



AUSTRALIAN
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MEDIA RELEASE

For immediate release – 18 May 2016

Fears Fundamental Children's Rights Ousted in Proposed NT Bail Reforms

One of Australia's leading human rights organisations fears proposed legislation removing the presumption of bail for some juvenile offenders in the Northern Territory threatens to breach Australia's international human rights obligations. The NT Chief Minister has stated that his government intends to introduce legislation that would see a presumption against bail for juveniles accused of repeat property offences.

Australian lawyers for Human Rights (ALHR) Vice-President Kerry Weste said, "The proposed bail measures would be inconsistent with a number of Australia's international human rights obligations. The Convention on the Rights of the Child (**CRC**) and the United Nations' Standard Minimum Rules for the Administration of Juvenile Justice (the **Beijing Rules**) require that for juveniles, detention pending trial must only be used as a *measure of last resort* and *for the shortest possible period of time*. They also require that whenever possible, detention pending trial should be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home."

Ms Weste also said "the proposed laws would disproportionately target already vulnerable and disadvantaged Aboriginal and Torres Strait Islander children and impose an unnecessary cost on Northern Territory taxpayers."

"The number of juveniles remanded in custody in Australia has been increasing since 2004 and Indigenous kids make up a disproportionate percentage of these numbers. The Northern Territory already has a juvenile detention rate that is 6 times the national average and 97% of these children are Aboriginal."

"The Vita Review commissioned by the NT government last year stated that the juvenile justice system existed in a *climate of daily crisis*. These proposals will only serve to significantly deepen that crisis. The indirect social costs of losing generations of the NT's indigenous youth to the cycle of imprisonment are immeasurable. It costs the Australian taxpayer approximately \$237,980 per year to imprison one young person, so the direct economic costs of spiraling youth incarceration rates are not insignificant either," said Ms Weste.

"The use of detention for juvenile offenders has not been shown to reduce crime rates or rates of reoffending and periods of detention represent missed opportunities to intervene in juveniles' lives with constructive programs. A more responsible and cost effective approach would be the introduction of proven and effective early intervention and diversion programs and restorative justice approaches."

Ms Weste also stressed that, "The proposed legislation would undermine the presumption of innocence. Only a small proportion of young people on remand are ultimately convicted and sentenced to a custodial order. These reforms are not reasonable because they do not

allow specialised youth courts to assess the risks of granting bail based on the circumstances of the offence. They instead introduce arbitrary provisions dealing with all crimes in certain categories in the same way, irrespective of the facts of the case. This is clearly unjust.”

“Where children are concerned any arbitrary use of remand in custody is inconsistent with the principle of detention as a last resort for juveniles and the overriding obligation to use the child’s best interests as a guiding principle. Australia has adopted international obligations to honour these principles.”

“ALHR strongly encourages the Northern Territory government to reconsider the facts, the costs and the voluminous evidence and to shelve the proposed reforms. Instead it should implement proven early intervention, diversion and prevention remedies.”

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ALHR was established in 1993 and is a national network of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.