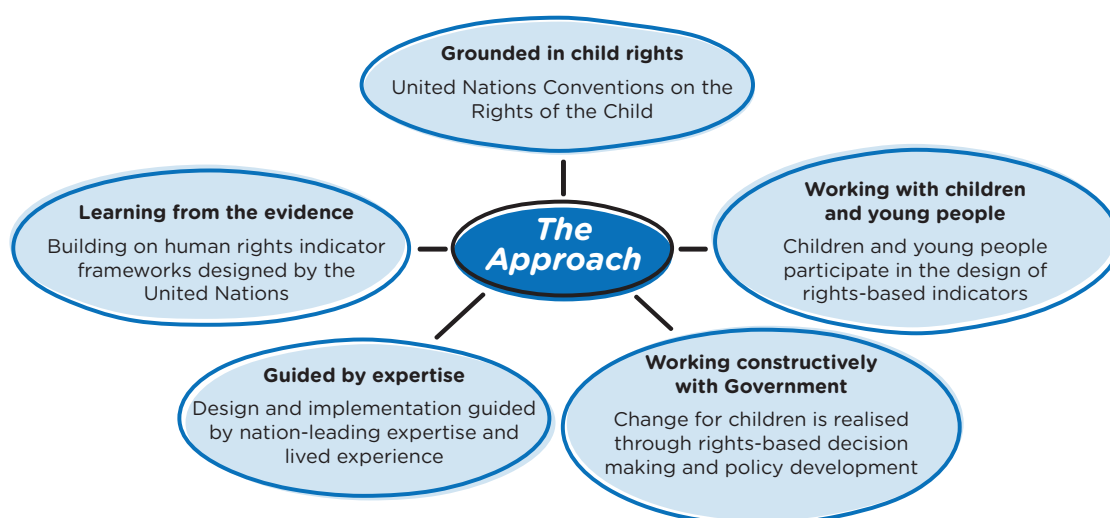
Children and young people in the Out-of-Home-Care and Youth Justice systems need to be looked after better. ^{1, 4, 5}



All children and young people need to thrive. ^{3, 6, 7}

What is a child rights-based approach to monitoring and evaluation?

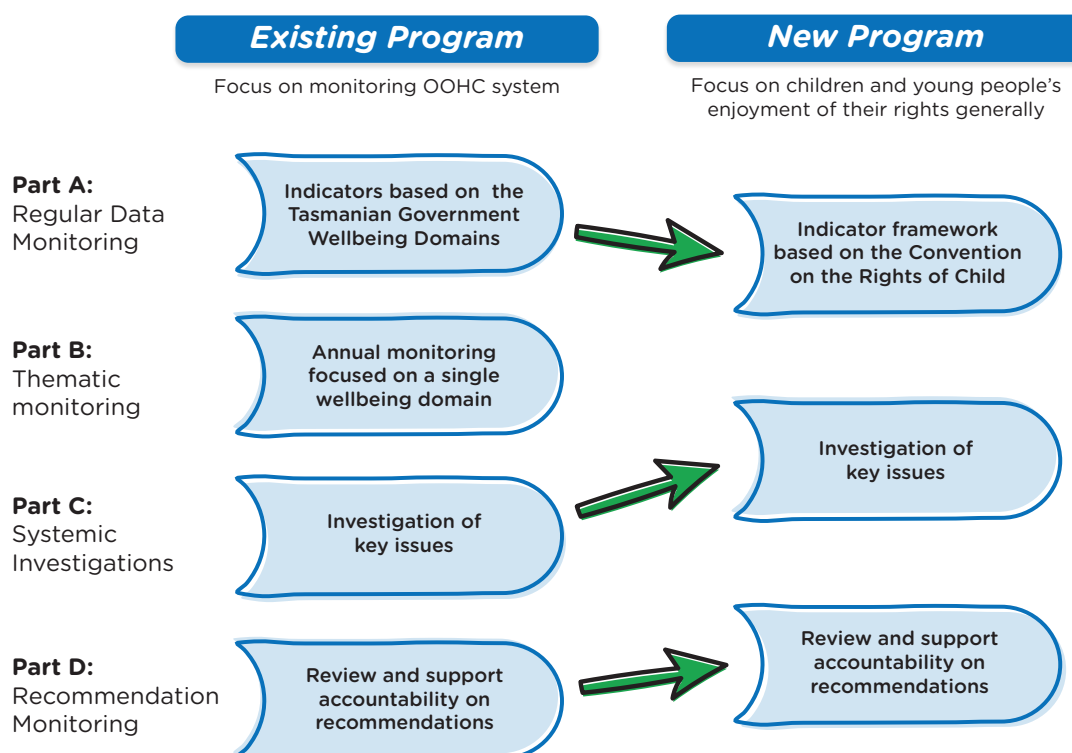
Working with children and young people, and constructively with government, this approach makes rights real for children and young people in Tasmania through independent child-centred participation, and rights-based and data-driven advocacy.



Footnotes:

¹ Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (Final Report, 2023). ² Moore & McArthur (2022) *Take Notice, believe us and act! Exploring the safety of children and young people in government run organisations*. Hobart: Tasmanian Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. ³ Closing the Gap Annual Report: Tasmania (2021-2022). ⁴ Commissioner for Children and Young People (Tas) *A Place at the table: An investigation into a change to the case management of children and young people in care in Tasmania* (Final Report, December 2023). ⁵ Commissioner for Children and Young People (Tas) *Nowhere else to go: Young people's views on homelessness* (Report, 2024). ⁶ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, September 2023). ⁷ Australian Government: Department of Health, *National Action Plan for the Health of Children and Young People 2020-2030* (Report, 2019).

The Commissioner's monitoring program will change



What are the key characteristics of the new program?

- **Child-centred:** this means an improved understanding of the lived-experience of children and young people in Tasmania
- **Rights-based:** this means greater insights about how Government decision-making affects children's enjoyment of their rights without discrimination
- **Data-driven:** this means stronger evidence to support rights-based decision-making to make the lives of children and young people better

The new CCYP Monitoring and Evaluation Program will support Tasmania to become more child-centred, rights-based and data-driven, leading to better services, policies and outcomes for children and young people in Tasmania

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