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June 2, 2023

To the National Children's Commissioner

Re: Raising the Age of Criminal Responsibility

As a teacher, mother and member of Amnesty International, I am adding my voice to urgently raise the age of criminal responsibility for children who break the law across Australia. Nobody under 14 years of age should be called a criminal let alone locked up and separated from kinship group

In particular, I refer to Indigenous children who are over-represented in the Youth Justice system. Indigenous families have carried the pain and trauma of invasion, dispossession, forced assimilation into white culture and removal from country for many generations. This has resulted in gross trans-generational trauma, neglect and a tendency to anti-social behaviour by young people.

Over the last decades, psychologists have stated that locking up children with adult criminals and placing children in detention in solitary cells (watch houses) will only lead to more trauma and criminal tendencies. Those archaic, punitive methods must be replaced with methods in-keeping with modern understanding of how children can learn and change ie through patterns of caring loving role-modelling within supportive communities.

*Psychologists advocate early intervention where children are kept safe from aggressive behaviours, substance-abuse and sexual predators as well as instances of police brutality. For vulnerable kids, Youth Justice means **not identifying with dysfunction but instead, relating to positive behaviours.***

Statistics indicate that between 2021 and 2022, there were 4.5 thousand young people aged 10-18 in the Criminal Justice system. One improvement reveals that 80% of these kids were in community care but a staggering 20% were still in Remand Centres awaiting sentencing, with adult criminals for company.

Where sentencing is delayed, there is potential for raised trauma, anxiety and future PTSD.

Urgent Changes Needed

Recognise that Youth Justice in Australia has been on the wrong track.

Raise the age for accountable criminal behaviour to a minimum of 14 years across every state and territory as an urgent Human Rights issue

Stop passing the agenda from state to Commonwealth.

Australia has been too slow to adapt to modern world standards and declare a broad based Human Rights Act which includes Youth Justice Issues

Trust that keeping young people 'in situ' and within community can lead to better outcomes than incarceration

Lessen the period of time for young people awaiting sentencing to move them away from adult criminal influences

Educate police in employing different tactics when apprehending young offenders

Ensure that police follow ALL recommendations for keeping Young Offenders safe while in police care

Train more youth social workers to stop 'professional burnout' syndrome and thus release more social workers to work with offending youth.

Trust that young people will grow out of offending behaviours.

Accept that teenagers are searching for peer support and strong role models; it is society's responsibility to provide safe role models in safe environments.

Keep in mind that Indigenous youth are 24 times more likely to be in detention than non-Indigenous. And Indigenous youth are 17 times more likely to be in Community Supervision. Every white Australian needs to accept some responsibility for drastically improving positive outcomes for young people. They are part of our community and we are part of theirs.

Implicitly believe that money spent on improving standards of Youth Justice will be of both short and longterm benefits to all Australians.

Yours Sincerely

Helen Manos, [REDACTED] (longterm member of Amnesty International)

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AUSTRALIAN HUMAN RIGHTS
COMMISSION

attention: CHILDREN'S RIGHTS
COMMISSION

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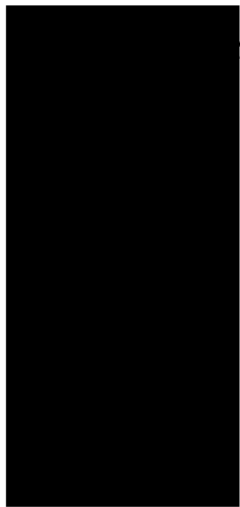
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From: Helen Manos



(Amnesty
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