

When kids' rights are taken away, bad things happen

BY **Darren Moncreiff**

WHEN ABC television's Four Corners program showed images of boys in the Don Dale juvenile detention centre in Darwin being badly treated by their guards, Australia was shocked.

The Prime Minister, Malcolm Turnbull, was so upset he ordered a royal commission to investigate what had happened to the boys, some as young as 13.

Since the footage was shown on national TV, the Northern Territory government minister in charge of prisons, John Elferink, has been sacked.

But what do the kids in Darwin think about it?

"When I first saw it, I couldn't sleep

that night," one local teenager said.

Another said: "It's sad. He was so young. My mum didn't like it as well."

The North Australian Aboriginal Justice Agency, which is helping two of the boys who were in Don Dale, has been talking to school students about the law.

The agency tells them about their rights if they get into

trouble with the police.

"Some of these boys [in the Four Corners program] aren't angels, but even if you do something wrong and break the law everyone has basic rights," says James Parfitt from the justice agency.

"And when these are taken away bad things start to happen."



Right, Dylan Voller, 19, one of the boys whose treatment in juvenile detention was shown in the ABC's Four Corners program, wrote this letter after the show aired. His lawyer, Peter O'Brien, released a copy of it to the public on Twitter.



You still have rights, even when you are behind bars. ILLUSTRATION Christopher Downes

CHILDREN BEHIND BARS

BY **Dhana Quinn**

SOMETIMES children do bad things – they might hurt someone or steal something – and end up in detention.

But kids can end up in juvenile detention centres for something that you might find surprising – like not wearing a helmet when riding their bike.

Professor Paula Gerber, from Monash University in Melbourne, says one of the reasons why children end up in detention is because their family is poor.

"If children commit an offence they might be given a fine," she says. "If they can't pay the fine, then they may be imprisoned."

"Children have been picked up by the police for not wearing a helmet when riding their bicycles and been given a ticket.

"But their grandparents or parents

couldn't pay the fine so the child was locked up in detention for 21 days, for example."

Professor Gerber says Australia needs to stop punishing these children and try to find out why they are committing crimes in the first place.

"Is it because we don't have good quality education? Is it that they don't have a good quality family life?"

"There's always a reason children are behaving in a certain way."

Who is in juvenile detention?

- ▶ Even though Indigenous Australians make up a small percentage of our population, they make up a much bigger percentage of people in children's and adult jails.
- ▶ For example, in New South Wales, Indigenous young people make up just five per cent of the state's population aged between 10 and 17 years – but they make up 43 per cent of young people in detention or being supervised by the prison system.
- ▶ In the Northern Territory, Indigenous young people make up 45 per cent of the population aged 10 to 17, but 95 per cent of those in detention.

Source: Australian Institute of Health and Welfare, Youth Justice in Australia 2014-15

'The whole country is talking about it'

Crinkling News asked teenage boys in the Northern Territory what they thought about the *Four Corners* program that showed kids in the Don Dale juvenile detention centre being badly treated.

“The whole family is talking about it, and I see that the whole country is talking about it. I’m not surprised or shocked because I know of people that this happened to, and I knew someone who went through this a few years ago.”

~ Brenden

“People are talking about it all over the Internet. I am very surprised and shocked about it because what they did was wrong.”

~ Greg

“[I haven’t heard many people talking about it] but I am shocked about hearing it, and I am surprised it happened.”

~ Richard

“Some people have different views on it – those who agree and disagree. I was very disgusted, honestly. It’s not really right to do that to him for two years. No one should be treated that way. It’s not correct even if that person has done something really bad, because everyone has rights no matter who they are.”

~ Lee

“My friends on social media and family are all talking about it and they’re shocked and angry. I was shocked that it happened and I’m a bit angry, too, because it is wrong. That’s not how you’re supposed to treat 13- and 14-year-olds.”

~ Scott

Children have rights, too

BY Dhana Quinn

DID YOU KNOW that as a young person you have special rights?

In fact, everyone has rights, such as the right to an education.

But children have extra rights because, as a child, you are more vulnerable – you need people to care for you until you are old enough to take care of yourself.

Kids who commit crimes and go to a children’s jail – which is called juvenile detention – still have rights. You don’t lose all your rights just because you did something wrong.

Last week the government announced a royal commission (which is a big investigation – and it’s a big deal) into juvenile detention in the Northern Territory to see if children’s rights are being broken.

WHAT ARE CHILDREN’S RIGHTS?

Megan Mitchell is Australia’s Children’s



National Children’s Commissioner Megan Mitchell

Commissioner and she knows all about rights.

“Rights are something that everybody has and everybody needs to do well in life – things like being safe, like having a home and family, being healthy and going to school, like having fun and being able to play,” she says.

“And knowing who you are and where you come from.”

Ms Mitchell says children also have special protections.

The Convention on the Rights of the Child is especially for kids and nearly every country in the world has signed up to it.

“And that, I think, says how special every country thinks that children are,” she says.

The convention says that adults must act in the best interests of children because children rely on adults to look after them.

RIGHTS DON’T GO AWAY

If a child does something wrong and ends up in a juvenile detention centre, Ms Mitchell says their rights don’t go away.

“Children actually keep most of their rights while they’re in detention: the one right, of course, they don’t have is freedom,” she says.

They lose their right to freely move about their suburb, city or town while they are in the detention centre.

But Ms Mitchell says locking up kids must be the very last option.

“The Convention on the Rights of the Child says children should be detained as a last resort and for the shortest possible time – otherwise being in detention becomes very bad for them,” she says.

WHAT’S HAPPENING IN THE NORTHERN TERRITORY?

Ms Mitchell says some children who were held at a juvenile detention centre in Darwin, called Don Dale, had their rights broken.

“I think that the rights of children were breached: [the children] weren’t treated with respect,” she says.

“I don’t think the adults acted in their best interest, which is a right they have under

the convention, and they weren’t kept safe.”

The Prime Minister, Malcolm Turnbull, said this about Don Dale: “Like all Australians, we were shocked and appalled by the images of mistreatment of children at the detention centre.”

So he set up a royal commission to find out exactly what happened at the centre – as well as look at child protection and youth detention in the Northern Territory in general.

WHAT IS A ROYAL COMMISSION?

A royal commission is the highest form of inquiry, or investigation, into important things that affect the people of Australia. If a government sets one up, it means that there is a big problem.

Even though the government sets up a royal commission, it does not run it. This is so it can be fair when it looks into whether governments were involved.

It also has special powers. For example, it can “compel evidence” – which is another way of saying people must answer its questions.

After a royal commission finishes, it tells the government and the country how it can stop bad things happening again.

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