

Ms Anne Hollonds
National Children's Commissioner
Australian Human Rights Commission

30 June 2023

UNICEF Australia welcomes the opportunity to provide a submission to the National Children's Commissioner to support the investigation into opportunities for youth justice reform.

UNICEF Australia supports a national approach to reform of the youth justice system and encourages governments across Australia to prioritise the following areas:

- raising the age of criminal responsibility to 14 years;
- investing in community-based preventative and diversionary programs;
- investing in the capacity and appropriate up-skilling of youth justice staff and improvement of facilities.

There is a wealth of research that shows the most disadvantaged children and young people in Australia are more likely to end up in contact with the youth justice systemⁱ. Children who are statistically more likely to enter the youth justice system experience complex and intersecting challenges and barriers, including those related to their environment, health and development, employment, and education.

UNICEF Australia supports the call for governments to raise the age of criminal responsibility to 14 years.

In line with the recommendation from the Committee on the Rights of the Child (2019, 48. (a)), UNICEF Australia encourages all jurisdictions in Australia to raise the age of criminal responsibility to the internationally accepted minimum level of 14 yearsⁱⁱ. Medical and health evidence confirms that detention is harmful to children, particularly for those children who are of such a young age that they may not have the capacity to be criminally responsible. For children under the age of 14 years, we are better able to respond to their needs with non-criminal justice responses, providing them with the necessary supports to place them on a pathway towards healthy development.

UNICEF Australia encourages governments to invest in community-based preventative and diversionary programs.

Youth justice systems around Australia are not adequately recognising and supporting children before they end up in contact with the justice system nor are they diverting them to non-criminal justice responses. Strong investment in prevention and diversion allows us to identify the needs of children early, re-directing them away from the criminal justice system to programs and supports that are better placed to respond to their multiple and complex needs. There is strong domestic and international evidence that investment in prevention and diversion programs results in more positive outcomes for children, young people, and the community at largeⁱⁱⁱ.

UNICEF Australia encourages governments to invest in the upskilling of youth justice staff and the improvement of facilities.

We know that youth justice systems around Australia face challenges in funding and equipping both their staff and facilities to provide appropriate supports to children and young people who present with complex needs. UNICEF Australia encourages governments to better invest in staff capacity building, enabling them to provide training in trauma-informed care, cultural safety, and mental health services, and encouraging the use of rehabilitative rather than punitive responses which are better placed to respond to the needs of children.

The issues facing youth justice systems around Australia are by no means simple fixes, but they are solvable. At this critical juncture, we encourage national leadership and alignment across Australian jurisdictions, with the hope that we

can identify a pathway to youth justice reform that better realises children's rights, and ultimately keeps communities safer.

Once again, we would like to offer our appreciation and support to the National Children's Commissioner in undertaking this important review into the opportunities for youth justice reform in Australia.

For further information, please contact:

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ⁱ [Australia's children, Child abuse and neglect - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au)

ⁱⁱ UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Australia,' CRC/C/AUS rcA15-6, 1 November 2019. Accessible at <https://www.ohchr.org/en/documents/concluding-observations/committee-rights-child-concluding-observations-combined-fifth-and>

ⁱⁱⁱ Save the Children, 'Putting Children First; A rights respecting approach to youth justice in Australia' April 2023. Accessible at https://www.savethechildren.org.au/getmedia/4befc9d7-c9de-4088-b591-547714fc8673/Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia_April-2023.pdf.aspx