



Human Rights
Law Centre



16 August 2016

Hon Adam Giles MLA
Chief Minister
Minister for Correctional Services
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CC: Commissioner, Department of Correctional Services

Dear Chief Minister,

We write regarding serious and continuing concerns about the treatment of children at the Don Dale Youth Detention Centre.

Amnesty International and the Human Rights Law Centre have received information that indicates a number of the issues depicted in the *4 Corners* episode on 25 July 2016 are ongoing in the High Security Unit (HSU) of Don Dale. These issues must be addressed urgently and the Northern Territory Government cannot wait until the upcoming Royal Commission makes recommendations sometime in 2017 to make necessary changes to ensure human rights abuses do not continue.

CONTINUED USE OF SOLITARY CONFINEMENT

The Human Rights Law Centre and Amnesty International have received information that that indicates there has been no change to the day to day issues in the HSU and the children detained there remain at risk. We have been informed that:

- A 12 year old is being locked down 23 hours a day every day in the HSU
- A 16 year old with no previous detention history has been placed in the same HSU and locked down for 23 hours a day with no access to mental health support despite being at major risk of self-harm; and
- There are 4-5 children in the HSU in near permanent lock down at any given time.

If true, these reports suggest the Northern Territory Government is in breach of the Mandela Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which strictly prohibits the use of solitary confinement for children in detention.¹

CONCERNS ABOUT SELF HARM

Amnesty International and the Human Rights Law Centre have also received information regarding allegations that some children are still self-harming. We have also heard here is no ongoing 'at risk policy' for children in danger of self-harm and no access to psychiatric or therapeutic support.

STAFF TRAINING

The Human Rights Law Centre and Amnesty International have heard allegations that the HSU is still staffed by individuals without proper training. Specifically:

- HSU is staffed by adult prison guards within inadequate training in dealing with children; and

¹ *UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)*, adopted by UN General Assembly resolution 70/175, 17 December 2015, Annex, Rule 45(2); *UN Rules for the Protection of Juveniles Deprived of their Liberty*, UN Doc A/RES/45/113, 14 December 1990, Rule 67.

- These staff lack adequate training in terms of appropriate use of force.

We understand there have been some positive developments in Northern Territory courts and in youth detention since the 4 Corners youth detention episode, including the provision of access for three health workers to visit the centre. We welcome these developments, however they are not sufficient.

IMMEDIATE STEPS REQUIRED

Amnesty International and the Human Rights Law Centre call for a number of immediate steps to be taken by the Northern Territory government to protect children in the youth justice system:

1. End the solitary confinement of children in the Northern Territory
2. Ensure that children at risk of self-harming or self-harming have access to therapeutic and specialist support
3. Begin consultation with the relevant Aboriginal health and legal services to find an alternative site to the former Berrimah prison
4. Allow an independent inspection of youth justice facilities while the Royal Commission is ongoing, for example by inviting the NSW Independent Inspector of Custodial Services to conduct inspections.

FURTHER INFORMATION

Noting the reports our organisations have received, we are seeking a response to the following questions as soon as possible.

1. In total, how many children are currently at Don Dale?
2. How many children are currently held in HSU?
3. Do children detained in HSU have access to psychologists, health services and therapeutic programs?
4. Are children in the HSU locked down for more than 22 hours a day?
5. How many of the children at Don Dale are being held on remand?
6. Do children held at Don Dale on remand have access to psychologists, health services and therapeutic programs?
7. How many children are in youth detention in the Northern Territory because they are in Department of Community and Families custody, and are either:
 - on remand (including due to a lack of alternative accommodation or lack of a pre-sentence report)?
 - remaining in custody despite being eligible for release (including because DCF have not made a plan for their accommodation post-release or do not have accommodation available)?
8. How many reports of children self-harming have there been since 25 July 2016?
9. Is there an "at risk" policy in place for those who are self-harming or at risk of self harming?
10. Are all children at Don Dale (whether sentenced or on remand) provided with an explanation on arrival of the process for making a complaint to the NT Children's Commission?
11. What is the new policy on use of restraints in youth detention facilities? The UN Committee on the Rights of the Child has stated that restraints may only be used "when the child poses an imminent threat of injury to him or herself or others, and only when all other means of control have been exhausted."²

Yours sincerely,

Privacy

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Amnesty International Australia

Privacy

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² Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice*, UN Doc CRC/C/GC/10, 25 April 2007, para. 89.