



# Policy Position Statement: **Youth Justice**

## Principles

The Commissioner for Children and Young People Act 2006 (WA) establishes that the Commissioner's paramount concern must be the best interests of children and young people in Western Australia (WA). The Commissioner undertakes research with children and young people to ensure their voices inform the activities and priorities of the Commissioner.

Children and young people must be informed of their rights, and their views should be given serious consideration when making decisions that affect them. Significant international evidence demonstrates the value of integrating lived experience into the development of policy, programs and services.

The Commissioner advocates to uphold the United Nations (UN) Conventions on the Rights of the Child (CRC); the Rights of Persons with Disabilities (CRPD); the Rights of Indigenous People (DRIP); the UN International Convention on the Elimination of all forms of Racial Discrimination (UN ICERD), and the Optional Protocol to the Convention Against Torture for children and young people affected by the justice system (OPCAT).

## Position

A core principle arising from the UN CRC is that children and young people are distinct from adults in their physical and psychological development, and as a result must be treated differently. Justice systems must be responsive to children and young people's reduced culpability, increased vulnerability and developmental stages.

Raising the age of criminal responsibility and detention to 14 is essential to align with UN principles and a trauma-informed approach. The Young Offenders Act 1994 (WA) must be reformed to reflect this change, and harmful practices such as mandatory sentencing, the use of solitary confinement.

In line with national and international evidence, the Commissioner advocates for youth justice to be focused on the following six priorities:

- Providing children and young people with specifically designed services and supports.
- Early intervention, prevention, diversion and support.
- Approaches to youth justice that privilege relationships and engagement.
- Tailored responses for different cohorts.
- Therapeutic, trauma-informed approaches.
- Rehabilitative, reintegrative and restorative approaches.

The Commissioner will prioritise additional issues of concern to provide evidence-informed recommendations to Government as needs arise.

