

Incarceration of children as young as 10 years of age in Australian youth detention centres is a national shame

Subjecting children as young as 10 years of age to criminal legal processes and periods of incarceration in youth detention centres is extremely damaging and has long lasting impacts.

The evidence overwhelming shows that this negative exposure during a critical period of brain development adversely impacts the health, wellbeing and long-term outcomes for children. It has a particularly harmful impact on children with developmental delay, disabilities and those that have experienced complex developmental trauma.

The UN Committee on the Rights of the Child has called on all countries to raise the minimum age of criminal responsibility to at least 14 years old.

Each week there are new accounts of poor treatment and abuse of children, particularly Indigenous children, in youth detention centres across the country. The issues identified in relation to youth detention are widespread and varied and include:

- Use of detention for children on remand, not as a last resort as set out in the UNCRC
- Detaining children in adult jails or decommissioned adult jails; or police watch houses while they await police interview, court, or transfer to detention
- Solitary confinement and use of rolling 'lockdowns' of children in youth detention centre cells for significant periods due to staff shortages
- Excessive use of force and punitive operational decision making
- Lack of age-appropriate and culturally responsive support and rehabilitative programs
- Allegations of child sexual abuse
- Use of spit hoods and other physical, mechanical and chemical restraints on children

Despite a Royal Commission into the Northern Territory's youth justice system 5 years ago which identified mistreatment, abuse, humiliation, and the detrimental impacts of isolation, we continue to hear from Australian children and their families about the ongoing harm that youth detention causes. Children in detention have told us:

"Government knows the systems failing, they keep talking about changing the system but nothing ever gets better for us"
"This place is messing with my head, I can't remember stuff"

Statement from Leanne McLean, Commissioner for Children and Young People Tasmania:

The fact is our entire youth justice model - which permits children as young as 10 being arrested and taken into custody; children regularly being denied bail and sent to a punitive detention model because they have no home or safe place to stay; and little investment in prevention initiatives and alternatives to detention – is not fit for purpose and does not make our community safer. It also ignores the rights of Aboriginal children to remain in community and connected to culture.

The best interests of the child should be a primary consideration of laws and policies affecting children. Further traumatising of children who come into contact with the youth justice system does them harm, does not address the underlying factors which lead to offending behaviour, and does not make our communities safer.

The ANZCCG urges the Federal, state and territory governments to hear these children's voices and to follow the evidence of what works to keep these children safe and our communities safe. Strong leadership at all levels is needed to identify, resource and implement local-led solutions.

All of Australia's children have a right to be safe, protected and treated with dignity.