

AI INDEX: ASA 12/01/00

14 February 2000

PUBLIC STATEMENT

Australia: Amnesty International's submission on juvenile mandatory sentencing

The application of Australia's mandatory sentencing laws to juveniles is clearly inconsistent with its international human rights obligations, Amnesty International warned the government four months ago, in a submission to the Senate.

The human rights organization has decided to make public its submission to the Senate Legal and Constitutional References Committee, submitted in October last year, in view of the government's response to last week's death in custody of a 15-year-old Aboriginal orphan known as "Johnno".

"Why did a child have to die in jail before the federal government took the long overdue decision to urge a review of mandatory sentencing laws in Western Australia and the Northern Territory?" Amnesty International asked.

Since 1997 the government has received recommendations to amend the laws -- from Parliament's Joint Standing Committee on Treaties, the United Nations Committee on the Rights of the Child, the Australian Law Reform and Human Rights commissions, and many non-governmental and church organizations.

In its submission, Amnesty International pointed out that mandatory sentencing laws take away the ability of Australian courts to sentence juvenile offenders according to international human rights standards.

These standards require detention of children to be, at the very least:

- a measure of last resort, reflecting the circumstances of the offence and the offender;*
- for the shortest possible period of time which is to be determined by a court;*
- in proportion to the seriousness of the offence and any harm to the victim;*
- only applicable for serious offences involving violence against a person, or
for other persistent serious offending;*
- always open to review and conditional release by a court.*

ENDS.../

For copies of the submission, for more information or to arrange an interview, please call Amnesty International's press offices in London, UK, on +44 171 413 5566, or Sydney on +61 2 9217 7640. You may also visit our website at <http://www.amnesty.org>