

22 November 2012

Hon Andrew McIntosh  
Minister for Corrections  
Level 26, 121 Exhibition Street  
Melbourne VIC 3000

Hon Mary Wooldridge  
Minister for Community Services  
Level 22, 50 Lonsdale Street,  
Melbourne VIC 3000

Dear Ministers

### **Removal of young people from adult jails in Victoria**

This joint letter expresses strong concerns about reports of Corrections Victoria's treatment of young people under 18 in adult jails. It calls for an independent investigation and urgent changes to the law to end the practice of detaining young people in prison.

### **Background**

It was recently revealed in the media that there were a number of young people detained at Port Phillip Prison. Some of these young people were subjected to long term solitary confinement within the Charlotte Unit.

We understand that these young people were transferred to Port Phillip Prison by the Youth Parole Board under section 467 of the *Children Youth and Families Act* (2005).

### **Adult prisons harm young people**

This practice is clearly contrary to the rehabilitative aims of Victoria's youth justice system. Placing a young person in an adult prison in solitary confinement is an extreme form of punishment that is tantamount to psychological torture. The isolation experienced with long term lockdown has been shown to increase the risk of suicide. It may also cause emotional and psychological harm to already at risk young people who may have a background of neglect, abuse and separation from family.

The significant negative effects of imprisonment do not promote the best interests of the young person. On the contrary, prison risks turning young people into adult offenders which only adds further costs and pressures on the prison system.

### **Holding young people in adult prison breaches human rights**

There is broad consensus that holding young people in adult prison breaches the United Nations Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. In some circumstances this practice also breaches the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

There is also a strong case that the continued placement of young people in adult jails by Corrections Victoria is incompatible with Victoria's *Charter of Human Rights and Responsibilities Act* (2006) (The Charter). Section 23(1) of the Charter provides that children detained under the criminal justice process must be segregated from all detained adults. The practice is also potentially in breach of section 23(3) which provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

### **An independent public investigation into why young people are in jail is needed**

We are extremely concerned by the lack of information about the number of young people currently being held in jail in Victoria. In the interests of transparency and accountability, we are calling on you to appoint an independent investigator to examine, monitor and publically report on the following issues:

- The circumstances that led to the imprisonment of these young people.
- The treatment of young people while imprisoned and the impact it has had on each individual.
- The length of time each young person has spent in prison.
- The number of young people who are currently held in prison, including the number held in solitary confinement.
- The adequacy of post release support given to young people.
- What measures are in place to ensure young people are not placed in prison.

### **Reducing the harm caused by adult prison**

In addition to the concerns raised above, there is an urgent need to ensure that all young people released from prison have age-appropriate post release support including reintegration services to reduce the risk of suicide and future offending. We therefore request that you review current arrangements and make all the necessary changes required to ensure the safety and well-being of these young people.

### **Conclusion**

We look forward to working with you to build a more responsive youth justice system that has the necessary resources, laws and policies in place to ensure that young people are no longer detained in adult jails.

Please do not hesitate to contact Michelle McDonnell, Smart Justice policy officer at the Federation of Community Legal Centres on 03 9652 1507 or [michelle.mcdonnell@fclc.org.au](mailto:michelle.mcdonnell@fclc.org.au) if you wish to discuss any aspect of this letter.

Sincerely



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