



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS™

16 May 2006

The Hon Peter Beattie MLA
Premier of Queensland
PO Box 15185
CITY EAST QLD 4002

Copy to:
The Hon Warren Pitt MLA
Minister for Communities, Disability Services and Seniors
PO Box 15187
CITY EAST QLD 4002

Dear Premier

The treatment of 17 year olds as adults in the criminal justice system

Australian Lawyers for Human Rights ("ALHR") wrote to your office previously to express concern that Queensland remains the sole Australian state to treat 17 year olds as adults in the criminal justice system.

Queensland has recently been named and criticised by the United Nations' Committee on the Rights of the Child (the Committee) for continuing to treat 17 year olds as adults in the criminal justice system. The Committee highlighted that this was a breach of Australia's obligations under the *Convention on the Rights of the Child* ("CRoC").

Specifically, the Committee's Concluding Observations (CRC/C/15/Add.268) report state:

Administration of juvenile justice

...

73. Furthermore, the Committee is concerned that:

...

(c) In Queensland, children aged 17 in conflict with the law may be tried as adults in particular cases;

...

74. The Committee recommends that the State party bring the system of juvenile justice fully into line with the Convention, in particular articles 37, 40 and 39, with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the

Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and with the recommendations of the Committee made at its day of general discussion on juvenile justice (see CRC/C/46, paras. 203-238). In this regard, the Committee recommends in particular that the State party:

...

(g) Remove children who are 17 years old from the adult justice system in Queensland;

...

The CRoC defines a child to be “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”. In Queensland, a person attains majority at the age of 18. As such, the Queensland Parliament is obliged to ensure that all persons under 18 years old can enjoy the rights set out in the CRoC.

By depriving 17 year old children access to the restorative justice approach of the juvenile justice system, sentencing them in accordance with adult sentencing principles and imprisoning them in adult prisons, Queensland is in breach of articles 37, 39 and 40, as well as article 3 of the CRoC which requires that the best interest of the child be a primary consideration in all decisions relating to children.

ALHR calls upon the Queensland Government to amend its laws so that 17 year old children are brought within its juvenile justice system in order to ensure that Queensland complies with its obligations under the CRoC. We would be happy to provide further advice regarding the necessary legislative amendments should it be of assistance.

We respectfully request your urgent action in this regard.

Yours faithfully

Simeon Beckett
President

Judith Douglas
Convenor, Queensland Committee

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