



5 September 2024

Media statement

All Territory children have the right to be treated with respect, dignity and care.

This includes children who have been in trouble with the law and those at risk of contact with the youth justice system – the human rights of these children are not negotiable. Children in contact with the youth justice system are among some of the most vulnerable members of our community. They require meaningful, community led responses that help them stay connected to family, education, community and culture to help them reach their full potential.

“I acknowledge there is serious concern across our community regarding crime and community safety. However, this does not permit the use of ineffective youth justice responses that will cause further harm to children and more likely reinforce the very behaviours we are seeking to change” said Children’s Commissioner Shahleena Musk.

“I am deeply concerned about the proposed changes to lower the age of criminal responsibility and re-introduction of spit hoods” says Commissioner Musk.

“The human rights of children must be respected. I have written to the incoming Chief Minister seeking a meeting to discuss their proposed positions and the impact these will have on vulnerable children. As required by my statutory responsibilities, it is my expectation that the incoming Government would seek advice on the potential implications of any policy or legislative reform that relates to vulnerable children” she said.

In June 2023, the Office of the Children’s Commissioner published [a position paper on the use of spit hoods and restraint chairs on children](#). All the evidence demonstrates the significant risks of using spit hoods on vulnerable people, including children and young people.

“Irrespective of whether these devices are called spit hoods or spit guards, they are proven to cause irreparable harm and must not be used on children”.

“We must acknowledge the children who are in contact with the youth justice system have often experienced significant trauma, may be living with disability and have serious mental health needs. A punitive criminal justice response is not the answer, we must instead focus on the health and developmental needs of these very vulnerable children” said Commissioner Musk.



The Office of the Children's Commissioner has consistently supported the well-established evidence on the need to raise the age of criminal responsibility. This is consistent with neuroscience, international human rights standards and recommendations from legal, medical and child rights experts in Australia and internationally.

“Evidence based decision making underpins meaningful and effective youth justice reform. I look forward to meeting with the incoming Government to ensure the rights and best interests of Territory children are respected and upheld”.

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KEY REPORTS:

- [Use of spit hoods and restraint chairs](#), Office of the Children's Commissioner, (2023)
- [Extraordinary restraint: spit hood and emergency restraint chair use on children in police custody](#), Ombudsman Northern Territory, (2023)
- [Australia's Commissioners and Guardians open letter: raise the age of criminal responsibility](#), (2023)
- [Age of criminal responsibility working group report](#), Standing Council of Attorney's-General, (2023)