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Australian Governments must stop locking up 10-year old children

Australia's Governments must stop locking up 10-year-old children and raise the age of criminal responsibility to 14, says Julie Edwards, CEO of Jesuit Social Services.

"It is deeply disappointing that the Council of Attorneys-General has today deferred recommendations relating to the age of criminal responsibility until 2020. This means our states and territories will continue to incarcerate primary school aged children against the advice of medical and child developmental experts as well as the United Nations," says Ms Edwards.

"The evidence is clear: children under 14 do not possess the neurological maturity to form criminal intent and we are incarcerating and harming children who are victims of trauma, abuse and mental illness when they need support to get their lives on track.

"We acknowledge that public consultation around this issue in 2020 will allow child welfare experts to advocate for change – but the research is in and today was an opportunity for the Council of Attorneys-General to show leadership and recommend the immediate raising of the age of criminal responsibility across Australia."

Currently, Australian children as young as 10 can be sentenced to detention. This lags behind countries including Germany, Japan, Spain, Vietnam, Denmark and Portugal.

Each year about 600 children aged between the ages of 10 and 14 are incarcerated in Australia. About 70 per cent of them are Aboriginal or Torres Strait Islander.

The 2018-2019 Youth Parole Board Annual Report reveals that in a survey of children and young people in the Parkville and Malmsbury youth justice centres, 67 per cent were victims of abuse, trauma or neglect, 68 per cent had been expelled or suspended from school, 48 per cent had a mental health issue, 38 per cent had cognitive difficulties that affected their daily functioning and 27 per cent had self-harmed or thought of suicide. 79 per cent had drugs, alcohol or both in their system when they offended.

"We know that within this group, children aged 10 to 14 are particularly vulnerable. It is estimated that children arrested before they turn 14 are three times more likely to re-offend as adults than children arrested after they turn 14," says Ms Edwards.

"These are the children our governments are locking up. In deferring this very important matter until next year, the Council of Attorneys-General has condemned more Australian children to incarceration in 2020.

"All children are worth a second chance – that's why our youth justice systems need to be better."

Jesuit Social Services' new paper [Raising the age of criminal responsibility: There is a better way](#) highlights how we should best respond to children under the age of 14 who get into trouble.

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