

President's comments:

This issue of Australian Children's Rights News is focussed on two important issues: the children and young people whose lives are blighted by pre-natal exposure to alcohol and the challenges that brings to the health and juvenile justice systems as well as education to respond to these young people in an appropriate and compassionate way. Like those incarcerated in the adult prison system, young people with a disability are heavily over-represented in the juvenile justice system, but their disability often goes undiagnosed, especially when this is a result of alcohol and substance abuse by their mothers.

Sue Miers and Anne Russell from NOFASARD (National Organisation for Fetal Alcohol Syndrome and Related Disorders) have clearly outlined the problems and challenges and pointed to some of the 'solutions', a result of their own extensive experience with the issues at first hand. Sue is a foster parent of a 26 year-old daughter who has partial fetal alcohol syndrome (pFAS). Sue has lobbied extensively on both a state and national level to raise awareness about FAS issues and is a founding member of NOFASARD. Elizabeth Russell describes herself as a recovering alcoholic who in 2001 found that her addiction had physically harmed her two sons. She has resolved to devote the rest of her life to the prevention, education and support of sufferers of fetal alcohol spectrum disorder and their carers ensuring a positive consequence of her sons' suffering and to this end has written two books on FASD. They are *Alcohol and Pregnancy – A Mother's Responsible Disturbance* and *Alcohol and Pregnancy – No Shame No Blame*. These are the first two books on FASD written from the Australian perspective.

This article comes out just as the Australian National Council on Drugs (ANCD), the principal advisory body to Government on drug policy, has released its report, "*Drug Use In The Family: Impacts And Implications For Children*", prepared by national and international leading clinicians and experts. This report found that more than 230,000 of the nation's children aged 12 and under were living in a household where they were at risk of exposure to a binge drinker. After reviewing the many data sources, the following figures represent the authors' best estimate at the numbers of children living in households with parental substance misuse:

- Over 230,000 children live in households where they are at risk of exposure to at least one adult binge drinker;
- Over 40,000 children live in a household where one adult is taking cannabis daily;
- Over 14,000 children live in a household where one adult uses methamphetamines monthly;
- Substance abuse occurred in families with complex circumstances, experiencing a host of problems.

This report did not, however, follow up on the numbers of children affected by Fetal Alcohol Syndrome and Related Disorders.

The Council Chairperson, Dr John Herron quite rightly pointed out that: " To improve child outcomes in substance misusing families we need more treatment programs that can go beyond just treating the individual and that can cater to the needs and demands faced by the whole family."

The second key article concerns the physical punishment of children – children's rights not to be hit in line with CROC. This article is an edited version of the speech given by the Honourable Alastair Nicholson AO RFD QC, Honorary Professorial Fellow, Department of Criminology, University of Melbourne and Former Chief Justice, Family Court of Australia, and Patron, Children's Rights International and Epoch Tasmania to mark International 'No Smacking' Day at Parliament House in Hobart on 30 April 2007. Professor Nicholson outlines the legal and social issues in Australia and elsewhere in a comprehensive review that takes in the research on the consequences of physical punishment and the perspectives of children. Since that speech, on May 16, the New Zealand Parliament has passed legislation (on a vote 113:7) that removes the defence of 'reasonable force', the first English-speaking common law country to do so. Once again, New Zealand 'punches above its weight' on children's rights and social justice issues and shows the lead to Australia.

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