

Mandatory Drug Treatment Orders for Children and Young People

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

Key Rights under the United Nations Convention on the Rights of the Child

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.

What we know

Under the Children and Young People (Safety) Act 2017 it is a duty for every person in the State 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 to ensure all SA children have the opportunity to learn and develop. Together we should take responsibility for ensuring that our education, health and parent support systems are creating the conditions for all children and young people to have healthy brain development, safe community environments and positive mental skills and abilities.

Adolescence is typically a period of experimentation and many young people try drugs to feel better or different, to be curious, experiment, to take risks, socialise, fit in with the group or alternative behaviour. Some young people develop problematic drug/alcohol use. However, drug and alcohol use has been in decline for the majority of young people in South Australia over the last number of years. Where substance dependence occurs it is a serious health concern requiring treatment.

What needs to happen?

Many countries around the world have recognised that legal solutions to health problems are ineffective. A health problem needs a health response, including therapeutic intervention and support to develop strategies to manage substance dependence and the underlying factors. 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
- Able to provide tools to respond to triggers and address challenges in real life conditions.

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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 including 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 including effects of trauma/abuse and building a supportive network around the young person. There needs to be ongoing and available support to manage and control the triggers including relationships, family and environmental factors that affects their ability for 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 it works. Rather than jumping on programs that have been consistently shown not to work, we all would be better off adopting new approaches integrating funding and providing easy accessible options that have been shown to work. By taking a long term comprehensive approach to drug dependency we can implement programs that work.

What should happen in the future?

- The government should pursue accessible and evidence based treatment options that are available at all stages of drug dependency and are combined with assistance across agencies that integrate the world's best practice and evidence.
- Principles of treatment and supports to recovery should include comprehensive interventions incorporating stress management and coping mechanisms (both medical and psychological) for all stages of treatment and recovery. Support where young people are in schools and community centres, residential and community based interventions.
- The government should seek to provide treatment through comprehensive interventions that are long term and well-funded. Evidence based alternatives could include free or low cost access to:
 - Behaviour therapy
 - Culturally sensitive counselling and mental health services
 - Family therapy and voluntary treatment services
 - Day programs and homelessness support services
 - Skills based interventions.

