

Hon Anastacia Palaszczuk
Premier of Queensland
1 William St
BRISBANE Q 4000

Hon Mark Ryan
Minister for Police and Corrective Services
1 William St
BRISBANE Q 4000

25 August 2023

Dear Premier Palaszczuk, and Minister Ryan,

CC: Deputy Premier Hon Steven Miles, Attorney General Yvette D'ath, Hon Dianne Farmer Minister for Youth Justice

We write to condemn the Queensland Government's rushed amendments that, having now passed, will override the State's Human Rights Act to allow adult watch houses to be used as youth detention centres for the next three years.

The 180 organisations and individual advocates that have signed onto this letter are a collective of human rights, legal, disability rights, health and community groups and experts who are vehemently opposed to the willingness and determination of the Queensland Government to continue to impose punitive and carceral solutions onto vulnerable and marginalised children.

These changes in law undeniably violate children's rights and exacerbate the human rights emergency in Queensland's already broken youth justice system that disproportionately affects Aboriginal and Torres Strait Islander children. Although around 8% of 10-17 year olds in Queensland are First Nations, at least 65% of the Queensland youth prison population on an average day are First Nations children.¹

The amendments put forward by the Palaszczuk Government violate human rights instruments that Australia has signed and ratified, including the UN Convention on the Rights of the Child (CRC), Convention on the Rights of People with Disabilities (CRPD), Declaration of the Rights of Indigenous Peoples (UNDRIP), the Convention Against Torture (CAT), the Rules for the

¹ Productivity Commission, [Report on Government Services 2023](#), data table 17A.28; Queensland Family and Child Commission, [Queensland Child Rights Report 2023](#), p21.

Protection of Juveniles Deprived of Their Liberty (Havana Rules) and the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

Since Australia's ratification of the CRC in 1990, successive Commonwealth, state and territory governments have failed to incorporate the CRC into domestic law. The Australian Government refuses to ratify the Optional Protocol to the CRC, denying First Nations children, and all children, the right to communicate with the UN about the severe human rights abuses they are experiencing in Australia.

This situation has resulted in the systematic denial and breach of the human rights of children in custody, and failure to hold Australia accountable to our UN commitments. Overwhelmingly it is First Nations children and children with disabilities who are experiencing this shocking abusive treatment.

The Queensland Government's actions are of such dire concern that our colleagues at the First Peoples Disability Network have taken the step of notifying the UN Committee Against Torture (CAT). In November last year, the CAT issued a scathing report on Australia's compliance with its international anti-torture framework and protocols, raising serious concerns about the treatment of and conditions facing children in youth detention and police watch houses.

Queensland's latest youth justice changes show complete lack of respect for the CAT's recommendations for preventing torture and mistreatment behind bars. Australia cannot afford to violate the rights of First Nations children any longer.

The Palaszczuk Government has already shown contempt for UN torture protocols. In 2022, it [blocked the UN torture prevention body](#) from visiting places where people are detained. It now wishes to exclude indefinite detention of children by police from human rights oversight. These are the places where human rights safeguards are needed most.

We demand accountability and call on the Australian Government to ratify the Optional Protocol to the CRC and fully implement the OPCAT without further delay, and establish a national Youth Justice Taskforce as recommended by Anne Hollonds, the National Children's Commissioner.

Countless recommendations from Royal Commissions, and Federal Inquiries have sought to end the mass incarceration of First Nations children, and yet the Queensland Government has passed laws and amendments since 2021 that have only increased the number of First Nations children in the legal system. There is a stark disconnect between the Government's claimed commitment to community safety and supporting First Nations communities, and the policy and laws that are now in place.

As a collective of expert organisations, we are outraged that the Queensland Government has failed to implement advice and expertise on alternatives to incarceration, community-led approaches that support children and their families, and have opted instead to suspend its own Human Rights Act and violate international laws to continue to punish and criminalise

Queensland children. The Government must immediately unwind these law changes, and end its cruel 'business as usual'.

Yours sincerely,

Maggie Munn, National Director Change the Record
Shane Duffy, CEO Aboriginal and Torres Strait Islander Legal Services Queensland
Queensland Aboriginal and Islander Health Council
Mali Hermans, First Peoples Disability Network
Deb Kilroy OAM, CEO Sisters Inside
National Network of Incarcerated and Formerly Incarcerated Women and Girls
Flat Out Inc
Caitlin Reiger, CEO Human Rights Law Centre
Amnesty International Australia
Jumbunna Institute for Indigenous Education and Research
Institute for Collaborative Race Research
Townsville Aboriginal and Islander Health Service (TAIHS)
Mithangkaya Nguli Young People Ahead Youth & Community Services Indigenous Corporation
Uniting Church in Australia Queensland Synod
Queensland Council of Social Services
Anglicare North Queensland
Queensland Youth Services Inc.
Brisbane Youth Service
Youth Advocacy Centre, Brisbane
Zig Zag Young Women's Resource Centre Inc
Queensland Youth Policy Collective
Queensland Council for LGBTI Health
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Professor Megan Williams, Principal, Yulang Indigenous Evaluation
Dr Hannah McGlade, A/Prof Curtin law School, UN Permanent Forum for Indigenous Issues
Dr Thalia Anthony, Professor, Faculty of Law, University of Technology Sydney
Jodie Griffiths-Cook, ACT Public Advocate and Children and Young People Commissioner
Leanne McLean, Commissioner for Children and Young People, Tasmania
Jacqueline McGowan-Jones, Commissioner for Children and Young People, Western Australia
Zoë Robinson, NSW Advocate for Children and Young People
Nicole Hucks, Acting Children's Commissioner, Northern Territory
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Dr Mark Rallings, Former Commissioner, Queensland Corrective Services.
Michael Cope, President, Queensland Council for Civil Liberties
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Brother to Another
Deadly Connections Community & Justice Services
Children's Ground
Absec
Vacro
Victorian Aboriginal Legal Service
Djirra
Ban Spit Hoods Coalition
Youth Legal Service Inc
Oxfam
Youth Advocacy Centre
Caxton Legal Centre
54 Reasons (part of the Save the Children Australia Group)
Australian Lawyers for Human Rights
ANTAR
Australian Council of Social Services
Women's Justice Network
Justice Reform Initiative
National Justice Project
Public Interest Advocacy Centre
Justice Connect
SHINE for Kids
ARACY - Australian Research Alliance for Children and Youth
South Australian Council of Social Service (SACOSS)
Liberty Victoria
Social Reinvestment WA
Jesuit Social Services
Youthlaw

Youth Law Australia
Justice Action
The Twenty Ten Association
Southside Justice
Rights Resource Network SA
CREATE Foundation
Tasmanian Council of Social Services
Inclusion Australia
Australian Unemployed Workers Union
Antipoverty Centre
LGBTI Legal Service
Queer and Trans Workers Against Violence
Anti-Poverty Network South Australia
Older Women's Network NSW
Australian Association for Flexible and Inclusive Education (AAFIE)
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Commissioner for Children and Young People
Western Australia



Public Advocate
ACT Human Rights Commission

Office of the
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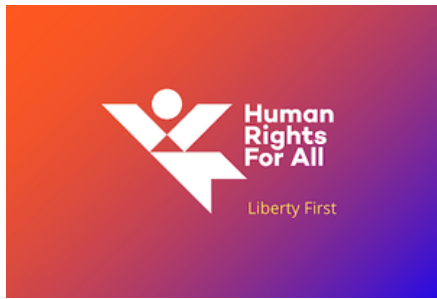
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