



Human Rights
Law Centre



17 August 2016

Hon Michael Gunner MLA
Leader of the Opposition
Parliament House
GPO Box 3700
Darwin, NT 0801

AMNESTY INTERNATIONAL AUSTRALIA

Street address:
79 Myrtle Street
Chippendale
NSW 2008
T: (02) 83967618
E: exec.admin@amnesty.org.au

ABN 64 002 806 233

Postal address:
Locked bag 23
Broadway
NSW 2007
F: (02) 83967677
W: www.amnesty.org.au

Dear Mr Gunner,

Major concerns about ongoing issues at 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 in March 2017 to make necessary changes to ensure human rights abuses do not continue.

We have written to the Chief Minister and the Commissioner, Department of Correctional Services, to pass on the following information.

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.

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.

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

IMMEDIATE STEPS REQUIRED

Amnesty International and the Human Rights Law Centre are calling 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-harm 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.

As we noted earlier, according to reports we are receiving, the situation in the Northern Territory's youth detention facilities cannot wait until the Royal Commission reports to be rectified. Should you form government after 27 August, we look forward to an immediate response.

Yours sincerely,

Claire Mallinson

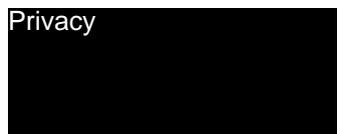
Privacy



National Director
Amnesty International Australia

Hugh de Kretser

Privacy



Executive Director
Human Rights Law Centre