

Margaret May
Acting Chair
Joint Standing Committee on Treaties
Parliament House, Canberra, ACT 2600
jsct@aph.gov.au

Dear Ms May,

Optional Protocol to the Convention on the Rights of Children on the Sale of Children, Child Prostitution and Child Pornography

Thank you for your invitation to comment on the *Optional Protocol to the Convention on the Rights of Children on the Sale of Children, Child Prostitution and Child Pornography* (“**Protocol**”) tabled in the Parliament on 11 October 2005.

We support the Federal Government’s proposed ratification of the Protocol for the following broad reasons.

1. The Protocol strengthens the Convention on the Rights of the Child

Accession to the Protocol will further achieve the purposes of the Convention on the Rights of the Child (“**Convention**”) and the implementation of its provisions.

The Convention recognises the right of the child to be protected from economic exploitation and from performing work that is likely to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. Ratification reflects the Australian Government’s leadership role in the fight against trafficking in persons

Recognising the widespread and continuing practice of sex tourism, to which children are especially vulnerable, and the significant and increasing international traffic in children for the purpose of their sale, the Australian Government and numerous non-government agencies have in recent times been active advocates against sex tourism and trafficking in persons.

Ratification of the Protocol will reflect the Australian Government’s aim to be a regional leader in the fight against trafficking in persons, and commitment to preventing trafficking in persons, prosecuting perpetrators, and protecting victims of trafficking. Adoption of the protocol gives further weight to the Australian Government when seeking support from regional partners for programs such as its “Action Plan to Eradicate Trafficking in Persons”.

It incorporates Australia’s work in this area into a clear international framework.

3. Ratification of the Protocol is international best practice

As stated in the National Interest Analysis, Australia was involved in the development and negotiation of the text of the Protocol. Ratification will demonstrate a strong ongoing commitment on the part of Australia to engage both domestically and internationally with the promotion and protection of children's rights in this area. It will support Australia's development of its own processes in accordance with international best practice.

4. Ratification is consistent with Australian legislative changes to restrict Child pornography

Concern about the growing availability of child pornography on the internet and other evolving technologies has led to efforts to regulate online content by both the Commonwealth and State Governments.

The Commonwealth Government has sought to establish a framework for regulating internet service providers and internet content hosts and has extended the definition of "prohibited content" to limit the availability of child pornography.

In relation to offline material, such as films, videos, books and magazines, all states and territories have agreed to follow the classification guidelines made by the Commonwealth Classification Board under the *Classification (Publications, Films and Computer Games) Act 1995* (Cth).

Ratification of the Protocol is consistent with these efforts and gives further weight to the Commonwealth Government's efforts to introduce uniform and effective restrictions on the online availability of Child pornography.

The National Children's & Youth Law Centre supports the reasons for taking the proposed treaty action set out in the National Interest Analysis.

For further information, I am happy to assist.

I can be contacted on (02) 9398 7488 or by email at James_McDougall@fcl.fl.asn.au.

Yours sincerely,

James McDougall
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