

ANZCCGA Joint Statement on Isolation in Youth Detention

21 February 2024

Australian and New Zealand Children's Commissioners, Guardians and Advocates have long called for an end to the harmful practice of isolating children and young people in youth detention. The use of isolation practices on children should be prohibited, except when necessary to prevent an imminent and serious threat of injury to the child or others, and only when all other alternatives have been exhausted. Where isolation is used, it must be for the shortest amount of time possible and be publicly reported to an independent oversight mechanism.

The ANZCCGA asserts that current public reporting and accountability mechanisms regarding the use of isolation in youth detention are inadequate, across all Australian jurisdictions. Current definitions, record-keeping and reporting arrangements hide the extent to which isolation is used on children and young people in youth detention, and the ability to monitor progress towards ensuring isolation is only used in strict compliance with international human rights standards.¹

Noting that isolation must only be used as a last resort and always for the shortest time possible, the ANZCCGA call for nationally consistent definition and minimum standards for isolation practices in youth justice detention, which are in accordance with international human rights standards – including the United Nations *Convention on the Rights of the Child* and the *Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT). Children deprived of their liberty have the right to be treated with humanity and respect for their inherent dignity, in a manner that takes into account the needs of a person of that age and stage of development.

These standards should address the minimum amount of time children and young people must spend out of their cells with access to meaningful human contact, regardless of the reasons for the isolation² – both on a single day and over longer periods. The relevant measures should be based on nationally consistent definitions and reporting mechanisms, to improve transparency and independent oversight bodies' access to the full and accurate information required to monitor children and young people's rights in detention.

¹ [The United Nations Subcommittee on the Prevention of Torture's June 2023 report on Australia](#) noted the widespread use of practices that amounted to 'de facto solitary confinement', and a trend of varied terminology to refer to and justify places of isolation. Noting this issue, the Subcommittee recommended that reasons for use of solitary confinement, isolation, quarantine and other circumstances should be clearly defined and distinguished.

² Australian jurisdictions use various and inconsistent definitions for the practice of separating children from other children in places of detention (such as isolation, separation, confinement, night mode, 'controlled cell occupation', segregation, "At Risk", or during periods of lockdown). ANZCCGA uses the term "isolation" to capture all such circumstances.

Noting these matters, the ANZCCGA call on governments to take the following actions:

1. State, Territory and Commonwealth governments, in consultation with civil society and the ANZCCGA, should develop a common definition of isolation and associated counting rules for periods of isolation experienced by detained children and young people to enable nationally consistent recording, monitoring, and reporting. The common definition and counting rules should:
 - a. account for all periods during which children and young people are subject to involuntary separation from a facility's general custodial population or general programming;
 - b. address all forms of isolation, regardless of what it is called under applicable legislation or policies; and
 - c. enable the counting and reporting of periods of cumulative isolation in a single day.
2. The Productivity Commission's *Report on Government Services (17 Youth Justice Services)* should, at a minimum, include jurisdictional data about "time out-of-cells (average hours per day)" as currently is reported for adult corrections. Data should also be disaggregated by, at a minimum: age, Aboriginal and/or Torres Strait Islander status, culturally and linguistically diverse status, sex, disability and legal status (e.g. on remand or sentenced).
3. The Australian Government should commission an independent study to:
 - a. identify the drivers, prevalence and impact of extended time in isolation in places of youth justice detention,
 - b. identify the health, psychological and other harms caused to children and young people by being isolated for extended and/or cumulative time in rooms/cells, and
 - c. make recommendations with respect to trauma informed and rights-based alternatives to isolation practices in youth justice detention.
4. Without further delay, each state and territory government should establish and resource an independent National Preventive Mechanism, as outlined by OPCAT, to ensure child-focused preventive oversight of all settings in which children and young people could be deprived of liberty.³

³ For the potential scope of OPCAT NPM operations with respect to 'places of detention' or 'places of deprivation of liberty' see the April 2023 [Draft general comment No. 1 on places of deprivation of liberty \(article 4\)](#), an authoritative consultation paper released by the UN Subcommittee on the Prevention of Torture.

The Australian NPM Network (which includes several ANZCCGA members) response to this paper is available on the [Commonwealth Government's website](#). See Part IV of this paper for discussion of specific child and youth related places of detention that go beyond youth justice detention facilities (and to which any 'isolation' expectations also should apply).

Endorsed by the following Commissioners, Guardians and Advocates



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KEEPING OUR KIDS STRONG IN FAMILY & CULTURE

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