

## OPEN STATEMENT - 28.07.16

### **Call for the Royal Commission to be conducted completely independently from the Northern Territory Government and for a broader inquiry into the youth justice system.**

The undersigned organisations strongly welcome Prime Minister Turnbull's Royal Commission into the horrific abuse of children in detention in the Northern Territory, but call for it to be conducted completely independently from the Northern Territory Government and for a broader inquiry into the youth justice system.

The shocking footage revealed in this week's ABC Four Corners episode exposed a broken system, with systemic cruel, inhumane and degrading treatment of children, most of whom were Aboriginal and Torres Strait Islander.

But the issue of over-incarceration of Aboriginal and Torres Strait Islander youth, or mistreatment in detention, is not confined to the Northern Territory.

It is vitally important that a light is now shone on Aboriginal and Torres Strait Islander young peoples' interaction with the youth justice system in each State and Territory jurisdiction.

The Royal Commission should, as a matter of priority, investigate the situation in the Northern Territory, including ensuring those involved in abuse and torture are held to account along with those responsible for the systemic failure.

The terms of reference must be developed in consultation with the Northern Territory Aboriginal organisations and the youth justice sector, and should:

- Encompass the entire Northern Territory youth justice system, not just issues relating to detention facilities;
- Examine all previous enquiries relating to youth justice and investigate why the recommendations were not implemented;
- Not limit how far into the past the Commission can inquire;
- Ensure the inquiry is completed promptly and that the Government commits to implementing all recommendations;
- Be conducted entirely independently from the Northern Territory Government; and
- Be chaired by an appropriate expert and must have Aboriginal representation from the NT.

As a second step, the Royal Commission must conduct a broader investigation across all Australian State and Territory jurisdictions into the underlying factors driving engagement with the

justice system and the treatment of children in juvenile detention. This could take the form of a separate national inquiry which:

- Examines the drivers of over-representation of Aboriginal and Torres Strait Islander young people in the justice system, including:
  - Social and economic determinants of incarceration including poverty, educational attainment, and health; and
  - Institutional/structural discrimination and racism.
- Considers the interrelation between family violence, child removal, disability, youth suicide and incarceration; and
- Reviews the implementation of the Royal Commission into Aboriginal Deaths in Custody's recommendations.

While it is necessary to shine a comprehensive light on these issues at a national level, government can take steps right now to improve the youth justice system, including:

- Urgent ratification of the Optional Protocol to the Convention Against Torture (OPCAT);
- Raising of minimum age of criminal responsibility to 12;
- Setting meaningful National Justice Targets through Council of Australian Governments (COAG);
- Developing, through COAG, an intergovernmental approach to tackle imprisonment and violence rates; and
- Investing in effective early intervention, prevention and diversion programs.

## **Supporting organisations:**

1. Aboriginal Alcohol and Drug Services
2. Aboriginal Family Law Services (WA)
3. Aboriginal Family Violence Prevention Legal Service Victoria
4. ACOSS
5. Act for Kids
6. ACTCOSS
7. ACTU
8. Advocacy Law Alliance Inc.
9. African Think Tank Inc
10. Amnesty International Australia
11. Andrew Jackomos, Commissioner for Aboriginal Children and Young People
12. Anglican Social Responsibilities Commission
13. Anglicare SA
14. ANTaR
15. Asylum Seeker Resource Centre
16. Australian College of Midwives
17. Australian Indigenous Doctors' Association
18. Australian Lawyers for Human Rights
19. Australian Physiotherapy Association
20. Australian Youth Action Coalition
21. Autistic Family Collective
22. Barwon Community Legal Service
23. Belconnen Community Service
24. Berry Street
25. Binaal Billa Family Violence Prevention Legal Service
26. Bringing Them Home Committee (WA) Inc.
27. CAAFLU Aboriginal Corporation
28. Castan Centre for Human Rights Law, Monash University
29. Centre for Excellence in Child and Family Welfare
30. Common Grace
31. Community Legal Centres NSW
32. Community Legal Centres Queensland
33. Connecting Home
34. Domestic Violence Victoria
35. Edith Cowan University

36. Elizabeth Evatt Community Legal Centre
37. Families Australia
38. Family Worker Training + Development Programme Inc
39. Federation of Community Legal Centres (Victoria) Inc.
40. First Peoples Disability Network
41. Flemington & Kensington Community Legal Centre Inc. (FKCLC)
42. Healing Foundation
43. Human Rights Law Centre
44. iEmpower
45. Immigration Advice and Rights Centre
46. Indigenous Allied Health Australia Ltd
47. Jumbunna Research Unit, UTS
48. Just Reinvest NSW
49. Justice Reinvestment SA
50. Kingsford Legal Centre
51. Latrobe Valley Bus Lines - Kindred Spirits Foundation
52. Law Council of Australia
53. Life Without Barriers
54. Marrickville Legal Centre
55. MYAN
56. National Aboriginal and Torres Strait Islander Legal Services
57. National Association of Community Legal Centres (NACLC)
58. National Congress of Australia's First Peoples
59. National Ethnic Disability Alliance (NEDA)
60. National FVPLS Forum
61. National Stolen Generations Alliance
62. Northern Rivers Community Legal Centre
63. Northside Community Service
64. NSW Aboriginal Land Council
65. Oxfam Australia
66. People with Disability Australia (PWDA)
67. Plan International Australia
68. Public Health Association of Australia
69. Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP)
70. Queensland Advocacy Incorporated
71. Reconciliation WA
72. Refugee Advice and Casework Service

73. SACOSS
74. Save the Children
75. SCALES Community Legal Centre
76. Scarred Tree Ministries of St Johns Anglican Church Glebe
77. Sisters Inside
78. Smart Justice for Young People
79. SNAICC
80. Southern Aboriginal Corporation
81. Sydney Institute of Criminology.
82. Tasmanian Aboriginal Centre
83. The Kimberley Foundation
84. The Youth Junction Inc.
85. Townsville Community Legal Service Inc.
86. UNICEF Australia
87. Uniting
88. Uniting Jaanimili
89. University of South Australia
90. VACCHO
91. VCOSS
92. Victorian Aboriginal Child Care Agency
93. Victorian Aboriginal Children and Young People's Alliance
94. Villamanta Disability Rights Legal Service Inc
95. WA Council of Social Service
96. Winnunga Nimmityjah Aboriginal Health Service
97. Women in Prison Advocacy Network (WIPAN)
98. Women with Disabilities Australia (WWDA)
99. Yarraville Community Centre
100. Yorganop Association Incorporated
101. Youth Advocacy Centre
102. Youth Affairs Council of Victoria
103. Youth Coalition of the ACT
104. Youth Network of Tasmania (YNOT)
105. Youthlaw
106. YouthNow
107. YWCA Canberra

**Media contact:**

Shannon Longhurst - ph: 0409 711 061 / [shannon@changetherecord.org.au](mailto:shannon@changetherecord.org.au)