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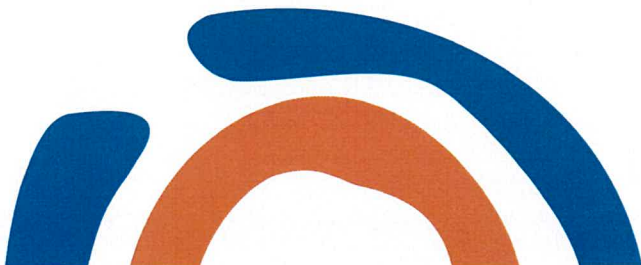
Dear Dr Edwards

Thank you for providing the Queensland Family and Child Commission (QFCC) with the opportunity to make a response to the *Call for input on current issues and good practice in prison management*. The QFCC is Queensland's Children's Commission under the *Family and Child Commission Act 2014*. The QFCC's role is centred around advocating for the rights of children and young people and holding systems accountable when their rights are disregarded or when the balance of rights fails to serve the child's best interests.

In August 2023, the QFCC released its first *Queensland Child Rights Report* which explored child rights issues the QFCC has observed in its statutory role, including a special chapter that focuses on [Queensland's youth justice system](#), and assesses Queensland's compliance with its obligations under the *United Nations Convention on the Rights of the Child* (UNCRC). A copy of the report is enclosed.

The QFCC advocates for strong protections for children and young people who do not experience the full enjoyment of their rights, including Aboriginal and Torres Strait Islander children and young people, children and young people in detention, children and young people with disabilities, and children and young people in out-of-home care. It is with this experience and expertise that we provide you with information on the major challenges in relation to youth justice in Queensland, examples of good practice and recommendations for improvement.

The politicisation of youth justice in Queensland is a major concern, with community safety depicted as being at odds with the rights of children and young people caught up in the youth justice system. The result has been frequent legislative and policy changes in response to specific tragic events amplified by the media, rather than led by evidence-based practices. This has created policies and programs that do not effectively improve community safety nor provide rehabilitative benefits for children and young people.



On two occasions this year the Queensland Government introduced legislation that overrode its own *Queensland Human Rights Act 2019*. This was unprecedented. The introduction of laws overriding the Act has resulted in a presumption against bail and permits the indefinite detention of children as young as 10 years old in police watch houses and stations. Data shows that in one case, a child was held in a police station for over 15 days. Prolonged periods of detention in police facilities, which are neither designed nor intended to accommodate children and are primarily intended for brief stays by adults, do not support the successful rehabilitation of children and young people upon their release.

Aboriginal and Torres Strait Islander children and young people are over-represented in the Queensland youth justice system and face the harshest consequences of hasty policy decisions. In Queensland, the minimum age of criminal responsibility remains at 10 years old. Data shows the failure to raise the minimum age of criminal responsibility in line with United Nations recommendations has contributed to this over-representation, particularly in the younger age groups (10–14 years).

The Queensland youth detention centres consistently operate above safe capacity, and are short-staffed, leading to the practice of solitary confinement (known as separation), and rotating unit lockdowns of children and young people.

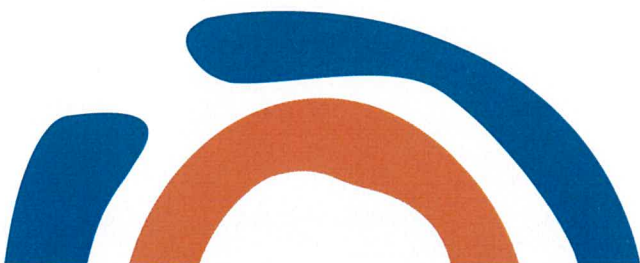
We know that children and young people in the youth justice system have higher rates of mental health concerns, traumatic experiences, and cognitive and intellectual disabilities. Multiple adverse childhood experiences, that do not receive adequate support and treatment, result in poorer health outcomes, perpetuating a cycle of social disadvantage and criminal justice involvement.

Addressing the major challenges facing youth justice in Queensland requires a shift in priorities towards the best interests and wellbeing of children, evidence-based decision-making, and a commitment to respecting human rights. The reactive ‘tough on crime’ programs and measures are not effective in rehabilitating children and reducing reoffending. Ultimately, they also do not improve community safety. Investment in prevention, early intervention and community-led solutions are needed to address the root-cause of offending. The focus must be on redirecting investment into better early years support for children and families on low incomes and families living in regional and remote parts of Queensland. This would mitigate the precursors that result in children finding themselves in the youth justice system.

Long-term investment in evidence-based diversion programs that steer children and young people away from the criminal justice system and strengthen the Aboriginal and Torres Strait Islander community-controlled sector should be the priority, including adequately resourcing the sector to design and lead community-led responses for families, not only children and young people.

Australia needs a nationally consistent approach to youth justice that aligns to international human rights protections, including oversight and reporting. This will involve implementing rights-respecting practices throughout the youth justice system, with a focus on prioritising non-judicial measures, such as diversion, mediation, and counselling, for children and young people accused of crime.

Children and young people should actively participate in decision-making processes that affect them and receive comprehensive rehabilitation programs tailored to their needs. With such comprehensive systems in place, far fewer children and young people would be in detention.



If you have any queries in relation to the information provided, please contact me via email at [Commissioner@qfcc.qld.gov.au](mailto:Commissioner@qfcc.qld.gov.au).

Yours sincerely



**Natalie Lewis**  
**Commissioner**  
**Queensland Family and Child Commission**  
13 November 2023

Enc. *Queensland Child Rights Report 2023*

