

## Appendix A Amnesty International Australia's Allegations



14 December 2017

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Minister for Corrective Services  
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Dear Minister,

I write to you in regards to the case of [REDACTED], a young person in the State's care at Banksia Hill Detention Centre, after being approached by his mother [REDACTED] about his care.

We understand that [REDACTED] has been held in practical isolation since 5 May 2017 - 223 days from today.

It has been reported to Amnesty International Australia that:

- a) [REDACTED] was moved into isolation in the Harding Unit on 5 May 2017 following an incident on that day
- b) He has been deprived of meals on a number of occasions
- c) He had to earn access to a mattress in his cell each day until October
- d) He was handcuffed whenever outside of the isolation unit, including to attend family visits, until October
- e) He was regularly strip-searched
- f) He has not had access to education whilst in isolation
- g) He has attempted self-harm over 100 times, and we are informed that [REDACTED] mother was only informed about these attempts twice

Amnesty International Australia is concerned that the above claims contravene the *Young Offenders Act 1994 (WA)* specifically:

- a) s173(2)(e): that detention offences can be dealt with by confining a detainee to sleeping quarters or a designated room for a period not exceeding 24 hours if the order is made by the superintendent; or for a period not exceeding 48 hours if the order is made by a visiting justice.

Furthermore, Amnesty International Australia is concerned that the above claims contravene the *Young Offenders Regulations 1995 (WA)*, specifically:

- a) s76(3): A detainee confined under this Division is entitled to fresh air, exercise and staff company for a period of at least 30 minutes every 3 hours during unlock hours.
- b) s79(4): A detainee whose confinement is for 12 hours or longer is entitled to at least one hour of exercise each 6 hours during unlock hours.
- c) s77: A detainee placed in confinement must be subject to continuous monitoring for the first 30 minutes of that confinement, and after the first 30 minutes of confinement, a confined detainee must be subject to regular monitoring carried out in accordance with a written management regime that has been endorsed by the superintendent.

The *Standard Minimum Rules for the Treatment of Prisoners* (known as the Mandela Rules) and the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* strictly prohibit the use of solitary confinement for children in detention. The UN Rules state that: "All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned."

The isolation of █████ clearly contravenes international standards.

The Office of the Inspector of Custodial Services in its report, *Behaviour management practices at Banksia Hill Detention Centre*, found that "isolation is overused as a behavior management strategy". It stated that the use of isolation conflicts with any concept of trauma-informed care, and is likely to promote further behaviour problems.

We request that █████ be immediately released from isolation, undergo an urgent mental health assessment and subsequently receive relevant assistance. █████ should be re-integrated into the detention centre and have access to therapeutic services that will assist with his rehabilitation.

We also request written confirmation that *Young Offenders Regulations 1995 (WA)* have been adhered to █████ case, particularly Part 9: Confinement of detainees, including s79(1) that states the superintendent must make and maintain a record of an order to confine a detainee.

We also understand that █████ has possible injuries to his ankle and knee that require medical testing. We request that he receives the required medical attention for this injury, and for his mother to be kept up-to-date regarding this.

I would be happy to meet with you or relevant staff to discuss █████ case in more detail. I thank you in advance for considering this urgent and important matter.

Yours sincerely,



Tammy Solonec  
Indigenous Rights Manager