

Ombudsman to investigate the use of 'solitary confinement' and young people

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Victorian Ombudsman Deborah Glass will investigate the use of 'solitary confinement' involving young people in Victoria, using the United Nations' Optional Protocol to the Convention against Torture (OPCAT).

"If we are serious about protecting vulnerable young people and rehabilitating those in detention, we must ensure they are treated decently and with respect for their human rights," Ms Glass said.

Ratified by the Australian Government in late 2017, OPCAT is yet to be implemented in Victoria. It aims to prevent ill-treatment of people in closed environments through regular independent inspections by a United Nations committee of international experts and local inspection bodies called National Preventative Mechanisms (NPMs). The Commonwealth Ombudsman has been appointed NPM Coordinator for OPCAT in Australia.

Announcing her 'own motion' investigation today, Ms Glass said it will involve analysis of NPM models overseas and inspections of the use of 'solitary confinement' and young people in several closed environments across different settings in Victoria.

"OPCAT inspections are forward looking and seek to improve and prevent," Ms Glass said. "Inspections help to ensure the effectiveness of facilities in promoting rehabilitation, which in turn reduces recidivism and increases community safety. They can identify pressure points, which if left unchecked, can result in riots."

This will be the Ombudsman's second investigation related to OPCAT. In November 2017, Ms Glass reported on her inspection of the Dame Phyllis Frost Centre, which was carried out using OPCAT's rigorous standards. While overall she found some positive initiatives, she was also concerned about a high incidence of force and restraint and routine strip searching of women prisoners. The then Department of Justice and Regulation accepted all but one of her 19 recommendations for improvement.

"The ratification of OPCAT is an important symbol of Australia's commitment to human rights and community safety. Its implementation in Victoria is equally important in ensuring that commitment is not merely symbolic," she said.

Ms Glass will establish an Advisory Group comprised of oversight bodies and civil society organisations with experience in areas that are important to preventive monitoring to assist with her investigation.

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