The Role of Independent Oversight in Preventing Violence against Young People in Detention: An Australian perspective

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Children & Young People Commissioner

- One of 3 Commissioners within the ACT Human Rights Commission

- Key functions include:
  - Resolving complaints
  - Providing advice to Government
  - Consulting with children & young people

- Independent from Government
Independent Oversight in the ACT

- Official Visitor
- Public Advocate of the ACT
- Children & Young People Commissioner
- Each have a role in preventing violence against young people in detention
Official Visitor

• The role of the Official Visitor:
  ✓ inspect places of detention
  ✓ receive and consider complaints
  ✓ report to the Minister
Official Visitor

• The Official Visitor:
  ✓ visits the detention centre every two weeks, and on request
  ✓ also available by phone
  ✓ written report to the Minister every month
Public Advocate

• The role of the Public Advocate:
  ✓ act as an advocate for the rights of children & young people
  ✓ monitor the provision of services for children & young people
  ✓ investigate complaints
Public Advocate

- The Public Advocate:
  - visits the detention centre every month, and on request
  - also available by phone

- Also:
  - inspects the register of use of force and register of searches every three months
  - receives all segregation orders
Children & Young People Commissioner

• The role of the Commissioner:
  ✓ resolve complaints
  ✓ provide advice to Government
  ✓ consult with children & young people
Children & Young People Commissioner

• The Commissioner:
  ✓ visits the detention centre as required, and on request
  ✓ also available by phone

• Can also enter the detention centre at any time and inspect records
Cooperative work

- The three oversight agencies:
  - meet every month to discuss issues of mutual interest or concern
  - undertake joint activities and projects
  - report annually to the Legislative Assembly Standing Committee on Education, Training & Youth Affairs

- Representatives of Legal Aid also attend meetings
Examples of joint activities and projects

• Inquiry into Children & Young People with Complex Needs in the Youth Justice System (in progress)
• Annual survey of young people in detention (2015 & 2014)
• Review of bail (2014)
• Review of the use of ‘time-out’ (2013)
• Development of accessible complaints mechanism (2103)
Outcomes

- Use of force has decreased significantly
- Injuries and violence has decreased significantly
- Complaints have decreased significantly
- Residents report less concerns
- Staff report less concerns
- A happier and more effective centre
- Number of young people in detention has deceased significantly
On a National level

- There is a Commissioner, Guardian and/or Advocate for Children and Young People in each Australian State and Territory
- Australian Children’s Commissioners & Guardians (ACCG)
Examples of joint activities and projects

- *Use of Restraint in Youth Justice Facilities* (in progress)
- *Model Charter of Rights for Children and Young People Detained in Youth Justice Facilities* (2014)
- *The Treatment and Wellbeing of Aboriginal Young People in Contact with the Youth Justice System* (2013)
Conclusions

• Independent oversight with powers to enter, inspect and compel is critical
• Results is a safer, more effective, youth justice system
• A closed system is a dangerous, and cowardly, system
• Governments must be prepared to account for their performance and treatment of young people in detention
Thank you

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