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**Human Rights
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Media Release

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COVID-19 crisis in Brisbane's youth prison highlights urgent need for government action

With reports today of nearly 130 young people - some as young as 13 - being locked in their cells indefinitely due to the threat of COVID-19, Aboriginal and Torres Strait Islander, legal and human rights organisations are calling on the Palaszczuk Government to reduce the number of children locked away in Queensland prisons rather than isolating and harming them.

Youth prisons are hot spots for the transmission of COVID-19. Like cruise ships or nursing homes, they are closed, crowded environments where large numbers of people touch the same surfaces, share facilities and cannot physically distance from one another. Once the virus enters a youth prison, it risks spreading like wildfire.

The threat posed by COVID-19 to children and young people in prison extends beyond contracting the virus, and includes any punitive steps taken in response.

Restrictive measures, such as lockdowns in the form of solitary confinement, can have life-long impacts for children and young people and should not form part of a public health response to COVID-19. International human rights law strictly prohibits the use of solitary confinement on children given that it can have severe, long-term and irreversible effects on a child's health and wellbeing.

In Queensland, a staggering 87 per cent of children locked up are on remand, not having been sentenced for an offence. It is unacceptable that 61 per cent of children under youth justice supervision in Queensland are Aboriginal and Torres Strait Islander children. This over-incarceration - due to colonisation, systemic racism and entrenched socioeconomic disadvantage - coupled with the high risks of COVID-19 to First Nations people, means that they will be disproportionately impacted by an outbreak of COVID-19 in prisons.

The Queensland Government must take urgent steps to reduce the number of children and young people detained in its youth prisons by opting for release wherever possible. This could be done by:

1. Granting bail, and fast tracking bail applications, for children and young people on remand, who are yet to be found guilty of any criminal offending, so they can return home to their country and communities; and
2. Granting parole or leaves of absence to children and young people, so that they can be with, and be supported by, their families and community during this ongoing public health emergency.

The Queensland Government must also ensure that independent inspection bodies and organisations that monitor the treatment of children and young people in prison have access to all youth prisons, including any children or young people who may be in isolation.

Cheryl Axleby, Co-Chair, Change the Record and the National Aboriginal and Torres Strait Islander Legal Services:

“As has been Australia’s shame for many decades, Aboriginal and Torres Strait Islander peoples are grossly overrepresented in both the adult and youth criminal justice systems. Prisons are extremely high-risk environments when it comes to disease transmission, exposing our people to unacceptable danger.”

“Locking children up for days on end is no solution to COVID-19 and poses an unacceptable risk to the mental health and wellbeing of our kids. They shouldn’t be punished by being trapped in their cells without access to family, education or support - they should be protected from this potentially deadly disease.”

“We call on governments to act immediately and follow the lead of many countries around the world, who have taken a public health response to COVID-19 and released low-risk and high vulnerability prisoners from prisons and youth detention centres to keep people safe both in prisons and in our community.”

Monique Hurley, Senior Lawyer, the Human Rights Law Centre:

“Everybody deserves to be safe during a pandemic. Evidence from around the world is clear - once COVID-19 enters a youth prison, it could spread like wildfire. Children and young people should be with, and be supported by, their families and community during this ongoing public health emergency, not locked in their cells for hours and hours on end.”

“Lockdowns - which are often code for solitary confinement - harms children. It is an archaic way of treating people. Solitary confinement can inflict long term and irreversible harm on people, especially kids. The Queensland Government should not subject any human being to this type of cruelty, especially when safer alternatives - like reducing the number of children and young people in prisons - are available.”

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