

Commissioner's Position

The Commissioner for Children and Young People believes that mandatory treatment orders for children and young people violates their fundamental rights. They risk lifelong harm without actually addressing the causes of dependency, or building sustainable solutions to overcome it.



What we know

Under the *Children and Young People (Safety) Act 2017* it is a duty for every person in South Australia to safeguard children and young people from harm and to promote their right to enjoy a healthy lifestyle.

Supporting children and families should be our top priority. We have a responsibility to ensure all SA children have the opportunity to learn and develop. Together we should take responsibility for our education, health and parent support systems which create the conditions all children and young people need to have healthy brain development, safe community environments and positive mental skills and abilities.

Adolescence is typically a period of experimentation when many young people try drugs to feel better or different. It is normal for adolescents to be curious, to experiment, to take risks, socialise, fit in with the group or try out alternative behaviour. Some young people develop problematic drug and alcohol use. However what many across our society don't know is that for the majority of young people in South Australia drug and alcohol use has actually been in decline over the last number of years. Where substance dependence has occurred it is generally at a level which has become a serious health issue for the young person concerned, and will require appropriate intervention and treatment.

What needs to happen?

Many countries around the world have recognised that law and order (legal) solutions to health problems are in the majority of cases ineffective. Health problems needs a health response, including therapeutic intervention and support to develop strategies to manage substance dependence and the underlying factors that cause it. These interventions should be:

- voluntary
- community based with assertive outreach
- affordable
- provided in non-stigmatising and respectful environments
- tailored to children and young people
- appropriate to different developmental stages across all life domains, and
- able to provide tools to respond to triggers and address challenges in real life conditions.

Mandatory Drug Treatment Orders for Children and Young People

Commissioner for
Children & Young People

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Article 3 of the United Nations

Convention on the Rights of the Child

states that all actions that affect children should be made in their best interests; this includes any concerning the welfare of the child.

Article 37 of the United Nations

Convention on the Rights of the Child

states that no child shall be deprived of his or her liberty unlawfully or arbitrarily and that any detention shall be used only as a measure of last resort for the shortest appropriate period of time.

Children and Young People need long term support

Successfully overcoming dependency requires tailored support. Many children and young people who experience drug dependency also face other significant issues in their lives which can include social or individual crises.

Critical to success is learning the strategies to support an ongoing drug free lifestyle after any treatment. Literature shows that drug dependency can be overcome, but that it requires a comprehensive approach. This includes reconnecting at school and or employment, addressing mental health issues linked with trauma and or abuse, and building a supportive network around the young person. What has been proven to work is ongoing and easily accessed support to help manage and control the triggers, relationships, family and environmental factors that affect a young person's ability to make a positive recovery.

Reference – <https://www.sahealth.sa.gov.au>

There is no evidence that mandatory treatment works

A significant body of research says that compulsory treatment of [children and] young people does not work and can actually cause harm. This research includes a systematic review of nine studies into mandatory treatment, all finding no evidence that supports its use. Rather than placing young people on mandatory programs that have been consistently shown not to work, we need to adopt new approaches integrate funding and provide easy access to options that work. We also need to take

a long term approach to drug dependency that builds on milestone successes so that young people don't fall in and out of dependency as happens when short term approaches are used.

What needs to happen in the future?

- 1 The government should pursue accessible and evidence based treatment options that are available at all stages of drug dependency, combined with assistance programs delivered across agencies that integrate the world's best practice and evidence based approaches to drug dependency.
- 2 Principles of treatment and support for recovery should include tailored comprehensive interventions that incorporate stress management and coping mechanisms (both medical and psychological) to all stages of treatment and recovery where young people are – in schools and community centres, residential and community based care.
- 3 Treatment through comprehensive such interventions need to be long term and well funded by government. Evidence based alternatives could include free or low cost access to:
 - behaviour therapy
 - family therapy and voluntary treatment services
 - day programs and homelessness support services
 - culturally sensitive counselling and mental health services, and
 - skills based interventions.