



Submission to the Child Rights Taskforce

NGO Report to the UN Committee
on the Rights of the Child



17 December 2010

About the Authors

Carol Ronken is Bravehearts' Research and Policy Development Manager. After seven years at Griffith University as a casual staff member and Associate Lecturer in the School of Criminology and Criminal Justice, Carol joined Bravehearts in early 2003. With a Bachelor of Arts (psychology) and Masters in Applied Sociology (social research), Carol is dedicated to making a difference in the lives of those touched by child sexual assault and is focused on advocating for greater awareness and effective, proactive system responses.

Hetty Johnston is Founder and Executive Director of Bravehearts Inc., whose purpose is to provide therapy, support and advocacy services to survivors of child sexual assault. Hetty is the author of the national awareness campaign, "White Balloon Day", the "Sexual Assault Disclosure Scheme", the "Ditto's Keep Safe Adventure!" child protection CD-Rom and her autobiography, "In the best interests of the child" (2004). In 2005, Hetty was announced one of 4 Queensland finalists for the 2006 Australian of the Year Awards.

This submission has been prepared by:

Bravehearts Inc

PO Box 575

Arundel BC, Qld 4214

Phone: 07 5552 3000

E-mail: research@bravehearts.org.au

Web: www.bravehearts.org.au

Table of Contents

ABOUT BRAVEHEARTS INC.	1
CHILD SEXUAL ASSAULT AND AUSTRALIA	2
CHILDREN’S RIGHT TO BE HEARD	5
<i>Challenging Systemic Secrecy and Silence</i>	5
<i>Current Child Protection Act in Queensland</i>	6
<i>Family Law and the Child’s Voice</i>	7
<i>The Criminal Law and Privacy, Protection, Silence and Reform</i>	8
<i>‘Protecting’ the Child</i>	8
INDIGENOUS CHILDREN	11
RESPONDING TO CHILD SEXUAL ASSAULT	12

About Bravehearts Inc.



Founded in 1997 by Hetty Johnston, Bravehearts Inc. has evolved into an organisation whose purpose is to provide therapeutic, support and advocacy services to survivors of child sexual assault. We are also actively involved in education, prevention, early intervention and research programs relating to child sexual assault.

Bravehearts operates at a National level, from our Head Office on the Gold Coast, advocating and lobbying across the country, with a physical presence in three States: Queensland (Gold Coast, Brisbane and Cairns), New South Wales (Sydney and Shoalhaven) and Victoria (Shepparton).

Bravehearts makes a difference in child protection by:

- Assisting children and their non-offending family members to recover from the trauma of child sexual assault through therapy, advocacy and support;
- Raising awareness via initiatives such as the 'White Balloon Campaign' - a public awareness and child protection initiative;
- Protecting survivors and providing them with avenues of redress through projects like the 'Sexual Assault Disclosure Scheme' (SADS) – a means for anonymous yet official disclosure of assault;
- Providing and developing effective education and prevention programs (Ditto's Keep Safe Adventure) to empower children and young people and increase their resiliency to child sexual assault;
- Advocating for survivor's rights through participation in legislative review and reform (successful campaigns include: the introduction in Queensland, New South Wales, Western Australia, Victoria and South Australia of Continuing Sentences for dangerous paedophiles; the closure of Queensland's Department of Family Services; the introduction of Section 189, the right for children and their families to speak publicly; the introduction of the Amber Alert system in Australia; the instigation of various formal Inquiries; and successful amendments to legislation);
- Raising community awareness through participation in public debate and in the accumulation, production and dissemination of relevant research material; and
- Supporting the work of other agencies (government and non-government) and individuals in their work around child sexual assault.

While we are aware the of child rights is far wider than those confined to the focus of Bravehearts, we stress that the bulk of this submission is never-the-less centred around the issue of child sexual assault.

Child Sexual Assault and Australia



In 1997, Dr Bill Glaser spoke about child sexual assault at an Australian Institute of Criminology conference on paedophilia, describing it as an epidemic:

Imagine a society afflicted by a scourge which struck down a quarter of its daughters and up to one in eight of its sons.

Imagine also that this plague, while not immediately fatal, lurked in the bodies and minds of these young children for decades, making them up to sixteen times more likely to experience its disastrous long-term effects.

Finally, imagine the nature of these effects: life-threatening starvation, suicide, persistent nightmares, drug and alcohol abuse and a whole host of intractable psychiatric disorders requiring life-long treatment. What would the society's response be?

The scourge that we are speaking of is child sexual abuse. It has accounted for probably more misery and suffering than any of the great plagues of history, including the bubonic plague, tuberculosis and syphilis. Its effects are certainly more devastating and widespread than those of the modern-day epidemics which currently take up so much community attention and resources: motor vehicle accidents, heart disease and, now, AIDS. Yet the public response to child sexual abuse, even now, is fragmented, poorly co-ordinated and generally ill-informed.

Sadly little has changed in 13 years since this conference. Children and young people are still being subjected to child sexual at rates that demand a human rights response. Statistics continue to show that on average one in five children will be sexually assaulted before the age of 18 (Mamun, Lawlor, O'Calloghan, Bor, Williams. & Najman, 2007; Watson, 2007; Bricknell, 2008).

The impact of child sexual assault on children and young people and on adult survivors is well documented and understood in the research (further statistics and full references are available in our Facts and Stats document: <http://www.bravehearts.org.au/research>):

- Children and young people who have experienced sexual assault tend to exhibit behavioural problems include withdrawal, aggression and inappropriate sexual behaviour and increased sexual risk-taking
- Teenagers with alcohol problems are 21 times more likely to have been sexually assaulted than those without such problems.
- Young people who had experienced child sexual assault had a suicide rate that was 10.7 to 13.0 times the national Australian Rates. A recent study of child sexual assault victims found 32% had attempted suicide and 43% had thought about suicide.
- 50 to 70% of all women and a substantial number of men treated in psychiatric settings have histories of sexual assault or physical abuse, or both.

- As high as 81% of men and women in psychiatric hospitals with a variety of major mental illness diagnoses, have experienced physical abuse and/or sexual assault. 67% of these men and women were abused as children.
- The majority of adults diagnosed with Borderline Personality Disorder (81%) or Dissociative Identity Disorder (90%) were sexually assaulted and/or physically abused as children.
- Women molested as children are four times more at risk for Major Depression as those with no such history. They are significantly more likely to develop bulimia and chronic PTSD.
- 97% of mentally ill homeless women have experienced severe physical abuse and/or sexual assault. 87% experienced this abuse both as children and as adults.
- Most self-injurers have childhood histories of physical abuse or sexual assault. 40% of persons who self-injure are men.
- Nearly 90% of alcoholic women were sexually assaulted as children or suffered severe violence at the hands of a parent.

Yet the rights of children to be safe, to have access to prevention, early therapeutic intervention, support programs are rights that are not being actively protected or promoted in Australia. Secrecy and silence still prevail in relation to the sexual assault and lack of commitment to ensure adequate resources and services are available to children and young people is a direct abuse of the rights of survivors of child sexual assault.

As a signatory to the Convention on the Rights of the Child (signed by Australia on the 22nd August 1990 and ratified on 17th December 1990) the Australian government is obligated to comply with the Articles set out by the Convention to ensure the **best interests of the child**.

The following articles are particularly relevant to this current submission:

Article 12:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement

Article 34:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 39:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Children's Right to be Heard



Child sexual assault strongly relies on silence; in order to keep offending perpetrators need secrecy.

Offenders usually put a great deal of effort into ensuring that a child remains silent. Apart from promises, threats and bribes, offenders also take advantage of the child's powerlessness by presenting a distorted or false view of what is happening. Some of the ways offenders 'trick' children into secrecy include convincing the child that:

- They are somehow responsible.
- Others will blame them.
- They will be punished.
- They will be to blame if the offender goes to jail.
- They will be to blame if the family breaks up.
- They will be to blame if others in the family are upset.
- They are bad in some way and this is why the assault happened in the first place.
- They will not be 'special' anymore.
- No one would believe them if they told.

Following on from this, some of the reasons children don't tell are:

- They often feel it is their fault because they let it happen.
- They feel guilty about their body's natural reaction to sexual activity (even though this is beyond their control).
- They feel disclosure may cause family problems or breakdowns.
- The offender may be someone the child/young person heavily relies on.
- They fear they will be blamed, punished or not believed.
- They fear they will be separated from their homes and their families if they speak out.
- They fear disclosure will cause harm to someone or something they love and care for, such as family members or pets.

Challenging Systemic Secrecy and Silence

The generally consistent stated aim of Privacy and Child Protection legislation around the nation is to protect children from harm and/or exploitation. However, the prevailing view is that blanket privacy and confidentiality provisions only serve to protect the Government departments and cover-up system abuses and failures. Bravehearts support the need for these legislations but argue that in their current form, they act as a muzzle to the freedom of speech for children and their parents who legitimately want to 'break the silence' on the harm they have experienced. We argue for a process of application to void these restrictions such that those who want to speak publicly are able to do so.

If we are to successfully confront the issue of child sexual assault, challenging the culturally and historically entrenched response of secrecy and silence to child sexual assault is imperative. Bravehearts believe the way forward is to:

- Provide support and advocacy to victims, survivors and their families
- Give a voice to victims, survivors and their families
- Increase community awareness and understanding of the issue through community campaigns such as ‘White Balloon Day’
- Engage in robust public debate around legislative reform
- Conduct research specific to child sexual assault
- Increase transparency in decision making and external oversight within Government departments and the judiciary
- Invest heavily in Prevention and Early intervention programs with particular focus on personal safety education for children
- Work with Indigenous Australians to implement culturally and community acceptable awareness and education programs into their communities
- Invest in general child sexual assault awareness and training programs for people working with children
- Invest in child sexual assault specific training programs for professional therapists registered by Medicare, and those working with service provision organisations, to provide assistance to survivors of child sexual assault.

Current Child Protection Act in Queensland

Publication of information that identifies or may lead to the identification of a child victim has been widely restricted by legislation. Bravehearts recognises that the prohibition of publication of this in relation to current proceedings (be that in relation to statutory concerns or to criminal matters) is necessary to protect the child and the legal process during the court proceedings and supports this protection being in place. However, once a matter has reached its conclusion, Bravehearts believes that provision must be made to provide children and their families with the opportunity to speak publicly if so desired.

In 2000, Bravehearts successfully lobbied to amend the Queensland *Child Protection Act 1999* to allow for individuals to apply for permission to speak publicly about issues that may affect themselves or their family.

Under the Act, Section 189 allows for the approval to be sought from the chief executive (who will assess the motivational integrity of the request among other considerations) where a child is or has been the subject of an investigation under the Act, who is under the statutory care of the Department or who is the subject of an order. Additionally, the provision also applies to children who have been harmed or at risk of harm, or allegedly so, by a family member:

S189 Prohibition of publication of information leading to identity of children - QLD

(1) A person must not, without the chief executive’s written approval, publish information that identifies, or is likely to lead to the identification of, a child as—

- (a) a child who is or has been the subject of an investigation under this Act of an allegation of harm or risk of harm; or
- (b) a child in the chief executive's custody or guardianship under this Act; or
- (c) a child for whom an order is in force.

(2) A person must not, without the chief executive's written approval, publish information that identifies, or is likely to lead to the identification of, a child living in Queensland as a child who—

- (a) has been harmed or allegedly harmed by a parent or step-parent of the child or another member of the child's family; or
- (b) is, or allegedly is, at risk of harm being caused by a parent or step-parent of the child or another member of the child's family.

Section 189 has been applied in Queensland providing victims with an opportunity to have their voices heard. In August 2001 mother of four young children and Indigenous foster carer Ms Rachael Bon used the provisions of Section 189 to allow the front page coverage in Brisbane's Courier Mail newspaper of her family's story.

The issue of the legislative silencing of victims rose again in Queensland with the introduction, in early 2010, of Section 194 into the *Child Protection Act 1999*:

Section 194 appears to provide for a 'relevant person' (child or adult victim) to self-publish information identifying themselves as a child victim (Section 194(2)) but the media (who is not the 'relevant' person) cannot publish anything that identifies the child victim unless that victim is now an adult (Sect 194 (2b)) or the it comes under Sect 194 (2c, d, e or f).

Bravehearts has expressed concerns about the inclusion of this Section which potentially serves to silence victims and families. Further we believe the introduction of Section 194 into the Child Protection Act 1999 appears to be in complete contradiction with the intention of Section 189, and subsequently Article 12 of the *Convention on the Rights of the Child*, and ultimately we question whether the amendment is in the best interests of the child.

Family Law and the Child's Voice

Separate representatives are required to advocate in accordance with their assessment of the child's best interests and do not act upon the child's instruction or advocate the child's wishes.

A major criticism of the separate representative model is that it denies competent children the right to instruct their advocates. The separate representative must tell the court what wishes the child has expressed but does not have a duty to make submissions to the court which represent the wishes of the child or to argue for an outcome in line with the wishes of the child. The credibility and weight given to children's wishes are matters for the court and will vary from case to case. In many cases involving children the representative for a child may discount, editorialise or reject

the child's wishes and argue the case in accordance with his or her own views of the child's best interests.

The assumption that children lack the judgment of adults is now being challenged. Many children have the maturity and judgment to direct their lawyer just as many adults have limited maturity and poor judgment but instruct legal representatives.

Bravehearts believes that a more appropriate process would involve representation that provides the child with a direct voice in the decision making process. Direct legal representation avoids the role confusion associated with best interests advocacy by establishing a lawyer-client relationship between the representative and the child. It allows children to participate directly in proceedings if they are able and willing to do so.

The Criminal Law and Privacy, Protection, Silence and Reform

It is fair to say that most victims of crime do not want to be publicly identified but again, for those that do, there must be an ability to do so. Currently, courts impose a blanket prohibition on the identification of child victims of crime. Bravehearts support this approach during the trial period and for so long as the victims of crime desire this legislative protection. However, if, at any point in time after the trial, the family chose to speak publicly the only avenue to overturn the blanket prohibition currently is to reconvene the court, reintroduce all the evidence and seek permission from the judge.

Not only is this a costly and time consuming exercise for the Court system, it is extraordinarily cumbersome and complex process for the victims of crime. The current process, in itself, is not conducive to affording basic human rights to people who chose to speak publicly. In fact, it is fair to say that the current system actually discourages this option by making the ability to make this choice and achieve this outcome inaccessible and therefore, almost impossible.

'Protecting' the Child

Bravehearts recognise that it is important to achieve a balance between protecting children and their families from any potential harm that may result from involvement with the media, and the need to ensure they have access to the media so their stories are told from their perspective, using their voices.

Why is the participation of children and young people important?

- People, young and old, want to have their say
- It is empowering to give people who have been harmed a voice
- If the victims and their families are not interviewed, part of their story could be lost or distorted
- Although it is often assumed that victims of crime and their families cannot grasp complex issues, experience shows how young people and their families can provide invaluable personal insights that have improved our knowledge, awareness and ability to protect children

- Limiting people's access to the media limits their ability to lobby those in power. Media coverage can bring public attention to various issues, which can lead to action, policy change and wider protection for children.

But while it is important to talk to victims of crime of all ages about their experiences, they need to be protected from inappropriate media attention for a number of reasons. These include:

- The imbalance of power between the victims of crime and the journalist, which could lead to exploitation
- Victims of crime, and in particular children, may lack the knowledge or experience to decide how and when to limit their involvement with the media
- Victims of crime and in particular children, may be excited by media coverage, and may not consider the long-term implications of the coverage.

While Bravehearts' support and acknowledge legislation to protect the child and the child's family against potential exploitation, re-victimisation, and/or physical or emotional harassment, we also support the rights of victims, survivors and their families to speak publicly if they so desire.

It is Bravehearts position that the entrenched and blanket legislative silencing of victims that prohibits outright any public discussion or disclosure are based on many dubious assumptions including:

- That public identification is harmful.
- That it is reasonable to expect that the child (the victim in the first degree) or the child's family (victims in the second degree) will incur some form of community retribution or re-victimisation if others are to become aware of the fact that they were the innocent victim of a crime perpetrated upon them;
- That the child is protected from this assumed backlash or re-victimisation by virtue of maintaining their silence and secrecy;
- That the 'Chief Executive Officer', being a reflection of the Government of the day, is in a better position to judge the potential or perceived potential risk to the family of this issue than is the child and family to whom it personally relates;
- That all children under the age of 18 and their non-abusive families are incapable of forming their own views and position on this issue and as such, their right to free speech and choice must be limited; and
- That silence, secrecy and anonymity in the area of child sexual assault is the best protection mechanism to protect children against further sexual assault.

Legislation that does not allow for the victim of child sexual assault to speak out and be heard freely, fails to recognise that:

- 'Silence and secrecy' plays a major role in the proliferation of child abuse;
- The 'silence and secrecy' response perpetuates the 'shame' factor on the victim, does nothing to help in their healing but instead, relegates them to a life of isolation and further victimisation;
- The 'silence and secrecy' factors are unquestionably related to a perceived sense of shame or guilt on behalf of the victim and that this factor is best overcome - not by

enforcing the continuance of silence, but by finally providing victims the required resources and counselling needed to overcome these misplaced feelings, to re-empower these children, to help redefine and set their boundary's and re-instil self-esteem;

- This legislation will validate and entrench the community 'shame' factor for many victims and their families and will do nothing to instil the necessary 'pride' factor that speaking out to protect, warn and educate others delivers;
- There is no, to our knowledge, substantiated evidence that the public is largely predisposed to victimisation or harassment of persons in such matters;
- The lack of community education, awareness and comprehension of the issues surrounding child sexual assault is the foundation on which any potential harassment and victimisation is built and that the best way to deal with these issues is to increase and entrench public awareness and understanding; and
- Strengthening anti discrimination laws, bullying, exploitation and harassment provisions in legislation relating to victims and enforcing imprisonment penalties against those who would discriminate, exploit or abuse the child rights rather than those who dare to speak out is the best way to defend and protect the rights of the child.

Bravehearts acknowledge that the larger percentage of victims and their families will not wish to be identified but for those who do, and for even for those whom don't, the vital matter of choice is imperative. Families and children whose motivational integrity is community benefit and who choose to speak out need a readily available 'out' from any legislative muzzle. This will benefit the community and the efforts to protect children generally because public disclosures that serve genuine public interest and public benefit will provide transparency, accountability and greater community awareness.

Bravehearts believe that the arguments for and against the compulsory prohibition of identification of child victims of sex crimes are based predominately on individual and collective philosophical stances and personal culturally entrenched bias rather than definitive research.

Indigenous Children



The over-representation of Indigenous children in Australia's child protection systems is of particular concern, and while addressed as a specific outcome in the *National Framework* (Supporting Outcome 5), Bravehearts believes that this issue needs continually monitoring.

In 2008-09, Aboriginal and Torres Strait Islander children comprised 4.6% of Australian children, and 25% of all confirmed reports of sexual assault, abuse or neglect. This means that Aboriginal and Torres Strait Islander children were more than 7.5 times more likely than other children to be the subject of a confirmed report of sexual assault, abuse or neglect than non-Indigenous children (see: Australian Institute of Health and Welfare, *Child Protection Australia 2008-2009*, 2010).

Inquiries into child sexual assault in Western Australia, New South Wales and the Northern Territory have concluded that the sexual assault of Aboriginal children was common and under-reported. Despite the low rates of child sexual assault substantiated by child protection services, there is strong evidence to suggest that Aboriginal and Torres Strait Islander children are at greater risk of being sexually assaulted than other children

In addition to being over-represented in the child protection system, the right for Indigenous children to be placed with a kinship or Indigenous carer is not being met (Article 20.3).

In Queensland, only 58% of Indigenous children being placed with a kinship or Indigenous carer or in an Indigenous residential service in the 2008/2009 period. While the percentage of children placed in accordance to the Indigenous Child Placement Principle has increased slightly since 2007/2008 (from 56%), there has been a decrease since 2004/2005 when 64% of Indigenous children were placed with a kinship or Indigenous carer or in an Indigenous residential service. The Department's struggle to adhere to the Indigenous Child Placement Principle is of concern.

The *National Framework* specifically addresses this concern under Outcome 5 (Indigenous children are supported and safe in their families and communities). The Framework states: "The best interests and safety of a child are paramount. Where Aboriginal and Torres Strait Islander children cannot remain safely in the care of their parents or community, timely and culturally appropriate responses for their care, protection and nurture are needed".

It is absolutely essential that Australian governments invest resources and energy into consultation with and development of collaboration with Indigenous communities to ensure that as far as possible, Indigenous children are able to maintain essential links with family, community and culture.

Responding to Child Sexual Assault



Child protection issues in Australia are considered a State-level concern and this has caused numerous issues in ensuring that the rights of children across the country are protected.

On the 30th April 2009, the Council of Australian Governments endorsed the *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*, representing a commitment to establish a minimum standard and consistent strategies for promoting the rights and protection of Australian children.

The *National Framework* has the potential to advance the protection of Australia's children through improved systems to better protect identified vulnerable and at-risk children in our communities, as well as boosting services aimed at supporting families and preventing harm from occurring in the first place.

The rates of child sexual assault continue to be at unacceptable rates in this country. Bravehearts acknowledges the crucial advancement made in the separate addressing of this issue in the *National Framework* (Supporting Outcome 6).

Despite the positive steps forward the *National Framework* signifies, Bravehearts has concerns with the apparent lack of urgency and progress since the *Framework* was endorsed. Most significantly, the resourcing of services that are dedicated to protecting children and their rights, including prevention and early intervention programs is severely deficient.

Programs and services need to be targeted not just towards children and families where there has been an identified problem, but also more universally introduced, at a community level, in the early years of a child's life. The resourcing of early intervention and prevention is crucial and budgetary allocations need to be made to funding proven, effective programs that demonstrate best practice. Effective intervention early on is essential in better responding to child protection concerns and minimising the negative outcomes for children and families, while effective prevention programs substantially minimise the risk of harm to children occurring in the first place.

In addition, Bravehearts believes that National leadership is still lacking and urgently required in some of the most basic of issues relating to child protection to ensure the rights of children to be protected from harm. This includes:

- To agree on a National definition of 'child' and to adopt a National standard in relation to the 'age of consent';
- To provide National consistency in terms of age in relation to the legal definition of 'child', 'minor', 'adolescent' and an 'adult';
- To agree on National definitions for the terms 'child sexual assault', 'child abuse', 'neglect', 'rape', 'indecent dealing', etc;

- To agree on a National definition of the term 'harm' to a child as it relates to both legislation and regulations including those applying to the media;
- To implement a Nationally consistent statistical reporting model so as to properly gauge the occurrence, response and outcomes for children in need of protection;
- To investigate minimum standards of care and consistent policies and procedures in service provision across all State/Territory jurisdictions;
- The introduction of consistent mandatory reporting requirements;
- To agree on a National hearing, sentencing and treatment regime to properly and consistently deal with child protection matters, specifically paedophilia, within the often over-arching State and Federal legal systems, including Family Law;
- To agree on a Nationally adopted minimum age of criminal responsibility and 'age of majority';
- To introduce national standards for the sentencing, treatment, incarceration, release and on-going monitoring and reporting of child sex offenders, including juvenile sex offenders;
- To introduce a National 'Charter of Rights' for children who are subject to, or at serious risk of harm that would provide a legally enforceable obligation on all relevant authorities, States and Territories to provide predefined minimum standards of child protection services; and