Australia: Human rights abuses in Northern Territory juvenile detention centres

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Revelations over the past month have underscored the brutal, and in some instances, illegal treatment meted out to children held in juvenile detention centres in Australia's Northern Territory.

The territory has a large Aboriginal population—some 30 percent of the territory's residents—which is subjected to widespread oppression and discrimination, including police harassment, poverty, unemployment and punitive sentencing laws.

The Northern Territory (NT) has the highest per capita prison population in Australia, with Aboriginal workers and youth greatly over-represented, making up some 97 percent of juvenile detainees, and around 90 percent of adult prisoners.

A report released last month by former NT Children's Commissioner Howard Bath into "unrest" in August 2014 at the Don Dale Youth Detention Centre, south of Darwin, found that youth were held in solitary confinement, tear-gassed, hooded and taken to an adult prison, in violation of their basic rights.

After some allegedly tried to escape the centre, six inmates were moved to the facility's "Behaviour Modification Unit" (BMU), where they were held in solitary confinement for between 6 and 17 days, for 22 to 24 hours per day. The legally mandated limit for such detention is 72 hours.

The report described the squalid conditions of the BMU cells. "The cells do not have any air-conditioning, or fans. There are no facilities for the young persons to access drinking water, nor are there any facilities for hand washing after using the toilet, or before eating meals. There are no windows which allow direct natural light, or ventilation." Darwin has a hot, tropical climate.

On August 21, 2014, after days of being held in isolation, the youth were told that a review into their placement in the BMU cells had been postponed.

The NT Corrections Commissioner Ken Middlebrook claimed that on the evening of August 21, the six youth were "out of control," they were destroying the facility, and had left their cells. The mainstream press widely reported the incident as a "riot" and repeated claims that the youth armed themselves with glass in a bid to injure staff.

In fact, according to Bath's recently released report, just one of the inmates exited his cell, after the door was left unlocked by staff. Two of the youth were playing cards at the time of the incident.

Officers from an adult prison were called in, armed with riot shields, gas masks, tear gas and batons. As one youth sought to climb through a window, a guard was heard on an audio recording in the centre saying: "No, let the f****er come through because when he comes through, he will be off balance. I'll pulverise, I'll pulverise the little f****er."

Middlebrook personally authorised the use of tear gas, and was recorded commenting: "Mate, I don't care how much chemical you use, we gotta get him out." All the youth, including those inside their cells, were affected by the tear gas, with most exposed for over five minutes.

Following the incident, the youth were transported to the maximum security section of an adult prison in Darwin. Hoods were placed over their heads. One of those sent to the adult prison was just 14 years old. The report states that this, along with the use of tear gas and prolonged solitary confinement, was illegal.

Following the release of the report, a 15-year-old boy who was held at the centre last year claimed that young detainees had been forced by staff members to fight each other and eat bird faeces in return for junk food. He said they were subjected to arbitrary violence, and

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threats of retribution.

The horrific conditions at the centre have long been known. Bath's report notes that in August 2012, information came to light that staff were inappropriately using restraints, but nothing was done to prevent further abuses. A government-commissioned report released in February documented an incident on August 16, 2014, where staff members threatened a detainee and attempted to cover it up.

At the end of last year the Don Dale centre was closed and relocated to a dilapidated former adult prison. A number of escapes and other incidents have occurred since.

The Human Rights Law Centre (HRLC) responded to the latest revelations by calling on the UN Special Rapporteur to investigate the centre. Ruth Barson, senior lawyer at the HRLC, told the Australian Broadcasting Corporation that "harmful practices like prolonged solitary confinement and hooding," were "deeply concerning" and "worse, the NT Corrections Commissioner has defended the mistreatment. The lack of accountability for human rights breaches is alarming."

John Lawrence SC, former president of the NT Bar Association and Criminal Lawyers Association, called for Middlebrook and Corrections Minister John Elferink to be stood down. Other organisations, including the National Aboriginal and Torres Strait Islander Legal Services, denounced the official response.

Middlebrook labelled the report unfair and brazenly denied that staff broke the law, while dismissing out of hand the claims of the 15-year-old former detainee. Likewise NT Chief Minister Adam Giles declared that the youth had "given up an opportunity they had to have a second start in life."

According to reports, the average daily number of young detainees in the NT rose from 34 for the September quarter of 2011, to 42 for September 2014.

The NT's rates of incarceration of Aboriginal people have increased especially. Almost 90 percent of adult inmates are indigenous, up from 69 percent in 1991. Between 2002 and 2012, the rate of imprisonment of Aboriginal women rose by 72 percent.

Broad sections of the population have been effectively criminalised through various forms of mandatory sentencing and police profiling. Early last year, laws were introduced for first offenders involved in violent crimes, mandating at least three months' imprisonment, and a year for "repeat offenders." Under laws introduced last year, police can carry out "paperless arrests," detaining people for four hours without charge and without keeping any record.

Those targeted are the most vulnerable. Figures released last year showed that people living in some remote areas of the NT had a lower life expectancy than those in impoverished African states. People living in "very remote" areas, many of them Aboriginal, have a life expectancy of just 52 years, while those living in areas termed "remote" live to an average of 62 years.

Mistreatment of prisoners is endemic. A 2013 report found that the NT had the highest number of indigenous deaths in custody of any state or territory. Between 1979 and 2011, there were 32 deaths in custody, with 24 of them being indigenous people.

The brutal treatment of Aboriginal youth in the Northern Territory, one of the most oppressed layers of the Australian population, is a graphic illustration of the harassment and abuse of working class youth by police and in the juvenile detention system.

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