

24 October 2015

TOO MUCH TOO YOUNG: RAISE THE AGE OF CRIMINAL RESPONSIBILITY

Dear Attorneys-General,

The undersigned signatories wish to express our concern that the current minimum age of criminal responsibility in Australia is out of step with international law, and with evidence about children's brain development that clearly demonstrates that children under 12 years lack the necessary capacities for full criminal responsibility – and many do not gain these capacities until 15.

As we enter International Children's Week, it is timely to reflect on our national observance of children's rights and promotion of children's best interests. We urge you to reform the law in each of your jurisdictions to increase the age of criminal responsibility to 12 years, in line with the absolute minimum age that the United Nations has ruled for jurisdictions to hold children criminally responsible.

We also urge the maintenance of the *doli incapax* transitional protection for children as they develop the necessary cognitive skills, and extension of this protection to children under 15.

The document that accompanies this letter outlines in more detail the evidence around children's development that we believe should inform criminal legislation pertaining to children.

The paper also draws attention to the serious disadvantage and vulnerability that is common among children with behaviours that bring them to the attention of police, and the overrepresentation of Aboriginal and Torres Strait Islander children. The most effective way we can respond to the needs and vulnerability of these children is not to further victimise and punish them, but to address entrenched and persistent disadvantage in the community, including in Aboriginal and Torres Strait Islander communities, and put in place the necessary measures to protect children from harm, and to respond to neglect and abuse when it occurs.

We are happy discuss the contents of this letter in more detail.

Yours sincerely,



Sally Parnell
Acting CEO

On behalf of:

- Amnesty International
- Andrew Jackomos, Victorian Commissioner for Aboriginal Children and Young People
- Anglicare Victoria
- ANTaR
- Australian Council of Social Service
- Bernie Geary OAM, Victorian Commissioner for Children and Young People
- Berry Street
- CatholicCare Melbourne
- Catholic Social Services Victoria
- Centre for Excellence in Child and Family Welfare
- Centre for Multicultural Youth
- Change the Record Coalition
- Criminal Lawyers Association of the Northern Territory
- Federation of Community Legal Centres (VIC)
- Good Shepherd Australia New Zealand
- Human Rights Law Centre
- Just Reinvest NSW
- Law Institute of Victoria
- MacKillop Family Services
- National Aboriginal and Torres Strait Islander Legal Services
- National Family Violence Prevention Legal Services Forum
- Northern Territory Council of Social Service
- Northern Territory Legal Aid Commission
- Oxfam Australia
- Secretariat of National Aboriginal and Islander Child Care
- Sisters Inside
- Smart Justice for Young People
- Victoria Legal Aid
- Victorian Council of Social Service
- Vincentcare Victoria
- Western Community Legal Centre Ltd
- Whitelion
- Youth Affairs Council of Victoria
- Youthlaw - Young People's Legal Right's Centre