

Queensland Family and Child Commission Submission

To: Australian Human Rights Commission

Date: 30 May 2016

Topic: The Optional Protocol to the Convention against Torture (OPCAT) in the context of Youth Justice Detention Centres

Submission summary:

This submission aims to provide the Australian Human Rights Commission with research, information and advice to inform the establishment of an independent National Preventative Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT) in the context of Youth Justice Detention Centres.

This submission also includes consideration of the application of an NPM and how to provide for and monitor the special needs and interests of children (under the age of 18) in youth detention centres.

Note: This submission will limit its response to questions contained in the national consultation request which relate to the broad context of the Queensland Family and Child Commission's mandated functions and responsibilities.

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The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the National Children's Commissioner, Australian Human Rights Commission relating to the establishment of a National Preventative Measure (NPM) and examination of the Optional Protocol to the Convention Against Torture (OPCAT) in the context of Youth Justice Detention Centres.

The QFCC is committed to promoting the safety and wellbeing of children and young people, particularly those who are in need of protection or who are in the youth justice system.¹ In the context of youth justice, the QFCC demonstrates this commitment in a variety of ways including, but not limited to:

- being a recognised stakeholder and active participant in shaping the current youth justice reforms in Queensland
- the consistent recognition in all of our work of children's rights as included in the United Nations Conventions on the Rights of a Child
- building the capacity and capability of organisations and service providers who support children and young people
- informing and educating the community about relevant research
- providing leadership and expert advice relating to policies, laws, practices and services.

The QFCC strongly recognises the role we and other government and non-government agencies have to promote and advocate for the rights of children in detention centres. Rights are a priority factor for ensuring a child's safety, physical and psychological wellbeing. This includes recognising the child's rights to be provided with appropriate information and support throughout their involvement in the youth justice system.

Contextualising the detention of children and young people in Queensland

Queensland is currently in the midst of a large scale review of youth justice and related legislation and subsequent policies and practices reviews.

The *Youth Justice and Other Legislation Amendment Bill 2016* (the Amendment Bill) is currently before Parliament. The responsible Parliamentary Committee is convening a series of public consultation hearings to seek the views of key stakeholders and interested parties. The Amendment Bill in its current form, prescribes changes to youth justice related legislative provisions and responsibilities within the *Youth Justice Act 1992*, the *Corrective Services Act 2006*, the *Children's Court Act 1992*. Amendments also include other Acts with relevant responsibilities for children and young people involved in the youth justice system.

The current version of the Amendment Bill seeks to change the management of youth justice matters in Queensland by removing boot camps, strengthening and promoting restorative justice processes, reinstating detention as a last resort and promoting alternate diversionary programs. Importantly, the Amendment Bill (in its current state) proposes to increase age related transfers to adult corrective services facilities to 18 years. This would bring Queensland in to line with other states and recognise the responsibilities under the United Nations Conventions on the Rights of a Child. However, it is imperative to note at the time of this submission Parliament is still considering the terms of the Amendment Bill.

Under current Queensland legislative provisions a young person:

¹ Queensland Government, 2014, *Family and Child Commission Act*, Part 2, Division 2, section 9(b)(ii).

- aged 10-17 years could be detained at a youth detention centre if they are sentenced to time in custody or refused bail².
- detained in a youth detention centre will, upon turning 17 years of age, be transferred to an adult prison if they are sentenced to a detention order and on turning 17 have six months or more to spend in detention.
- who is aged 17 years when sentenced to a period of detention and where sentencing is for a period of six months or more in custody, will be taken directly to adult prison³.

Queensland has two operating youth detention centres which are equipped to house both male and female young people:

- Brisbane Youth Detention Centre (BYDC), located in Wacol.
- Cleveland Youth Detention Centre (CYDC), located in Townsville.

The detention of children and young people within a secure environment requires consideration of the special needs and unique life experiences of those children. In consideration of this, trauma informed practice is currently being embedded across all youth justice service delivery areas in recognition of the support required for young people who have experienced trauma.

1. Are the current oversight, complaints and monitoring mechanisms relating to the treatment and rights of children and young people in detention (youth justice centres and adult facilities) adequate? If not, how could they be improved?

The QFCC supports and recommends:

- the continuation of independent and impartial agencies who visit, investigate and advocate on issues involving children and young people in youth detention and correctional facilities.
- enhancing processes to bring together existing oversight, complaints and monitoring mechanisms to more strongly collaborate around service delivery improvements
- strengthening cross-agency, public reporting on key issues.

Adequate oversight and monitoring responsibilities and processes must be in place to uphold the rights of a child and ensure appropriate treatment when a child is deprived of liberty.

The QFCC acknowledges the existing oversight, complaints and monitoring mechanisms in Queensland. While these mechanisms take steps to safeguard the rights of children and young people in detention, the QFCC believes they could be further strengthened and enhanced. However in order to formulate how to best improve these mechanisms the QFCC will seek the voices and opinions of children and young people.

Section 9(1)(b), *Family and Child Commission Act 2014*, provides the QFCC with the ability to promote and advocate for:

² Queensland Government, About Youth Detention, <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-detention/about-youth-detention/>, Accessed 12 May 2015.

³ Queensland Government, *Transferring from youth detention to adult prison*, <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-detention/transferring-from-youth-detention-to-adult-prison/>, Accessed 12 May 2016.

- (ii) *the safety and wellbeing of children and young people, particularly children in need of protection or in the youth justice system.*

In the performance of this function the QFCC has requested the Honourable Yvette D’Ath MP, Attorney-General and Minister for Justice, Minister for Training and Skills allow the Principal Commissioner, Commissioner and QFCC staff members to visit the CYDC and BYDC.

This opportunity will allow the QFCC to hear first-hand, the issues affecting young people in youth detention centres and learn more about centre operations. We will use this information to guide independent systemic advocacy and undertake examination of issues relating to the treatment, rights and wellbeing of children and young people in youth detention and correctional facilities.

The QFCC will collaborate with existing independent visiting teams and the sector to improve outcomes for children and young people and their families who are involved in the youth justice system.

The development of oversight, complaints and monitoring mechanisms in Queensland

It is not a function of the QFCC to, ‘investigate the circumstances of a particular child, young person or family or to advocate on their behalf’⁴. The previous *Commission for Children and Young People and Child Guardian* (CCYPCG) held these functions.

The former CCYPCG published several reports relating to the experiences of children and young people involved in the youth justice system. These reports highlight the ability and value of an independent agency to inform decision-makers and stakeholders of individual and systemic issues, propose recommendations, identify gaps in research and recognise opportunities to improve systems, practice and policy. The reports also demonstrated the impact an independent and impartial agency plays in monitoring the implementation of recommendations to provide continual service improvement. The published reports included:

- Child Guardian summary investigation report: The use of separation at a Queensland youth detention centre (January 2014)
- Child Guardian report: youth justice system 2011–12 (18 December 2013)
- Child Guardian report: investigation into the use of force in Queensland youth detention centres (1 November 2012)
- Child Guardian report: Youth justice system 2010-11
- Child guardian: consultation report youth justice system (12 December 2011)
- Views of young people in detention centres: Queensland 2011 (7 September 2011)
- The views and experiences of young people in detention centres (12 August 2009)⁵.

Queensland Child Protection Commission of Inquiry

Queensland is currently in the midst of a large scale reform of child protection, family support and related functions, including youth justice matters – ‘Supporting Families, Changing Futures’.

The reform program was instigated by the 2013 release of the Queensland Child Protection Commission of Inquiry, *Taking Responsibility: A roadmap for child protection in Queensland* report. The Queensland Government accepted all 121 recommendations (6 in principle). ‘Implementing the

⁴ Queensland Government, 2014, *Family and Child Commission Act*, Part 2, Division 2, section (2).

⁵ Commission for Children and Young People and Child Guardian reports are available at

<http://pandora.nla.gov.au/pan/14014/20140630-0820/www.ccypcg.qld.gov.au/resources/publications/reports.html>.

recommendations will fundamentally change the way government, child safety professionals and community organisations work together with vulnerable families and each other⁶.

One of the recommendations of the Inquiry resulted in the dissolution of the former CCYPCG on 30 June 2014. The functions and responsibilities of the CCYPCG relating to the community visitor program, managing complaints and undertaking investigations relating to the youth justice system were separated between:

- Youth Justice – receive complaints
- Office of the Public Guardian – continued undertaking visits to detention facilities
- Queensland Ombudsman – individual issues initiated by the CCYPCG were handed over to the Queensland Ombudsman who continued on with the investigation work.

The Community Visitor Program, Office of the Public Guardian provides the young person with regular access to an independent officer who is able to assist with working through concerns, views or particular wishes. Where the Ombudsman is able to evaluate service delivery and make recommendations as necessary⁷. The Community Visitors are also able to facilitate contact for the young person with a Child Advocate. Child Advocates are able to provide additional support to children and young people in youth detention in the following ways:

- ensuring the young person's views are heard and taken into consideration in family group meetings, court hearings and tribunals
- providing support in court conferences and organising legal and other representation
- helping resolve disputes with others, including making official complaints to the police, health authority or the Ombudsman⁸.

Independent monitoring of appropriate service delivery to children and young people in detention facilities has been retained within the:

- Queensland Ombudsman – receives complaints about decisions or actions of a government agency if an individual has already approached the agency concerned and is dissatisfied with the decision to their issue⁹.
- Office of the Public Guardian – visits young people staying in youth detention centres and corrective facilities¹⁰.
- Crime and Corruption Commission – receives reports about suspected corrupt conduct adversely affecting a public agency or public official or police misconduct¹¹.

Youth detention facilities will continue to maintain established internal systems where children and young people can raise matters and make a formal complaint about their care and treatment in detention centres. Family members and the general public will also still be able to lodge a complaint on issues relating to youth justice matters on behalf of a child or young person.

⁶ Queensland Government, 2015, *Queensland Government Response*, Supporting Families, Changing Futures, <https://www.communities.qld.gov.au/gateway/supporting-families/background/queensland-government-response>, Accessed 27/05/2016

⁷ Australian Children's Commissioners and Guardians, 2016, *Human rights standards in youth detention facilities in Australia: the use of restraint, disciplinary regimes and other specified practices*, p.17

⁸ Queensland Government, 2016, *Advocacy for children and young people*, Office of the Public Guardian, <http://www.publicguardian.qld.gov.au/child-advocate/opg-child-advocacy>, Accessed 27 May 2016.

⁹ Queensland Ombudsman, <http://www.ombudsman.qld.gov.au/Makeacomplaint/tabid/134/Default.aspx>, Accessed 12 May 2016.

¹⁰ *Public Guardian Act 2014* (Qld), section 51.

¹¹ Definition of corrupt conduct available at <http://www.ccc.qld.gov.au/corruption/what-the-ccc-investigates/what-is-corrupt-conduct>. Definition of police misconduct available at <http://www.ccc.qld.gov.au/corruption/complaints-about-police/complaints-against-police>.

Independent review

The *Youth Justice Act 1992 (Qld)* requires quarterly (every three months) inspections and monitoring of youth detention centres by the Youth Detention Inspection Team (the Inspection Team). The Inspection Team visits the centre to ensure everyone there is doing the right thing, and complying with all the laws and codes governing the centre, including international laws that protect children in detention¹². Specifically, the Inspection Team conduct their review against a set criteria which assesses the:

- *security and management of detention centres*
- *safety, custody and wellbeing of young people detained in them*¹³.

The formal inspections are complemented by the regular visits by the Community Visitor Program and Queensland Ombudsman.

Non-government agencies including Chaplains, Aboriginal and Torres Strait Islander visiting and support programs, lawyers and youth advocates also support, hear the experiences of and advocate for the rights and best interest of children and young people in detention facilities however do not have corresponding legislated powers in carrying out their duties.

Australian Juvenile Justice Administrators

At the national level, the Australian Juvenile Justice Administrators (AJJA) provide an important review and leadership role by implementing consistent principles and standards for youth justice. This higher level role is another valuable layer of support and rights acknowledgement for children and young people within youth justice systems.

Primarily, the AJJA shares information relevant to all youth justice jurisdictions, supports the collection of data, contributes to research and maintaining national principles, standards and guidelines for youth justice.

Membership of the AJJA comprises of a minimum of one senior executive officer from each of the Australian state and territory departments and New Zealand who is responsible for the delivery of youth justice services¹⁴.

The AJJA Juvenile Justice Standards are agreed minimum standard for practice that youth justice service agencies aim to meet. These Standards support jurisdictions to provide information and deliver services to children and young people which:

- *are procedurally fair and acknowledge the rights and responsibilities of all involved (including children and young people)*
- *provide professional, timely, evidence-based advice to courts, statutory authorities and other stakeholders*
- *support compliance, contribute to reducing offending, increase community safety, and support positive behaviour*

¹² Queensland Government, *About youth detention*, <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-detention/about-youth-detention/>, Accessed 12 May 2016

¹³ Queensland Government, *Youth detention evaluating and reporting*, <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-detention/managing-youth-detention-centres/youth-detention-evaluating-and-reporting/>, Accessed 12 May 2015.

¹⁴ Australasian Juvenile Justice Administrators, Home page, <http://sharepoint.ajja.org.au/Home/default.aspx>, Accessed 18 May 2016.

- *reduce offending by working with families and the support and cultural networks of children and young people who are involved in the juvenile justice system partner with government and community organisations to improve integrated services to children and young people*
- *reduce the number of children and young people in the justice system through diversionary strategies*
- *provide the facilities and other resources required to deliver effective and efficient juvenile justice services*
- *ensure that agencies implement workforce practices that support staff to deliver effective and efficient juvenile justice services*
- *ensure that environments in which children and young people are lawfully detained are safe, secure and developmentally appropriate*
- *provide juvenile justice services in ways that optimise the health and wellbeing of children and young people¹⁵.*

2. Are there particular examples of good practice in relation to the promotion and safeguarding of children's rights in detention facilities?

The QFCC supports and recommends:

- ongoing independent mechanisms for visiting children and young people in detention facilities
- having a mechanism to collect the views of children and young people in detention centres to better target good practice
- developing child-friendly resources for children and youth in detention facilities to help them better understand their rights and complaint mechanisms.

The QFCC supports ongoing independent mechanisms which promote and safeguard children's rights in detention facilities. This includes maintaining programs, like the Community Visitor Program, which are easily accessible to children and young people and provide face-to-face contact with a support person and opportunities to learn about their rights.

The QFCC recommends developing a process for more broadly collecting the views of children and young people in detention facilities to enhance system responses. For example, the former CCYPCG's Views Surveys for young people in detention centres served multiples purposes in relation to the promotion and safeguarding of children's rights in detention facilities.

The surveys sought the experiences of children and young people in detention centres, prompted a discussion on rights matters and reviewed somewhat complex complaint mechanisms. The process of speaking with children in youth detention also assisted relevant agencies to identify ways in which children's rights and complaint mechanisms could be better promoted and safeguarded in detention facilities.

The QFCC also recommends the development of child-friendly, easy to understand resources which cater for a range of ages, demographics and cultures. These resources must be made readily available to children within all spaces they access, including the internet, and contain relevant information relating to rights before, during and after their period of detention. Based on feedback

¹⁵ Australasian Juvenile Justice Administrators (2009), *Juvenile Justice Standards 2009*, page 4.

provided to the QFCC by children and young people, the following resources contain elements which could be easily adapted to provide “child and youth friendly” information on rights in detention facilities:

- Child and Youth Protection Partnership, Bundaberg, *‘Let their voices be heard’* publication which won the community initiative award during child protection week in 2015.
- Department of Children and Families, Northern Territory, ‘Charter of Rights’ available at <https://childrenandfamilies.nt.gov.au/for-child-protection-workers/charter-of-rights>.
- The Youth Advocacy Centre, Brisbane, *‘On the Flipside’* available at <http://www.ontheflipside.com.au/>.
- The Law and Justice Foundation of New South Wales, *‘Court Stuff’* available at http://www.lawstuff.org.au/qld_law.

3. How do children and young people in detention experience and understand the current oversight, complaints and monitoring mechanisms?

and

4. How well do children and young people in correctional detention (youth justice centres and adult facilities) understand their human rights, including those under the Convention on the Rights of the Child? What could be done to better promote the human rights of children in these facilities

The QFCC supports and recommends:

- building a comprehensive evidence base to more clearly understand and raise awareness of the current and different needs and experiences of children and young people in detention facilities.
- expanding resources, information and services which promote and support the rights of children and young people of all ages, demographics and cultures in detention facilities.
- independent and impartial agencies regularly visiting children and young people in detention facilities to continually promote and assist children and young people to understand their human rights.

When complemented by visits from independent agencies, the QFCC believes the promotion and information sharing, discussed in questions two, will result in a child/young person developing a greater understanding of rights and oversight, complaints and monitoring mechanisms. Information is power – enabling a child to know and understand their rights will also develop confidence to advocate for themselves when detained.

In February, 2016 the QFCC held two consultation workshops with young people involved with the Ted Noffs Foundation, Street University Logan, and G-Force. These workshops aimed to seek young people’s views on their experiences of rights, complaints and court systems.

Key themes raised by the children and young people who participated included:

- How will they be supported?
- Who will be their support person?
- How will confidentiality be maintained?
- Who will provide information about the process?
- How should they talk?
- Not having faith in the system.
- Not feeling heard or respected therefore reluctant to report concerns.

- Not linking support persons, such as a Community Visitor, to their oversight functions and reporting responsibilities for children and young people.
- Fear of what may happen if they speak out about concerns.

These themes are very similar to those raised within the *Views of Young People in Detention Centres – Queensland 2011*¹⁶ report relating to why young people do not proceed with complaints in detention.

Reasons young people do not proceed with complaints (2010)¹⁷.

Reason	Per cent of respondents
Didn't think you would be taken seriously	55%
Might have lost privileges or been treated differently	30%
Not sure it was something you could complain about	20%
Might have got in trouble with staff	20%
Worried everyone would find out	10%
Didn't know how to	10%
Might have got in trouble with other young people	5%
Embarrassed about the problem	5%
It was too hard	0%
Some other reason	20%

The workshop participants identified the following issues in relation to their understanding and awareness of their human rights:

- I don't understand my rights.
- What age do I need to start learning about my rights?
- Why is this necessary?
- I have a lot of questions.
- I blame myself for not speaking up.
- Information should be provided before a crisis, not during.
- I 'hate' the system.
- Why is it necessary to know this?
- Information and resources should not be provided all at once (a stage process to receiving information allowing children and young people to think about and consider information in smaller segments).

In promoting human rights and developing resources, children and young people expressed the following ideas during the QFCC consultation workshop:

- make information visual, use images / pictures, quotes and music
- have resources which are animated and funny
- use short videos, including educational videos and hold workshops
- ensure each age group, demographic and culture is represented – include diversity

¹⁶ Queensland Government, 2011, *Views of Young People in Detention Centres – Queensland 2011*, http://pandora.nla.gov.au/pan/14014/20130121-0000/www.ccypcg.qld.gov.au/pdf/publications/reports/Views-of-Young-People-in-Detention-Centres-Queensland_2011/Full-Report.pdf, Accessed 18 May 2016

¹⁷ Commission for Children and Young People and Child Guardian (2011), *Views of Young People in Detention Centres*, p. 43, Queensland: Brisbane.

- testimonials (real stories, including stories about how speaking up improved the situation for a young person)
- having a famous person to Champion and promote human rights for children and young people
- convey different messages – short and easy to understand
- resources should be available, understood and promoted by everyone (including the adults who provide support to children and young people in detention facilities)
- use different mediums that can be shared across social media (these could be used before a child enters or after a child leaves the detention centre).

6. How could the ratification of OPCAT and the establishment of a NPM benefit children and young people in detention (youth justice centres and adult facilities)?

The QFCC supports and recommends:

- ratification of OPCAT and the establishment of a NPM to benefit children and young people in detention facilities.
- independent and impartial visiting mechanism to complement existing local independent systems of oversight, complaints and monitoring mechanisms.
- aligning local independent monitoring, oversight and complaints with international standards.
- increasing unity and coordination of advocacy issues for children and young people in detention facilities.

The QFCC supports ratification of the OPCAT and the establishment of a NPM to benefit all children and young people in detention facilities.

Ratification of the OPCAT confirms and amplifies the primary responsibility of the Nation (and state) in preventing torture and other cruel, inhuman or degrading treatment or punishment against children and young people in youth detention facilities. OPCAT provides an internationally recognised mechanism of accountability.

An NPM which complements existing independent local systems of oversight, complaints and monitoring mechanisms will assist to increase unity and coordination around individual and systemic advocacy issues for children and young people in detention facilities. NPM will enhance appropriateness of policy and procedures and strengthen the ongoing shared responsibility for upholding and safeguarding the basic human rights of children and young people in detention facilities.

Regular visiting by independent local and international bodies, with a minimum guaranteed level of power for access and intervention, plays an important role in making sure detention facilities continually operate in accordance with Queensland, Australian and international standards. This also contributes to building the capacity and capability of relevant sector authorities and agencies providing support to children and young people in detention facilities.

A NPM of endorsed independent bodies with specific responsibilities to undertake visiting as a preventative measure benefits children and young people through providing an avenue for actively encouraging children and young people to express their views and opinions about their treatment and wellbeing while detained. Further, supporting the early identification of issues, coordination of

appropriate and adequate responses and implementation of good practice to improve safety, wellbeing and outcomes for all children and young people in detention facilities.

Children in detention facilities have varied social, emotional and physical needs. A NPM comprising of experts with specific professional knowledge and expertise provides mechanisms for identifying and addressing these multiple needs, vulnerabilities and requirements. This is particularly important for monitoring and safeguarding the rights, best interests and wellbeing of the most vulnerable children and young people in detention facilities. It is vitally important when young people are detained in adult correctional facilities which are not able to offer purpose-built youth facilities.

7. Generally, in relation to the monitoring of youth justice detention centres in your jurisdiction, are there any areas that require greater resourcing to operate more effectively?

The QFCC supports the greater resourcing of services to enable more regular, targeted and effective independent and impartial monitoring, support and services to children and young people in detention facilities, particularly resourcing of support for Aboriginal and Torres Strait Islander children and young people.

The QFCC is resourced to undertake advocacy, engagement and promotion of the safety and wellbeing of children and young people in the youth justice system.

An increase to the current resources amount may provide for more frequent and targeted visits with children and young people in detention centres. Increased resources would provide more consistent engagement and continuous focused advocacy and exploration on prominent issues impacting children and young people in detention facilities, particularly Aboriginal and Torres Strait Islander children and young people.

Adults play an important role in supporting children to have a voice and speaking or taking action on their behalf and protecting their rights. Due to the vulnerabilities of children and young people, particularly those deprived of liberty, it is vital adequate resourcing is available to provide sufficient and consistent independent and impartial advocacy, monitoring and support mechanisms.

8. The age of criminal responsibility is 10 years in all Australian jurisdictions. The Convention on the Rights of the Child does not specify what such a minimum age of criminal responsibility should be. However the Committee on the Rights of the Child recommends 12 years of age should be the absolute minimum age. The Committee on the Rights of the Child has noted Australia's non-compliance with this standard and it has recommended Australia raise its minimum age of criminal responsibility. What is your view on this?

The QFCC supports and recommends in principle raising the age of criminal responsibility from 10 years to 12 years to be compliant with recommendations of the United Nations Committee on the Convention on the Rights of the Child. However, further review needs to occur in understanding any impacts in Queensland and across jurisdictions.

The QFCC supports proposals which are evidence based, are in the best interests of children and young people and accord with our international obligations on the *Convention on the Rights of the Child*.

The United Nations *Convention on the Rights of the Child* sets out key principles to safeguard children from being punished when they are incapable of forming the intent to commit a crime due to their age¹⁸. Specifically, the Human Rights Council confirm:

International standards require the establishment of a minimum age of criminal responsibility that reflects when a child has the adequate mental capacity and moral competence to be punished for crimes.

In its general comment No. 10 (CRC/C/GC/10), the Committee on the Rights of the Child encouraged States parties to increase their lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level. Nevertheless, many countries still maintain a minimum age of criminal responsibility well below 12 years¹⁹.

While young people should be held accountable for their actions, the QFCC supports the principle that a detention order should be imposed only as a last resort for the shortest appropriate period.

The QFCC is of the view that rehabilitative, diversionary and restorative justice measures are more beneficial for young offenders than unnecessarily punitive measures. The United Nations Committee on the Rights of the Child supports rehabilitation and restorative objectives for protecting a child's best interests, rather than repression or retribution²⁰.

The QFCC is currently planning an approach for targeted consultation on the issue of raising the age of criminal responsibility in Queensland from 10 years to 12 years.

Until the assent of the current version of the *Youth Justice and Other Legislation Amendment Bill 2016*, the QFCC will also continue to advocate for the removal of 17 year olds from adult correctional facilities and transition them into the youth justice system.

¹⁸ United Nations General Assembly, *Convention on the Rights of the Child* (20 November 1989), Article 40(a).

¹⁹ United Nations General Assembly, 2015, *Human Rights Council – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*, Twenty-eight session, Agenda item 3

²⁰ United Nations Committee on the Rights of the Child (2013) *General comment No. 14 on 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, p 8.