

Convicted Child Criminals

"Every day children are trapped in the quicksand of the justice system, is a day longer that they are harmed,"

- **AIA's Indigenous Rights Advisor Rodney Dillon**

On July 27th 2020, New South Wales Attorney General, Mark Speakman stated that 'raising the age of Criminal Responsibility' would not be debated until 2021, and that the council of Attorney-Generals were "yet to be convinced" that the age should be raised in the first place.

The above quote demonstrates just how much the Australian Government is failing its children. The longer the age of Criminal Responsibility remains at ten years old in Australia, we will continue to lose future doctors, lawyers, engineers, scientists, politicians and up-standing citizens, all due to the ignorance of those in position to change these laws.

In 2019, The United Nations Committee on the Rights of the Child, recommended that fourteen years be set as the age of Criminal Responsibility. Australia's age of criminal responsibility has been at ten years old since 1933. It's an extremely outdated law, that needs to be changed immediately.



Amnesty International Australia (AIA) said nearly six-hundred children aged between ten and thirteen were put behind bars in one year in Australia. Six-hundred! These are the same children that are not allowed to play outside in summer without a hat, and yet they are being taken away from their families and being put behind bars. Often these children are swept up with much older teens, who see them as an easy target and

manipulate them into committing crimes.

I am not saying that children should just be completely excused for their actions, but I just don't think that juvenile detention is appropriate for children under fourteen. Psychological help, wellbeing and family support should be the first steps for any child who has committed a crime, before we think it is okay to put children in jail.

The brain does not stop developing until you are 25 years old. While adults tend to rely on the more logical frontal cortex for decision making, children and teens have to rely on a section of the brain called the amygdala. This section develops early, and is not as refined as the frontal cortex. While the frontal cortex can think about the consequences an action might entail, the amygdala cannot and often results in children making a decision without properly thinking out what the consequences could be.

In most cases children literally cannot compute the consequences an action might cause and often make impulse decisions. A child cannot be thrown into situations they cannot navigate and as a result end up in juvenile detention and be expected to have learned their lesson and be a normal citizen by the time they get out. If they could not comprehend the severity of the crime they committed, how will they have learnt from being put into jail if they do not understand why they ended up there in the first place? Juvenile detention can even put kids at more risk, especially if they are surrounded by older teenagers, who may have access to drugs and are more fuelled by their hormones.

Children are easily influenced and can believe that their actions are justified when they think they are in the right, even when they are not. If we continue to imprison children who do not understand why they are in jail, they will continue to reoffend when they leave the detention system.

AMA President Tony Bartone has said: "By leaving the age of criminal responsibility at the unacceptably low age of 10 years old, we run the risk of further traumatising already disadvantaged and vulnerable children instead of giving them the help and healthcare deserve," [<https://www.sbs.com.au/news/government-failing-children-by-refusing-to-raise-criminal-age-of-responsibility-say-activists-and-experts>]

Most children who are committing these crimes, come from more disadvantaged backgrounds. These children have been exposed to drugs and alcohol in the family, sometimes physically, verbally or even sexually abused, often have mental health issues and even are constantly in unsafe living conditions and in and out of foster families. All of these factors can be a gateway into crime for these children. Children are like sponges and will look up to and emulate the people around them. There are too many children under fourteen in juvenile detention, who are products of their dangerous environment and this is the fault of our leaders who do not recognise how these issues impact on children.

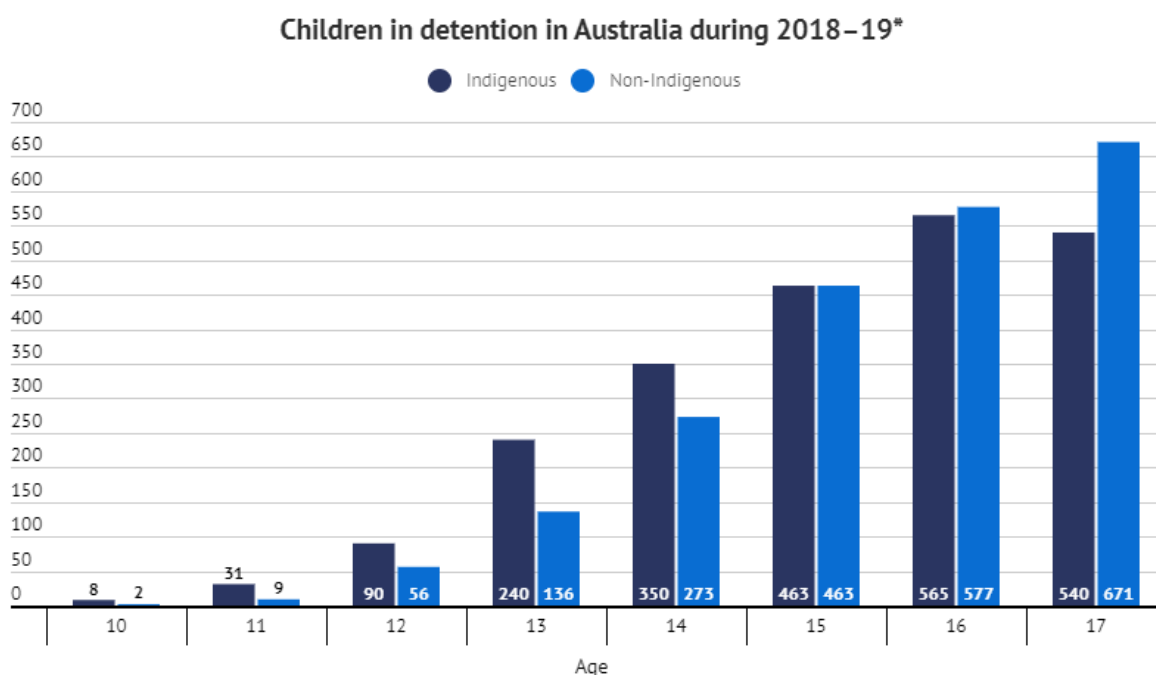
According to the Australian Institute of Health and Welfare, in 2018-2019 773 children under 14 were placed on court orders requiring supervision in the

community by youth justice officers and more than 570 were placed in juvenile detention. Some 65% of these two groups were Aboriginal and Torres Strait Islander children. [<https://theconversation.com/ten-year-olds-do-not-belong-in-detention-why-australia-must-raise-the-age-of-criminal-responsibility-142483#:~:text=In%20Australia%2C%20the%20age%20of,minimum%20age%20of%20criminal%20responsibility.>]

This is devastating. In a time where #BlackLivesMatter has become a global movement; people often forget that Aboriginal and Torres Strait Islander children make up at least 54% of detention centres across Australia. According to TheConversation.com [<https://theconversation.com/why-are-so-many-indigenous-kids-in-detention-in-the-nt-in-the-first-place-63257>] Just in the Northern Territory alone, Aboriginal children take up 97% of detention centres. Sadder yet, most of these kids have not even been proved guilty of a crime, they are just being detained while on remand.

Why is this allowed? Over the years, the Northern Territory Government has introduced a variety of legislations that give police extended power in Aboriginal Communities. They gave more funding and power into the police in those areas, but did not increase funding for corrective services or diversionary programs.

What ends up happening is that any Aboriginal young people that are found of a crime, are either fined or go straight to prison. This contradicts the Northern Territory's 'Youth Justices act' which says that 'penal custody should be a 'last resort'.



Attorney General Mark Speakman has yet to voice an opinion on the age of Criminal Responsibility debate. But it is no debate. A debate would imply that this is a reason to keep children under fourteen in jail and this is just not true, there is no reason to justify the detention of children under fourteen. The fact of the matter is that the longer children aged ten to thirteen are put behind bars, the longer the future of Australia is going to suffer for it.

By putting our children into prison, Australia is actively damaging the future and mental wellbeing of these children. If we were to put these children into therapy and get them proper supports and psychological help, children who commit crimes young will be more adjusted and better prepared for a brighter future.

Australia at the moment is actively handicapping itself by having the age of criminal responsibility be ten. For any sort of bright future, the first thing Australia needs to do is get its own children out of the Prison system. We need to raise the age of criminal responsibility to 14, like the majority of other nations.

As this essay has earlier quoted, Rodney Dillion has stated "Every day children are trapped in the quicksand of the justice system, is a day longer that they are harmed; it's time for the states and territories to take up the job of raising the age of criminal responsibility as soon as possible." This statement perfectly encapsulates the severity of the situation Australia is currently in, we must do better by our children so we can do better for our future as a nation.