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Neil Morgan
Inspector of Custodial Services
Banksia Hill Directed Review
Albert Facey House
Level 5
469 Wellington Street
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Email: banksiahillinquiry@oics.wa.gov.au

Dear Inspector Morgan

Banksia Hill Inquiry

On behalf of Amnesty International Australia's 239,000 supporters I am writing to input into the Banksia Hill Inquiry.

We have read alarming reports that in the months leading up to the riot that young people were being subjected to long periods of lockdown and there was significant under-staffing and overcrowding at Banksia. Amnesty International is hopeful this inquiry will make specific recommendations aimed at addressing these issues. Amnesty International wishes to specifically address the term of reference relating to the temporary housing of juvenile detainees at Hakea Prison.

Amnesty International is gravely concerned at the ongoing incarceration of over 67 young people in the adult Hakea Prison following the January riot at the Banksia Hill Detention Centre. In February Amnesty International wrote to the Minister for Corrective Services, The Hon Murray Cowper, calling for the immediate transfer all of these juveniles out of the adult prison.

Amnesty International has been informed that the existing separation between these young people and the rest of the adult population at Hakea Prison consists only of a wire fence. This leaves children extremely vulnerable to harassment and threats from adult prisoners. Amnesty International does not consider the reported fencing as adequate separation as required by international standards.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice states that juveniles '*shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.*'¹ The Special Rapporteur on torture has also criticised the detention of minors together with adults because juveniles are '*vulnerable to physical and sexual exploitation and may experience severe physical and mental suffering.*'²

Amnesty International is disturbed by reports that the young people are not receiving the same level of health, education and recreation services in the adult prison they had been receiving while at Banksia. We are also concerned of reports of difficulties of access for familial visits and meetings with legal counsel. These need to be addressed as a priority for the young people incarcerated at Hakea Prison.

¹ Clause 13.4, Also known as the 'Beijing Rules' adopted by the UN General Assembly resolution 40/33 of 29 November 1985

² Report on the UN Special Rapporteur on Torture, 12 January 1988, UN Doc E/CN.4/1988/17, at para 48

Amnesty International considers it unacceptable that the Western Australian Government has indicated that these young people may remain at the Hakea Prison for up to one year. Amnesty International is also concerned at reports that the cohort of juveniles includes both young people on remand, together with convicted juveniles. This also contravenes international standards which state that '*untried detainees should be separated from convicted juveniles*'.³

We believe that repairing the Banksia Hill Juvenile Detention Centre should be a priority, ensuring that the conditions and culture that led to the riot are addressed.

Yours sincerely,

A handwritten signature in cursive script that reads "Claire Mallinson".

Claire Mallinson
National Director
Amnesty International Australia

³ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, A/RES/45/113 at para 17