

I am responding to the Senate enquiry into child incarceration in Australia, based on the Children's Commissioner report *Help Way Earlier*.

As a parent, teacher of 17 years and longterm member of Amnesty International, I am saddened by the state of child welfare in Australia and would like to offer solutions and commendations to change the abysmal incarceration record of children.

As signatory to the UN Convention of Rights of the Child, Australia has only partially responded to the three key principles of the convention: **acting in the best interests of the child (article 3); the right to be heard and the right to life survival and development.**

Article 40 states that 'prison sentences for children accused of law breaking should only be used for the most serious offences.' Instead, prison sentences are commonplace, for minor theft, for stone throwing, roaming the streets unsupervised, talking back to police officers, and worst of all for being a child with a disability or mental illness. **Isolation cells and watch houses are the favourites of the Police Justice System. Even 10 year olds are subject to this archaic treatment when the median age of incarceration in the world is 14 (UN CRC)**

Commendations and solutions for the Youth Justice system based on psychological understanding of young minds, family influence and role of wholistic therapy

Problem: Children under 14 are jailed and detained for weeks before court trials

Solutions: The Commonwealth must **urgently** Raise the Age of Criminal Responsibility before the end of 2025.

The Commonwealth **must commit to keeping ALL children out of jail**, except for the most serious crimes, by the end of 2025 or consider it has failed its responsibilities

Problem: The community believes that streets are safer when child offenders are jailed

Solutions: Educate the community and the police that **streets are NOT safer due to incarceration**. In fact, they are less safe in the longterm as children learn from other criminals in jail and re-offend when released. **Re-offending is almost guaranteed when the young are jailed**. The same small cohorts are recycled from the streets to jail and back again. Thus the police system is an expensive failure.

Problem: Youth Detention Centres, Remand Centres, Isolation Cells and Prison-holding Cages are suitable for holding children until court trial

Solutions: Gold-standard practices, developed by psychologists and therapists indicate that keeping the offending child with the family and instigating a **Multi-Systemic-Therapy is the smartest solution**. Promoting the family as the basis of rehabilitation, educating the family functioning and behaviour as a group raises the bar for every family member. Clear

documentation of aims and outcomes to be shared among the various Youth Justice Agencies will keep all parties informed.

Convention on the Rights of the Child (signed Australia 1990)

'The family as the natural and fundamental group of society should be afforded the necessary protection and assistance so that it can fully assume its responsibilities in society. And the child, by reason of mental and physical immaturity needs special safeguards and care.'

Problem: The belief that children can be taught good behaviours with harsh punishment via a rugged prison system.

Solutions: Educate police and reformers with current correct understanding of children's minds and learning abilities. The brains of children are immature and undeveloped until their mid-twenties so **they cannot link causes and consequences of behaviour in any subtle way**. Jailed children see themselves as failures and victims. This leads to worsening mental health. In the end, poor mental health exerts more pressure on an already-burdened health system.

Problem: Child offenders in the Police System are blamed and shamed by society for burdens of incurring expenses that cost tax-payers' money. In turn, this adds to hatred and anger and instances of vigilante groups taking the law into their own hands (Recent incident in Broome demonstrated this when a white worker tied with garden zips the wrists of three children who illegally used his swimming pool on a hot day. The children were aged 5, 6 and 8 and found terrified and with bleeding wrists)

Solutions: Children and juveniles did not invent the system. **It was invented by a white colonial system based on punitive methods over 200 years and needs to be reformed by that same white justice system**. Involving communities in proscribing consequences, explaining causes and consequences to communities and engaging senior members in dealing with offenders must be a priority.

Problem: Insufficient understanding among children of exemplary behaviours like **conflict-resolution** to prevent fighting; engaging with adults to ask for food, clothes etc when there is **food and monetary scarcity at home; recognition of bullying among peers. Children steal, fight and bully to meet their needs.**

Solutions: Train more school counsellors in family and individual therapy; teach **Anger-Management skills** to all children and their vulnerable communities; establish **Free Breakfast Programs** so children have the right nutrition to be alert in school; **raise the bar for mentoring vulnerable children** by older peers and outside adult volunteers.

All this is already happening successfully in many schools.

Addressing the Ongoing Disproportionate Incarceration of Indigenous Children

Australia has been **shamed by the International Community** for lagging behind other countries in its treatment of children behind razor wire (refugees) and First nations children (watch houses, adult prisons, remand centres).

With a background of White Invasion, massacres, Deaths in Custody and a raft of other humiliations, Indigenous people have learnt to turn their backs on White Laws.

Problems: Ongoing racism of white communities and decades of Police Injustice to Indigenous families

Solutions: Admit and accept responsibility for failed systems and commit the Commonwealth to change by the end of 2025.

Publicly name perpetrators of racist remarks as **racist, disrespectful, and disharmonious**

Racist police must be tried **outside police tribunals**

Keep children (10-14 years) completely out of the police system from 2025

Problems: Arresting and detaining juveniles for relatively minor offenses

Solutions: Accept that shop theft, stone-throwing, fighting, drunkenness and verbal abuse are relatively minor offenses **and do not need the heavy hand of the law to descend on children.** Stop the cycle of blame and automatic shame

Ask whether white middle-class children offending would receive the same treatment.

Poverty has its own problems. Assist families with necessities to avoid theft.

Offer **dignity to poor families** with food, medicine, education, travel to hospital

Problems: Transgenerational trauma over 200 years of dispossession and deprivation has resulted in the current situation

Solution: Make a public apology by senior police to the community before end of 2025

Name publicly the **affirmative actions** needed by the entire society with a promised date

Name publicly the **courage, grief and resilience** demonstrated by indigenous families who have survived the worst of white invasion

Establish mentoring for First Nations children in sport, education, dance, music and other fields of learning by the end of 2025

Problems within the Juvenile System: long waits for court trials that wear down children; **bail conditions** to indigenous children are few and far between as they are not valued; **few visitors and friendly faces** are also few and far between

Solutions: Avoid prison altogether for 10-14 year olds and unite families for therapy

Essential for family, social workers and friendly volunteers to **visit children** in custody daily

Sharply decrease 14-18 year olds incarceration by end of 2025

Problem: Poor communication among **Youth Justice Agencies** has resulted in **nobody taking responsibility for driving change**

Solutions: Make **collaboration** among Protection Services, Police, NGOs an immediate priority for **accountability and transparency**

Make **record keeping and documentation** honest and accountable for public scrutiny

Conclusion: Whereas white families have handed down legitimate pride and dignity to descendants, First Nations children have witnessed the very opposite. Shame, trauma, unvalued culture, jailed fathers and poverty have been their legacy. They have been made easy prey by police and biased judiciary. In turn, children are lashing out in anger, again and again to re-offend. And so the cycle continues.

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