

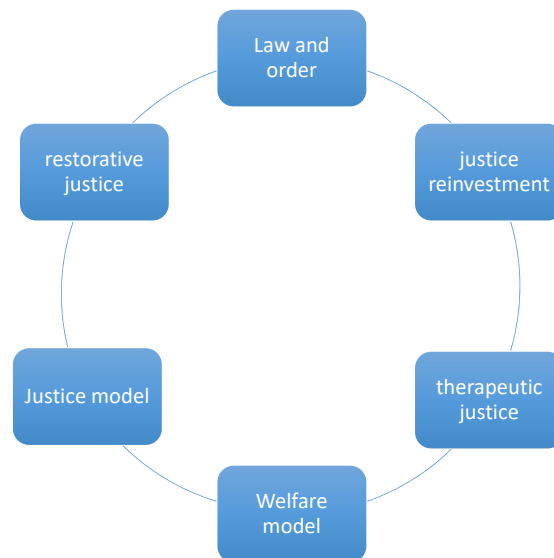
Standing Committee on Legal and Social Issues Inquiry into Youth Justice Centres in Victoria

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A different perspective – Northern Knights Pyramid of Success



The culture and values of Youth Justice in Victoria?



The Idea of Rights Based Approach

- Why?
- Victorian Charter on Human Rights and Responsibilities Act
- S 22(1) All persons deprived of liberty must be treated with humanity and with respect for the ***inherent dignity*** of the human person.
- S 23 (3) A child who has been convicted of an offence must be treated in a way that is ***appropriate for his or her age***

Draws in International Law

- Convention on the Rights of the Child 1990 esp art 40(1)
 - *States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the **child's sense of dignity** and worth, which reinforces the child's **respect for the human rights and fundamental freedoms of others** and which takes into account the child's age and the desirability of promoting the child's **reintegration** and the child's assuming a **constructive role** in society*
- See also:
 - United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)
 - UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)

Consequences – Normative (ends)

| Freedom from | Freedom to |
|---------------------------------------------|---------------------------------------|
| Detention unless a last resort | education |
| solitary confinement | Health care |
| Restraints unless as measure of last resort | Access to family, friends and culture |
| strip searches | Privacy |
| Violence and abuse | Expression |
| Other inhuman and degrading treatment | Food and clothing |

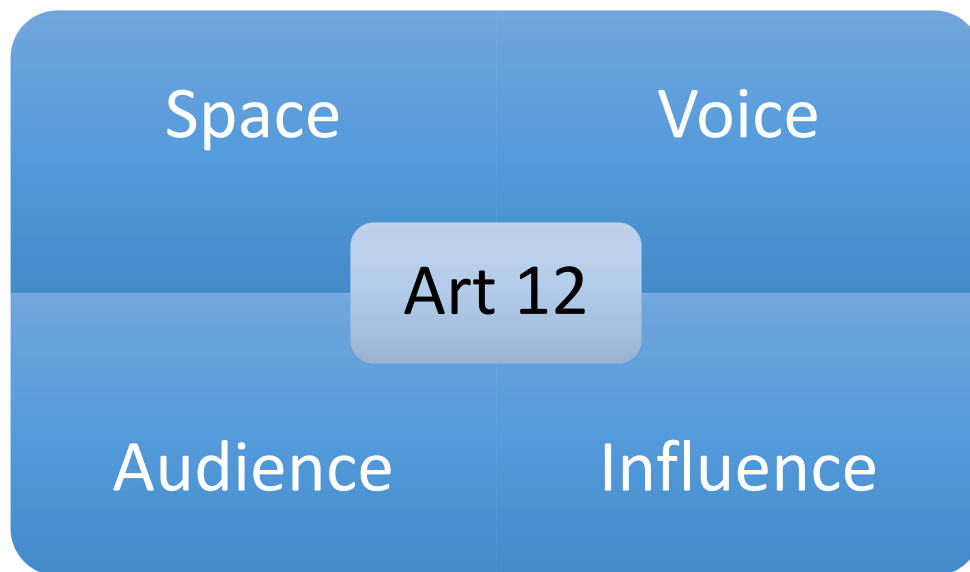
Consequences – instrumental (means)

- Article 12(1) CRC
- States Parties shall assure to the child who is capable of forming his or her own views the **right to express those views freely** in all matters affecting the child, the views of the child being **given due weight** in accordance with the age and maturity of the child.

What have the residents told us?

- Sub 12 Student Grevilla @ Barwon
 - *Everyone says were all bad people. We're not - we just do silly things when were out.*
 - *I don't feel my voice is being heard really, no one really cares.*
- Forum with Judge Chambers included in submission from Parkville College
 - *They talk to us like we're 3 years old, I hate that so much (Don't just look at us as criminals, we're humans too*
 - *We need people who know how to talk to young people, who know how to help us*
 - *We need things that we can take responsibility for – we can do more than you think*
 - *It isn't always easy to help us or get to know us, learn from the adults who know how to do it, we know they give a shit and that makes all the difference*
 - *Do things together on the unit, like you do in the real world, cook dinner together, talk about shit that's going on, have people around you who believe in you*

Lundy's Model of Participation



Implications for 'Skill Development and Game Plan'

- Is our system respecting the dignity of children who come into conflict with the law?
- If not, what measures are required to ensure:
 - Appropriate policy and legislative framework
 - Appropriate infrastructure
 - Appropriate personnel – not just jj workers but also lawyers; youth workers, medical professionals, educators etc
 - Appropriate social context – media, politicians, general public etc

Youth Justice Strategy

- Values - explicit commitment to RBA - *dignity, respect & rehabilitation*
- Consequences
 - Regulatory and legislative framework consistent with CRC and UN standards (see submissions HRLC; Youthlaw; Amnesty; VLA)
 - Provision of appropriate infrastructure
 - Appropriately trained personnel
 - Evidence based (see RANZCPsychiatrists) and multidisciplinary
 - Appropriate systems of oversight and processes to enable views of young people to be heard

A final thought

'Each of us is more than the worst thing we've ever done'

https://www.ted.com/talks/bryan_stevenson_we_need_to_talk_about_an_injustice

