

JOINT STATEMENT – DETENTION OF CHILDREN AND YOUNG PEOPLE

We, the undersigned, are members of the Australian National Preventive Mechanism (NPM) appointed or nominated by the Commonwealth, Australian Capital Territory, Northern Territory, South Australian and Western Australian Governments to monitor facilities where people may be deprived of their liberty. Our mandate stems from the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT), ratified by Australia in 2017.

All children and young people must be protected from torture and ill treatment. This includes children and young people who are deprived of their liberty in youth justice centres.

We are deeply concerned at the treatment of children and young people in youth justice centres. Australia sets the minimum age of criminal responsibility at 10 years old. This is 4 years lower than the minimum age of criminal responsibility (14 years), and 6 years lower than the minimum age of detention (16 years), encouraged by the UN.¹

On an average night in mid-2021, 677 children aged 10 to 17 were held in detention. Approximately half of those children were from a First Nations background. First Nations children made up just 6% of the Australian population aged 10 to 17 at this time.² Some children have been held in units in maximum security adult prisons.

Recent media coverage and submissions to the UN Committee Against Torture recount incidents of grave concern in youth justice centres in Western Australia, the Northern Territory and Tasmania – incidents that continue to occur despite the findings of the 2017 report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory. This includes children being subjected to extended periods in solitary confinement or being confined to cells 23 hours a day, and incidents of physical and sexual abuse. We are concerned about reports that similar incidents are occurring in youth justice centres elsewhere in Australia.

We call on governments to ensure that children and young people are safe from torture, cruel, inhuman or degrading treatment in youth justice centres. We call on Australian governments to protect the rights of children and young people who are deprived of their liberty, and ensure their safety and dignity, consistent with the international human rights standards Australia has committed to uphold.

Where they have not yet done so, we also call on all Australian governments to appoint NPMs, to legislate their role and powers, and to resource them to fully discharge their mandate to carry out preventive visits to places of detention, including youth justice centres, to help prevent harm to children and young people.



OFFICIAL VISITORS FOR
SOUTH AUSTRALIA



¹ UN Committee on the Rights of the Child, *General comment No 24 (2019) on children's rights in the child justice system*, CRC/C/GC/24, paragraphs 22, 89.

² Australian Institute of Health and Welfare, *Youth detention population in Australia 2021*