



## **Position Statement:**

# **Multicultural Australia Supports Raising the Age of Criminal Responsibility**

**October 2022**

## Position Statement - Multicultural Australia Supports Raising the Age of Criminal Responsibility

Multicultural Australia supports raising the age of criminal responsibility in Queensland, and in all other Australian states and territories, to a minimum of 14 years.

We acknowledge the innate vulnerability of all young children and their right to special protection and note that this is recognised at international law and reflected in the human rights laws of Queensland.

We consider the current age of criminal responsibility of 10 years inappropriate, ineffective and inconsistent with the recommendations – informed by a strong body of medical, scientific and legal research – of international bodies, human rights organisations, medical and legal experts and academics.

We recognise that the United Nations Committee on the Rights of the Child has revised the minimum age of criminal responsibility to 14 and called on countries to meet this benchmark, and that the United Nations Committee on the Elimination of Racial Discrimination has also recommended that Australia raise the minimum age to meet international standards.

Multicultural Australia acknowledges the strong correlation between disadvantage and trauma and interaction with the criminal justice system. We acknowledge that this results in the significant over-representation of children from disadvantaged groups within the criminal justice system, particularly Aboriginal and Torres Strait Islander children and children with experiences in care. We also note the evidence that criminalising the behaviour of young and disadvantaged children perpetuates the cycle of disadvantage, impacts their physical and psychological health and development, and damages their connection to family and community. It not only fails to positively change their trajectory but increases the likelihood of future interactions with the criminal justice system and further disadvantage and adversity.

We stand in solidarity with the people and communities we work with and for, noting that many young people from refugee and migrant backgrounds have experiences of torture, trauma, family disunification, disrupted education, poverty, racism, discrimination, and marginalisation. These experiences create a heightened risk of interaction with the criminal justice system and subsequent harm.

We commit to working with our communities and stakeholders to address the underlying risk factors for youth interaction with the criminal justice system. Where interaction does occur, we recognise the benefits of a nuanced and age-appropriate response that understands vulnerability and trauma, and focuses on diversion and therapeutic rehabilitation. We believe that this response could be supported by a reinvestment of the significant funds currently expended placing and keeping youths in detention.

Multicultural Australia endorses the #RaiseTheAge Campaign and acknowledges its significance in bringing attention to this important human rights issue and to the complexities of the underlying factors leading to young children coming into contact with the criminal justice system.