



RAISING THE AGE OF CRIMINAL RESPONSIBILITY TO 14 - FAQs

AT WHAT AGE CAN KIDS IN AUSTRALIA BE IMPRISONED?

Across Australia, children as young as 10 are charged, brought before a court, sentenced and locked up behind bars.

HOW MANY KIDS ARE AFFECTED BY THIS?

In 2016-2017, almost 9,000 children aged 10 to 13 were dealt with in the criminal justice system, and around 600 were locked up in children's prisons.

WHY RAISE THE AGE A KID CAN BE LOCKED UP?

Research shows that children under 14's brains are still developing, especially the parts that regulate judgement, decision-making and impulse control. Children are not able to foresee the consequences of any action, and cannot fully understand the criminal nature of their behaviour.

Applying criminal penalties to young children also increases the likelihood they will get into trouble later in life, with children arrested before the age of 14 three times more likely to commit offences as adults than children arrested after 14.

Many kids entering the criminal justice system become trapped like quicksand, and are less likely to access the things they need to grow up like education, mentoring and community support.

HOW DOES THIS AFFECT INDIGENOUS KIDS?

Indigenous children are most affected by Australia's punitive approach, being 25 times more likely to be locked up than non-Indigenous children. In 2016-2017, two thirds of the 10-13 year olds in detention during the year were Indigenous. We know that keeping kids on country and in culture can be an effective alternative to prison for kids who get in trouble.

WHAT DOES THE REST OF THE WORLD DO?

The median age a child can be locked up around the world is 14 years old. China, Russia, Germany, Spain, Italy, Japan, Viet Nam, Argentina, Colombia, Laos, Kazakhstan, Sierra Leone, Azerbaijan, Cambodia and Rwanda are some of the many countries with a minimum age of 14 or older.

The UN Committee on the Rights of the Child has consistently advocated for a minimum age of 14 or older, and, along with the Committee on the Elimination of Racial Discrimination, has criticised Australia for imprisoning such young children. Despite overwhelming evidence from health experts, social workers, Indigenous leaders, legal experts and human rights organisations Australian governments chose to lock up about 600 children aged 10 to 13 in children's prisons between 2016 and 2017.

WHO ELSE IS CALLING FOR THIS?

The Australian Indigenous Doctors' Association, National Congress of Australia's First Peoples, UNICEF, Amnesty International, Human Rights Law Centre and National Aboriginal and Torres Strait Islander Legal Services are just some of the other organisations calling on governments to raise the minimum age of criminality to at least 14.

WHAT ARE THE ALTERNATIVES?

Judges should have adequate alternatives to detention for kids under 14 available to support kids to grow up strong, happy and healthy kids instead of locking them up.

Indigenous-led programs around the country like bush camps and training and mentoring programs are having great results. Kids who complete these programs are less likely to get in trouble again.

The Northern Territory Royal Commission into Youth Detention and Protection identified that most children did not get into trouble again when they received the support and services they needed through community-based alternatives, in particular diversion.

WHAT IS AMNESTY ASKING FOR?

Amnesty is asking each state and territory government to raise the age of criminal responsibility to 14 in line with international human rights standards. We are also asking governments to adequately fund the hard-working Indigenous people and organisations supporting children and families and providing alternatives for kids that prevent contact with the justice system.

WHO CAN CHANGE IT?

State and territory governments are responsible for their own law and justice policies so it is up to them to set the age a child can be held criminally responsible and imprisoned. When it comes to funding Indigenous-led alternatives to prison for kids between 10-13, state and territory governments can champion these programs.

CASE STUDY

THE MONA HORSEMANSHIP PROGRAM

The Mona Horsemanship Program is just one of the many Indigenous-designed and led community programs that nurtures kids' potential and provides a successful alternative to children's prisons. Now these Indigenous leaders are asking for the government's support in keeping their program going.

Patrick Cooke, Angela and David Sammon, and Rex Ah-One began Mona Aboriginal Corporation's cultural horsemanship program in response to a lack of culturally appropriate healing programs. Their program focuses on restoring pride to Indigenous young people with spiritual guidance and support from Elders and program mentors.

"What's missing in a lot of children's lives is getting back to country and back to culture. A lot of non-Indigenous programs lack the cultural connectivity," says Patrick Cooke, Chairperson of Mona Corp and Aboriginal man from the Mount Isa region.

The Cultural Horsemanship Program runs for 15 weeks and teaches children and young people respect, mechanical training and skills, meal preparation, fencing and yard building, animal husbandry, cultural education and skills such as hunting and gathering.

After an initial trial in 2012, a program evaluation showed clear indicators of success, including cost-effectiveness and behavioural changes.

NIVEA'S STORY

16-year-old Aboriginal, Torres Strait and South Sea Islander girl, Nivea*, had been having a hard time at home.

“I didn’t really have anyone to look up to once Mum moved away,” she said. “I was hanging around the wrong crowd, going to parties... I didn’t really like drinking but that’s what they did for fun.”

Nivea ended up with a warning from police after being with her friends when they were stealing. But her situation turned around once she started going out on country with the Mona team.

“It’s been way better – I get in less trouble... I come out here to the station to work with them. You have to get up early but it’s better. You learn all this new stuff and meet new people.”

CURTIS'S STORY

17-year-old Curtis* had a difficult time after leaving boarding school but found strength at Mona.

“Every time I come out bush it’s just good – it gets me away from all the bad stuff. When you are out bush you got nothing to do but working... most boys don’t get into mischief out here because they’re away from town.”

Mentor at Mona, Warumugu man Mark Johnny, says he saw a lot of change in Curtis through the program. “I reckon it’s a good project getting young people doing something like this – working in their own country and land, or even working for someone on another land, the same time they can learn the cultural side of the land, how to look after it, and how to work properly.”

In the future Curtis wants to do stock work and be a manager. “I mainly look up to David [Sammon], he takes a lot of young fellas out bush and helps them out.”



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FUNDING DESPERATELY NEEDED

Since 2013, Mona Corporation has repeatedly sought funding but to no avail. The program remains unfunded.

“Tomorrow another kid will commit suicide, another child will go to jail, another generation will be lost. If we could save the life of one child, that’s a generation,” says co-founder, Jingili Mudburra woman Angela Sammon.

“**OUR KIDS SHOULD BE SHINING, THEY SHOULD BE WALKING WITH THEIR HEADS HELD HIGH.**”

Patrick Cooke says he hopes the program can help the next generation: “Our way forward from this is about empowering our youth of today, for tomorrow. It’s about building the capacity, not only of youth but of families, to strive toward the future.”

We’re calling on the Queensland Government to fund more Indigenous-designed and led programs for kids at risk of being sent to prison.

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