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Governments ignore pleas to stop locking up 10-year-old children

Australia's Governments had an opportunity this week to do the right thing and stop locking up 10-year-old children. They chose to ignore that opportunity.

Instead, 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, after the Council of Attorneys-General decided not to raise the age of legal responsibility from ten to 14 years.

"I am deeply disappointed that the Council of Attorneys-General has again ignored the evidence and deferred its decision," says Julie Edwards, CEO of Jesuit Social Services.

"Our governments had a chance to show leadership and chose not to do so. Instead they have condemned more Australian children to incarceration in 2020 and beyond.

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

Each year about 600 children between 10 and 14 years are incarcerated in Australia. 65 per cent are Aboriginal or Torres Strait Islander. In the Northern Territory the figure is routinely between 90 and 100 per cent. The 2017 Royal Commission into the Detention and Prevention of Children in the Northern Territory revealed the trauma and harm caused to children in custody.

The 2018-2019 Victorian 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.

"The Council has said more work needs to be done to determine the alternatives. We look forward to working with all Australian states and territories to find a better way for our children," says Ms Edwards.

"Children should be in school not prison. Alternatives to prison must be expanded and should include building healthier communities for our children to prevent them being dragged into the youth justice system.

"All children are worth a second chance – that's why our youth justice systems need to be better. That's why all states and territories should introduce their own laws to raise the age."

Jesuit Social Services' 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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