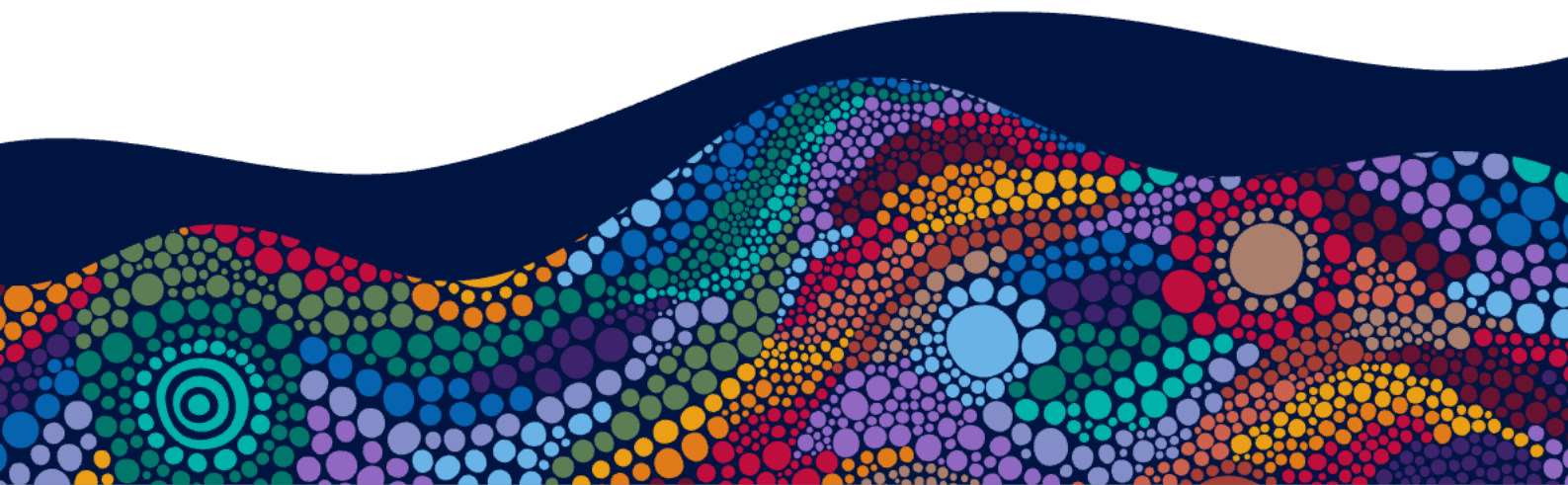


Crimes Amendment (Prohibiting Shackling During Childbirth) Bill 2026

Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026

Submission to the Legal and Constitutional
Affairs Legislation Committee

September 2026



About NACCHO

NACCHO is the national peak body representing 150 Aboriginal Community Controlled Health Organisations (ACCHOs). We also assist a number of other community-controlled organisations.

The first Aboriginal medical service was established at Redfern in 1971 as a response to the urgent need to provide decent, accessible health services for the largely medically uninsured Aboriginal population of Redfern. The mainstream was not working. So it was, that over fifty years ago, Aboriginal people took control and designed and delivered their own model of health care. Similar Aboriginal medical services quickly sprung up around the country. In 1974, a national representative body was formed to represent these Aboriginal medical services at the national level. This has grown into what NACCHO is today. All this predated Medibank in 1975.

NACCHO liaises with its membership, and the eight state/territory affiliates, governments, and other organisations on Aboriginal and Torres Strait Islander health and wellbeing policy and planning issues and advocacy relating to health service delivery, health information, research, public health, health financing and health programs.

ACCHOs range from large multi-functional services employing several medical practitioners and providing a wide range of services, to small services which rely on Aboriginal health practitioners and/or nurses to provide the bulk of primary health care services. Our 150 members provide services from about 550 clinics. Our sector provides over 3.1 million episodes of care per year for over 410,000 people across Australia, which includes about one million episodes of care in very remote regions.

ACCHOs contribute to improving Aboriginal and Torres Strait Islander health and wellbeing through the provision of comprehensive primary health care, and by integrating and coordinating care and services. Many provide home and site visits; medical, public health and health promotion services; allied health; nursing services; assistance with making appointments and transport; help accessing childcare or dealing with the justice system; drug and alcohol services; and help with income support. Our services build ongoing relationships to give continuity of care so that chronic conditions are managed, and preventative health care is targeted. Through local engagement and a proven service delivery model, our clients 'stick'. Clearly, the cultural safety in which we provide our services is a key factor of our success.

ACCHOs are also closing the employment gap. Collectively, we employ about 7,000 staff – 54 per cent of whom are Aboriginal or Torres Strait Islanders – which makes us the third largest employer of Aboriginal or Torres Strait people in the country.

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Recommendations

- 1 NACCHO recommends the passing of the **Crimes Amendment (Prohibiting Shackling During Childbirth) Bill 2026**.
- 2 NACCHO recommends the passing of the **Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026**.

Acknowledgements

NACCHO welcomes the opportunity to provide a submission to the Legal and Constitutional Affairs Legislation Committee. NACCHO supports the submissions to this consultation made by NACCHO Members and Affiliates. NACCHO also acknowledges people who have survived shackling during childbirth and strip searching and the lifelong effects that they can have.

NACCHO would like to advise readers that this submission discusses disturbing topics. There is discussion of systemic racism, disturbing contravention of human rights, and the impacts on mental health, such as suicide.

National Agreement on Closing the Gap

Advocating for and securing the National Agreement on Closing the Gap was an historically significant act of Aboriginal and Torres Strait Islander self-determination. The National Agreement is evidence of a new era of engagement by and with Aboriginal and Torres Strait Islander people. It commits Australia to a new direction and is a pledge from all governments to fundamentally change the way they work with Aboriginal and Torres Strait Islander communities and organisations – to support self-determination and build the capacity of the community-control sector.

The Australian Law Reform Commission has noted *“Research suggests that the links between these systems [child protection, juvenile justice and adult incarceration] is so strong that child removal into out-of-home care and juvenile detention could be considered as key drivers of adult incarceration.”*¹

With this in mind, there are three Closing the Gap targets that relate to the justice system:

- **Target 10:** By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent.
- **Target 11:** By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by at least 30 per cent.
- **Target 12:** By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent.

Nationally, targets 10 and 12 are worsening,^{2,3} while there has been no change on Target 11.⁴ The Justice Policy Partnership was set up in 2021 in recognition of the urgent need to address the serious and worsening rates of overrepresentation of Aboriginal and Torres Strait Islander adults and children in custodial settings.⁵

This Government's first Closing the Gap Implementation Plan commits to achieving Closing the Gap targets *through implementation of the Priority Reforms*. This represents a shift away from focusing on the Targets, towards the structural changes that the Priority Reforms require, and which are more likely to achieve meaningful outcomes for our people in the long term.

¹ Australian Law Reform Commission (2018), Pathways to Justice–Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133) / 15. Child Protection and Adult Incarceration, https://www.alrc.gov.au/wp-content/uploads/2019/08/fr133_15_child_protection_and_adult_incarceration.pdf.

² Productivity Commission, Socio-economic outcome area 10 – Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system, Closing the Gap Information Repository, <https://www.pc.gov.au/closing-the-gap-data/dashboard/outcome-area/criminal-justice/>.

³ Productivity Commission, Socio-economic outcome area 12 – Aboriginal and Torres Strait Islander children are not overrepresented in the child protection system, Closing the Gap Information Repository, <https://www.pc.gov.au/closing-the-gap-data/dashboard/outcome-area/child-protection/>.

⁴ Productivity Commission, Socio-economic outcome area 11 - Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system, Closing the Gap Information Repository, <https://www.pc.gov.au/closing-the-gap-data/dashboard/outcome-area/youth-justice/>.

⁵ Justice Policy Partnership, Response to Information Requests: Productivity Commission Review of the National Agreement on Closing the Gap Report, https://assets.pc.gov.au/data/assets/pdf_file/0009/368721/sub092-closing-the-gap-review.pdf.



The reforms and targets outlined in the National Agreement seek to overcome the inequality experienced by Aboriginal and Torres Strait Islander people, and achieve life outcomes equal to all Australians. Governments at all levels have committed to the implementation of the National Agreement's four Priority Reform Areas, which offer a roadmap to meaningfully impact structural drivers of poor health and social outcomes for Aboriginal and Torres Strait Islander people:

Priority Reform Area 1 – Formal partnerships and shared decision-making

This Priority Reform commits to building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments, and to accelerate policy making that centres Aboriginal and Torres Strait Islander voices.

Priority Reform Area 2 – Building the community-controlled sector

Recognising that community-controlled services achieve better outcomes, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services, this Priority Reform commits to building Aboriginal and Torres Strait Islander community-controlled sectors to deliver services to support Closing the Gap.

Priority Reform Area 3 – Transformation of mainstream institutions

This Priority Reform commits to systemic and structural transformation of government organisations to identify and eliminate racism, embed and practice cultural safety, deliver services in partnership with Aboriginal and Torres Strait Islander people, support truth telling about agencies' history with Aboriginal and Torres Strait Islander people, and engage fully and transparently with Aboriginal and Torres Strait Islander people when programs are being changed.

Priority Reform Area 4 – Sharing data and information to support decision making

This Priority Reform commits to shared access to regional data and information to inform local-decision making and support achievement of the first three Priority Reforms. This Priority Reform supports principles of Indigenous Data Sovereignty.

Despite some progress, the need for fundamental systemic reform remains evident. In its first review of the National Agreement on Closing the Gap, the Productivity Commission found that governments are not adequately delivering on their commitments. Despite support for the Priority Reforms and some good practice, progress has been slow, uncoordinated, and piecemeal.

The Commission noted that to enable better outcomes, governments need to relinquish some control, share decision making and acknowledge that Aboriginal and Torres Strait Islander people know what is best for their communities. Aboriginal Community Controlled Organisations must be treated as critical partners rather than passive funding recipients, and trusted to design, deliver and measure government services in ways that are culturally safe and meaningful for their communities.

‘Too many government agencies are implementing versions of shared decision-making that involve consulting with Aboriginal and Torres Strait Islander people on a pre-determined solution, rather than collaborating on the problem and co-designing a solution’⁶

⁶ Productivity Commission, Review of the National Agreement on Closing the Gap, Study Report, Canberra, 7 Feb 2024 <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>.

Introduction

NACCHO fully supports the proposed bills to ensure shackling during childbirth and the strip searching of children are **illegal across all jurisdictions**. These practices fundamentally violate human rights and dignity. **There is no scenario in which these practices are necessary.**

Aboriginal and Torres Strait Islander people are overrepresented in people who are shackled during childbirth and children who are strip searched.⁷ This has detrimental impacts on people and communities.

NACCHO has chosen to create a joint submission to the Legal and Constitutional Affairs Legislation Committee's consultations regarding the Crimes Amendment (Prohibiting Shackling During Childbirth) Bill 2026 and Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026 as the context of systemic racism in the justice system unites the two topics.

Systemic racism in the justice system

Racism is an important determinant of health, and accounts in large part for the disparity in health outcomes between Aboriginal and Torres Strait Islander people and other Australians. This disparity is the result of systemic racism that has been experienced by Aboriginal and Torres Strait Islander people over many generations, beginning with colonisation and dispossession of land and culture. The Reconciliation Barometer found that 26% of Aboriginal and Torres Strait Islander people experienced racial discrimination by police in 2024.⁸

Disappointingly, despite a commitment from all levels of government, jurisdictions in particular continue to implement policies that are politically motivated which are not based in evidence, which increase and perpetuate systemic racism, and significantly undermine progress toward the Targets outlined under the National Agreement.

Systemic racism, implicit biases and inadequate cultural sensitivity and de-escalation training within the policing system leads to racial profiling, the over-policing of Aboriginal and Torres Strait Islander communities and excessive use of force. Conviction of criminal police officers remains an exception rather than the rule.

Over-policing

Aboriginal and Torres Strait Islander people and communities are over-policed, across the country. There is no national data on the scale on this, however the Racial Profiling Data Monitoring Project found that in 2024, Aboriginal Victorians were subject to police checks at a rate 16 times higher than white Victorians.⁹

The disproportionately high rates of incarceration of Aboriginal and Torres Strait Islander people is an artefact of this racist system. Given the high proportion of Aboriginal and Torres Strait Islander young people in juvenile detention. The increasing prevalence of young people being detained in adult prison facilities must also be addressed.

Racial profiling

Racial profiling remains rampant. Minor offences often result in heightened police scrutiny of Aboriginal Torres Strait Islander children and young people, perpetuating cycles of criminalisation. Aboriginal and Torres Strait Islander victim-survivors of domestic and family violence are often not recognised or treated as victims, with policing practices reinforcing stereotypes and contributing to pathways into child removal systems.

⁷ Torre, G., 'Cruel and degrading practice' must end - Thorpe bills aim to abolish shackling during childbirth and strip searching of children, National Indigenous Times, 21 August 2026, <https://nit.com.au/21-08-2026/26061/lidia-thorpe-bills-aim-to-abolish-strip-searching-of-children-and-shackling-during-childbirth>.

⁸ Reconciliation Australia, Reconciliation Snapshot: Racism and First Nations People, 2024, <https://www.reconciliation.org.au/wp-content/uploads/2025/06/2024-ARB-Racism-and-First-Nations-Peoples.pdf>.

⁹ Racial Profiling Data Monitoring Project, Key Findings (based on available data), <https://www.racialprofilingresearch.org/keyfindings-2024>.

The Racial Profiling Data Monitoring Project also found that in Victoria, Aboriginal people faced:

- 10x the rate of use of force compared to people perceived to be white, and
- 13x the rate of taser use compared to people perceived to be white.¹⁰

While this data is from Victoria, racial profiling persists nationally. In the ACT, an innocent Aboriginal teenager was recently pulled from a bus at gunpoint in a case of racial profiling.¹¹ An Aboriginal family is taking NSW Police to the Australian Human Rights Commission over claims of racial discrimination against two boys who faced excessive bail checks – being checked 20 times in one month, with police showing up at “all hours of the night”.¹²

Violence

Most cases of overt racism, excessive force and reports of deaths in custody do not lead to charges against officers with many continuing to work in law enforcement, fostering a culture of impunity. There are many cases that have been made public about police brutality and violence against Aboriginal and Torres Strait Islander people and yet there is still a lack of accountability for police misconduct.¹³

There is also violence in the system’s negligence in its duty to keep Aboriginal and Torres Strait Islander people safe. In 2025, Australia recorded the highest number of Aboriginal and Torres Strait Islander deaths in custody since 1979. 42% of these deaths occurred custody unsentenced – that is, before they were convicted of a crime. Most Aboriginal and Torres Strait Islander deaths in custody were self-inflicted or by natural causes, meaning people were not receiving the medical care and mental health care they required.¹⁴

Shackling during childbirth

NACCHO supports the Bill’s Explanatory Memorandum’s statement that:

*The practice of shackling people while they are giving birth has been shown to be medically damaging to the parent and child, to be traumatising and degrading to the parent and child, and to be ineffective as a deterrent and risk mitigation measure.*¹⁵

Everyone has the right to dignity in childbirth. For Aboriginal and Torres Strait Islander people, it has a particular cultural and spiritual dimension. Birth is “a process of initiation and belonging to the culture that created spiritual links to the land and the ancestral Dreaming.”¹⁶ Shackling during such an event not only violates the Universal Declaration of Human Rights and United Nations Standard Minimum Rules for the

¹⁰ Racial Profiling Data Monitoring Project, Key Findings (based on available data), <https://www.racialprofilingresearch.org/keyfindings-2024>.

¹¹ Tugwell, J., and Roy, T., Police pulling Aboriginal teenager from bus at gunpoint was 'racial profiling', family alleges, ABC News, 25 November 2025, <https://www.abc.net.au/news/2025-11-20/aboriginal-17yo-pulled-bus-gunpoint-mistaken-racial-profiling/106029782>.

¹² Harris, L., Indigenous family takes NSW Police to Human Rights Commission, claiming racial discrimination, ABC News, 1 July 2025, <https://www.abc.net.au/news/2025-07-01/indigenous-family-takes-nsw-police-to-human-rights-commission/105469944>.

¹³ Blak and Black, Systemic Racism, Police Violence and Indigenous Representation in Australia, 11 July 2025, <https://blakandblack.com/2025/07/11/systemic-racism-police-violence-and-indigenous-representation-in-australia/>.

¹⁴ Wellauer, K., and McCarthy, J., Australia records highest number of Indigenous deaths in custody since 1979, ABC News, 10 December 2025, <https://www.abc.net.au/news/2025-12-10/largest-number-of-indigenous-deaths-in-custody-since-1979/106121828>.

¹⁵ The Parliament of the Commonwealth of Australia (Senate), Explanatory Memorandum: Crimes Amendment (Prohibiting Shackling During Childbirth) Bill 2026, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/s1507_ems_43c1df2d-2bbb-405e-8edb-a4c7d83d228b/upload_pdf/EM_26S21.pdf.

¹⁶ Best & Fredericks, 2021, p. 102, in Australian Midwifery History, First Peoples, Pre-Contact, 2021, <https://australianmidwiferyhistory.org.au/pre-contact/>.

Treatment of Prisoners,¹⁷ but the cultural and spiritual rights of Aboriginal and Torres Strait Islander people through the United Nations Declaration on the Rights of Indigenous Peoples.¹⁸

“The continued practice of shackling represents a reproductive injustice and a human rights violation, and reveals the interlocking of multiple oppressions. Women are treated not as expectant mothers in need of comprehensive medical care, but as criminals with a propensity for uncontrollable violence, having forfeited the right to experience childbirth in a respectful, humane, and decent manner. Shackling women during the birthing process further supports the pervasive beliefs that ... medically adequate and compassionate care is a privilege to which they are not entitled.”¹⁹

Research has found that shackling during childbirth has detrimental health impacts on both mother and child.²⁰ Shackling prevents women in labour from walking during labour, which can both alleviate labour pains and reduce risk of post-partum deep-vein thrombosis.²¹ Shackling can cause welts and skin breakdown, and increases risk of blood clots. Shackled women giving birth cannot adjusting their position, furthering pain, making the administering an epidural difficult and impacting blood flow to the foetus.²² In extreme cases, such as one reported by the Equal Justice Initiative, reduced mobility from shackling during labour caused hip dislocation, resulting in permanent deformities and pain, stomach muscle tears and umbilical hernia.²³

Shackling can also be a barrier to emergency care – which can be delayed if corrections officers are required to first remove shackles.²⁴ Restraints that cross the stomach can be painful for women recovering from Caesarean section births.²⁵

Shackling during birth and post-partum can reduce or eliminate skin contact between mother and newborn. Skin contact provides crucial short and long-term health benefits, including regulating the baby’s heart rate and breathing, stimulating infant digestion and reducing cortisol.²⁶ The long term psychological impacts of maternal separation at birth can lead to emotional and behavioural problems later in life.²⁷

¹⁷ Bedi, N. S., Mathur, N., Wang, J. D., Rech, A., Gaden, N., Annas, G. J., & Crosby, S. S. (2024). Human Rights in Hospitals: an End to Routine Shackling. *Journal of general internal medicine*, 39(6), 1048–1052. <https://pmc.ncbi.nlm.nih.gov/articles/PMC11074073/>.

¹⁸ United Nations, United Nations Declaration on the Rights of Indigenous Peoples, September 2007, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

¹⁹ Sussman, D., Bound by Injustice: Challenging the Use of Shackles on Incarcerated Pregnant Women, 15 Cardozo J. Equal Rts. & Soc. Just. 477 (2009). <https://larc.cardozo.yu.edu/cgi/viewcontent.cgi?article=1461&context=cardozoersj>.

²⁰ Clarke, J.G., and Simon, R.E., Shackling and Separation: Motherhood in Prison, AMA Journal of Ethics, September 2013, <https://journalofethics.ama-assn.org/article/shackling-and-separation-motherhood-prison/2013-09>.

²¹ Dufresne, L., Pregnant Prisoners in Shackles, Voices in Bioethics, 2023, <https://journals.library.columbia.edu/index.php/bioethics/article/view/11638>.

²² Schlafer, R., and Davis, L., Pregnant, in prison and facing health risks: prenatal care for incarcerated women, 19 February 2016, <https://theconversation.com/pregnant-in-prison-and-facing-health-risks-prenatal-care-for-incarcerated-women-45034>.

²³ Equal Justice Initiative, Shackling of Pregnant Women in Jails and Prisons Continues, January 2020, <https://eji.org/news/shackling-of-pregnant-women-in-jails-and-prisons-continues/>.

²⁴ Equal Justice Initiative, Shackling of Pregnant Women in Jails and Prisons Continues, January 2020, <https://eji.org/news/shackling-of-pregnant-women-in-jails-and-prisons-continues/>.

²⁵ Schlafer, R., and Davis, L., Pregnant, in prison and facing health risks: prenatal care for incarcerated women, 19 February 2016, <https://theconversation.com/pregnant-in-prison-and-facing-health-risks-prenatal-care-for-incarcerated-women-45034>.

²⁶ UNICEF UK, Skin-to-Skin Contact, <https://www.unicef.org.uk/babyfriendly/baby-friendly-resources/implementing-standards-resources/skin-to-skin-contact/>.

²⁷ Clarke, J.G., and Simon, R.E., Shackling and Separation: Motherhood in Prison, AMA Journal of Ethics, September 2013, <https://journalofethics.ama-assn.org/article/shackling-and-separation-motherhood-prison/2013-09>.

There are also lasting psychological impacts. Shackling during childbirth can cause intense trauma in mothers, who report that the humiliating, degrading practice makes them feel like “animals”.²⁸ Women who have been subjected to shackling during birth have reported severe mental distress, depression, anguish and trauma.²⁹ It is particularly harmful to women who have already experienced sexual or physical violence.³⁰ While there has been little research on particular impacts among Aboriginal and Torres Strait Islander women, this trauma likely interacts with the legacy of colonisation and intergenerational trauma to create further distress.

NACCHO recommends the passing of the Crimes Amendment (Prohibiting Shackling During Childbirth) Bill 2026.

Strip searching of children

NACCHO supports the Bill’s Explanatory Memorandum’s statement that:

*The practice of strip searching children has been shown to be harmful, degrading and traumatising for the child, while being ineffective and unnecessary.*³¹

Australia is a signatory of the United Nations Conventions on the Rights of the Child – through which the Australian government has committed to children’s right to privacy and body integrity.³² People with lived experience of strip searching describe it as “sexual violence at the hands of the state”.³³ A report by the New South Wales Ombudsman found that only a very small amount of strip searches result in a contraband or unauthorised property being found.³⁴

Jurisdictions outline the situations in which strip searching of children is allowed.^{35, 36} However, there is no situation where a child requires strip searching. Strip searches can be prompted by as little as a hug during a contact visit with family.³⁷ The fact remains that, if contraband items are of particular concern, less invasive practices such as x-rays can be carried out.³⁸

²⁸ Dufresne, L., Pregnant Prisoners in Shackles, Voices in Bioethics, 2023, <https://journals.library.columbia.edu/index.php/bioethics/article/view/11638>.

²⁹ Equal Justice Initiative, Shackling of Pregnant Women in Jails and Prisons Continues, January 2020, <https://eji.org/news/shackling-of-pregnant-women-in-jails-and-prisons-continues/>.

³⁰ Human Rights Watch, Giving Birth in Shackles, 27 May 2009, <https://www.hrw.org/news/2009/05/27/giving-birth-shackles>.

³¹ The Parliament of the Commonwealth of Australia (Senate), Explanatory Memorandum: Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/s1508_ems_3a50ea98-69fc-4e81-9d63-77adcd0be547/upload_pdf/EM_26S22.pdf;fileType=application%2Fpdf.

³² Lee, S., and Raj, J., The Need for Reform: Strip Searches of Children by NSW Police for the period 2016-2023, Redfern Legal Centre, https://rlc.org.au/sites/default/files/2024-03/Strip%20Searches%20of%20Children%20by%20NSW%20Police_1.pdf.

³³ Mehta, S., Ending strip searching in Australian prisons, Human Rights Law Centre, 3 March 2026, <https://www.hrlc.org.au/reports/end-strip-searching/>.

³⁴ New South Wales Ombudsman, Strip searches conducted after an incident at Frank Baxter Youth Justice Centre, 8 June 2021, https://cmsassets.ombo.nsw.gov.au/assets/Reports/Strip-searches-conducted-after-an-incident-at-Frank-Baxter-Youth_Justice-Centre.pdf.

³⁵ New South Wales Ombudsman, Insufficient action to implement strip search safeguards for children and young people in detention, 13 May 2022, <https://www.ombo.nsw.gov.au/about-us/news-events/news/insufficient-action-to-implement-strip-search-safeguards-for-children-and-young-people-in-detention>.

³⁶ Pengilly, V., Juvenile prison guards strip searches cause mental health problems, former inmates claim, ABC News, 29 July 2019, <https://www.abc.net.au/news/2019-07-29/juvenile-inmates-say-constant-strip-searches-bad-mental-health/11354752>.

³⁷ Pengilly, V., Juvenile prison guards strip searches cause mental health problems, former inmates claim, ABC News, 29 July 2019, <https://www.abc.net.au/news/2019-07-29/juvenile-inmates-say-constant-strip-searches-bad-mental-health/11354752>.

³⁸ Human Rights Law Centre, Children in prison subject to 100s of unnecessary strip searches, July 2019, <https://www.hrlc.org.au/news/2019-7-29-children-in-prison-subject-to-100s-of-unnecessary-strip-searches/>

Many children in custodial settings have already experienced trauma, sexual abuse and/or struggle with their mental health.³⁹ Strip searching is dehumanising and humiliating, and can retraumatise these children.

In 2016, Australia was shocked by disturbing footage of a child detainee at Done Dale Youth Detention Centre in the Northern Territory hooded and strapped to a restraint chair, as well as footage of children being stripped, punched and tear-gassed by guards. The responding Royal Commission found that “detainees were subjected to regular, repeated and distressing mistreatment. This included verbal abuse, racist remarks, physical abuse, and humiliation.”⁴⁰

Similarly, in a report by the Youth Justice Legal Centre in the United Kingdom, children noted disrespectful or mocking behaviour by officers during strip searches causing additional psychological harm.⁴¹ The report also described racism in the system – black children were four times more likely to be strip searched than their white peers, and children accounted the use of racist language and discriminatory treatment.⁴² This is not a healthy dynamic for any person, let alone a child.

For children who have been strip searched, it can lead to ongoing distrust and fear of police.⁴³ One survivor noted to the Central News:

“I f**king hate them for what they did to me. [I] still have chills when I see them. I had little trust in them before, but there’s nothing left for them now.”⁴⁴

While there is little information on the outcomes of strip searches of children in Australia, it has been linked to mental health deterioration.⁴⁵ A news story from overseas linked strip searching of a 15 year old girl to a suicide attempt.⁴⁶ If the justice system truly aims to rehabilitate children, it must start by treating them with dignity.

NACCHO recommends the passing of the Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026.

³⁹ Pengilley, V., Juvenile prison guards strip searches cause mental health problems, former inmates claim, ABC News, 29 July 2019, <https://www.abc.net.au/news/2019-07-29/juvenile-inmates-say-constant-strip-searches-bad-mental-health/11354752>.

⁴⁰ Russell, S., and Cunneen, C., Don Dale royal commission demands sweeping change – is there political will to make it happen?, UNSW, 17 November 2017, <https://www.unsw.edu.au/newsroom/news/2017/11/don-dale-royal-commission-demands-sweeping-change-is-there-poli>.

⁴¹ Youth Justice Legal Centre, Strip Searches of Children: Trauma, Disproportionality, and the APPG’s Recommendations for Change, 15 September 2025, <https://yjlc.uk/resources/legal-updates/strip-searches-children-trauma-disproportionality-and-appgs-recommendations>.

⁴² Youth Justice Legal Centre, Strip Searches of Children: Trauma, Disproportionality, and the APPG’s Recommendations for Change, 15 September 2025, <https://yjlc.uk/resources/legal-updates/strip-searches-children-trauma-disproportionality-and-appgs-recommendations>.

⁴³ Lee, S., and Raj, J., The Need for Reform: Strip Searches of Children by NSW Police for the period 2016-2023, Redfern Legal Centre, https://rlc.org.au/sites/default/files/2024-03/Strip%20Searches%20of%20Children%20by%20NSW%20Police_1.pdf.

⁴⁴ Havilah, S., ‘I hate them for what they did to me’ – strip searches are traumatising children, Central News, 25 March 2024, <https://centralnews.com.au/2024/03/25/i-hate-them-for-what-they-did-to-me-strip-searches-are-traumatising-children/>.

⁴⁵ Pengilley, V., Juvenile prison guards strip searches cause mental health problems, former inmates claim, ABC News, 29 July 2019, <https://www.abc.net.au/news/2019-07-29/juvenile-inmates-say-constant-strip-searches-bad-mental-health/11354752>.

⁴⁶ Sinmaz, E., Girl tried to kill herself after strip-search by Met officers, mother says, The Guardian, 24 May 2022, <https://www.theguardian.com/uk-news/2022/may/24/girl-tried-to-kill-herself-after-strip-search-by-met-officers-mother-says>.