

JOINT MEDIA RELEASE

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CALL TO STOP THE PUBLIC NAMING OF CHILDREN AND YOUNG PEOPLE INVOLVED IN THE YOUTH JUSTICE SYSTEM

In the past few weeks seven young people involved in the youth justice system have been publicly named in the print and electronic media after allegedly escaping from custody. In addition to this, they had details of their charges published along with their photos. Most of these details were provided despite the fact that 6 of the 7 young people had been re-captured almost immediately – a fact acknowledged in some of the media reports. Of most concern is the fact that in 6 of the 7 cases, the young people had not even been convicted of the charges and could conceivably be acquitted. Similar disclosures of confidential details involving children have regularly appeared in the media in recent years and numerous NGOs, statutory officers and legal service organisations have long decried the practice.

There is sometimes a case for publicly naming a potentially dangerous escapee but there is no need to provide details of the charges for which they have been apprehended. As is the case with adult escapees, warnings could note that members of the public should avoid any direct confrontation and call the police.

Whether the young people are subsequently found guilty or not, they, along with their parents, siblings and other relatives, will carry the stigma of public naming for the rest of their lives. At the click of a button, any future employer, friend or partner will know what had been alleged even if it is not proven in court. This is an egregious violation of their rights to confidentiality and due process which could have devastating consequences for their future prospects. The research indicates that the shame engendered by such practices is more likely to generate alienation and resistance than contrition and change.

This form of public naming along with charge details is not permissible without court sanction in any other Australian jurisdiction because of the generally acknowledged harm it can cause to the young person and their relatives. The Australian Human Rights Commission has previously pointed out that such practices also have the potential to compromise legal proceedings involving young people. They also violate Australia's commitment to the UN Convention on the Rights of the Child (specially the so-called Beijing rules) one of which states: "The juvenile's right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling".



We are calling for a change to the *Youth Justice Act* to ensure that there is a presumption of confidentiality for children and young people at all levels of the judicial process, that can only be overridden where it can be shown that publication of details is truly in the public interest. The current lack of protection amounts to state sanctioned extra-judicial punishment of children and young people (along with their families) regardless of whether or not they are guilty of an offence. A large majority of young people in the youth justice system in the NT are from disadvantaged Aboriginal communities and if this over-representation is ever to be addressed we must surely prioritise the need for rehabilitation over retribution and stigmatisation.

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