



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined eighteenth to
twentieth periodic reports of Australia**

Addendum

**Information received from Australia on follow-up to the
concluding observations***

[Date received: 7 December 2018]

* The present document is being issued without formal editing.



Follow-up to recommendations contained in paragraphs 16(c), 26(c) and 31(b)

Concluding observations 16(C)

The Committee calls on the State party to:

1. Reinforce the support, including financial, provided to the Australian Human Rights Commission with a view to enabling it to better discharge its functions effectively, including the investigation of complaints brought under the Racial Discrimination Act 1975 (Cth).

Australian Government response

2. The Australian Government is of the view that the Australian Human Rights Commission (AHRC) is appropriately resourced to carry out its functions as Australia's 'A-status' National Human Rights Institution (NHRI).
3. The AHRC's total projected income for financial year 2018–19 is A\$ 22.319 million, including A\$ 16.184 million in funding from Government. This represents an increase in Government funding of A\$ 1.793 million from 2017–18, due to the return of funding allocated to fund the extension of the Royal Commission into Institutional Responses to Child Sexual Abuse in the 2014–15 Additional Estimates.
4. As Australia's NHRI, the AHRC is funded and established by the Australian Government, but it operates and functions independently from government. In compliance with the independence of the AHRC under the United Nations Principles Relating to the Status of National Institutions adopted by General Assembly resolution 48/134 of 20 December 1993 (the Paris Principles), the AHRC determines the allocation of funding to each of its functions. It is a matter for the AHRC to determine the allocation of funding towards inquiring into and attempting to conciliate complaints brought under the *Racial Discrimination Act 1975 (Cth)*.

Concluding observations 26(C)

The Committee recommends that the State Party to:

5. Immediately improve places of detention for juveniles in all States and Territories, and implement the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory (November 2017), and launch effective criminal investigation into the human rights abuses that occurred with a view to bringing alleged perpetrators to justice, punishing them appropriately, if convicted, and compensating victims.

Australian Government response

6. Explanatory note: Australia's Constitution establishes a federal system of government in which powers are distributed between the Commonwealth and the six States and two Territories. As corrective services are the responsibility of State and Territory Governments, input on the first element of this Concluding Observation – 'immediately improve places of detention for juveniles in all States and Territories' – has been provided by State and Territory Governments.

I. Part 1: ‘Immediately improve places of detention for juveniles in all States and Territories’

Ratification of OPCAT

7. On 21 December 2017, the Australian (Federal) Government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Upon ratification, Australia made a declaration under Article 24 of OPCAT to postpone National Preventive Mechanism (NPM) obligations for three years.

8. The Australian Government will use the three years to work with states and territories on the implementation of OPCAT including the establishment of Australia’s NPM.

9. It is proposed that Australia’s NPM will be established as a cooperative network of Commonwealth, state and territory bodies responsible for inspecting places of detention and will be facilitated by an NPM Coordinator.

10. On 1 July 2018, the Office of the Commonwealth Ombudsman commenced as Australia’s NPM Coordinator and as the NPM body for Commonwealth places of detention.

Australian capital territory

Input provided by the Government of the Australian Capital Territory:

11. In the Australian Capital Territory (ACT), Bimberi Youth Justice Centre (Bimberi) provides a safe, secure, supportive and rehabilitative environment for young people in custody. Bimberi opened in 2008 and was the first youth justice facility in Australia to operate within the framework of human rights legislation.

12. Bimberi facilitates rehabilitation and promotes the reintegration of all young people, including Aboriginal and Torres Strait Islander young people, into the community through a range of programs and services that support them to develop strong links to their family and community, address the drivers of offending behaviours, and transition into education and employment.

13. The *Blueprint for Youth Justice in the ACT 2012–2022* (the Blueprint) guides the strategic direction of youth justice, focusing on early intervention, prevention and diversion, with custody used as a measure of last resort. Under the Blueprint, the ACT Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander young people in contact with the youth justice system.

14. Since the commencement of the Blueprint in 2011–12, the number of Aboriginal and Torres Strait Islander young people under youth justice supervision and in detention has decreased by 31 and 48 per cent respectively.

15. Aboriginal and Torres Strait Islander young people are still 13 times more likely to be involved in the ACT youth justice system than non-Indigenous young people. The Australian Institute of Health and Welfare’s Youth Justice in Australia 2016–17 report shows however, that the rate of over-representation of Aboriginal and Torres Strait Islander young people in the ACT has decreased since 2011–12, the only jurisdiction in Australia where this has occurred.

16. In August 2017, the ACT Government established a Taskforce with key youth justice stakeholders, including Aboriginal and Torres Strait Islander community leaders, to monitor progress, identify emerging issues and establish the direction for the next five years of the Blueprint. The Taskforce identified improving outcomes for Aboriginal and Torres Strait Islander young people as a key focus for work over the next five years of the Blueprint.

17. For example, the Warrumbul Court (named for the Ngunnawal word for “youth”) is currently being established, enabling the ACT Aboriginal and Torres Strait Islander

community to work collaboratively with the youth justice system to address over-representation and offending behaviour.

New South Wales

Input provided by the Government of New South Wales:

Improvements in NSW custodial centres include

- Recruitment of 22 new caseworkers to assist in pre-release planning;
- Establishing a Juvenile Justice Countering Violent Extremism (CVE) team that builds capability of staff to deliver rehabilitation of terrorism-related offenders, as well as diversion interventions for young people vulnerable to messages of radicalisation and social isolation;
- Improvements in technology that increases contact between clients and their loved ones;
- New recruitment model that improves the selection process of custodial staff;
- Review of roles and practices to ensure consistency between centres; and
- Staff training to build capacity for managing high risk detainees, aimed to de-escalate behaviour to minimise the need to use force.

Northern Territory

Input provided by the Government of the Northern Territory:

18. Reforms to improving juvenile detention are in train as part of the Northern Territory Government's response to the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory.

19. The Northern Territory Government is taking action and is investing more than A\$ 229.6 million over the next five years to introduce reforms to keep children and the community safe under the Northern Territory Government's Plan Safe, Thriving and Connected: Generational Change for Children and Families.

20. The below links outline whole-of-government action in collaboration with the community sector to deliver these reforms in the Territory. These are all in the public domain:

- https://rmo.nt.gov.au/__data/assets/pdf_file/0006/498174/Safe,-Thriving-and-Connected-Overview-of-the-Plan.pdf;
- https://rmo.nt.gov.au/__data/assets/pdf_file/0005/498173/Safe,-Thriving-and-Connected-Implementation-Plan-Web.pdf.

Queensland

Input provided by the Government of Queensland:

Youth Detention

21. Youth Justice Services in Queensland continually reviews and undertakes work to improve places of detention for young people in care of the youth justice system. Recent work has been informed by:

- The Independent Review of Youth Detention in Queensland;
- The transition of 17-year-olds from the adult criminal justice system into youth justice; and

- The Royal Commission into the Protection and Detention of Children in the Northern Territory.

Independent Review of Youth Detention in Queensland

22. On 19 August 2016, the Queensland Attorney-General ordered the Independent Review of Youth Detention (the Review). This action followed the airing of closed circuit television footage and personal accounts and allegations from staff and young people on the Australian Broadcasting Corporation's 7:30 Report and Lateline television programs about excessive force being used at the Cleveland Youth Detention Centre in Townsville.

23. The Review was conducted by Commissioners, Ms Kathryn McMillan QC and Professor Megan Davis, into the practices, policies and programs of Queensland's youth detention centres. No evidence was found to suggest the systemic mistreatment of young people in Queensland youth detention centres. Further, no adverse findings were made against any individual Youth Justice staff.

24. The Queensland Government accepted all 83 recommendations from the Review to improve practices and services pivotal to the safety, wellbeing and rehabilitation of young people in youth detention.

25. The recommendations made by the Review complement and support the reforms already underway across the youth justice system to reduce youth crime and address the underlying factors that contribute to young people committing offences.

26. The Queensland Government has committed A\$ 6.5 million in 2018–19, with ongoing funding in the same order per annum until scheduled completion in June 2020.

27. Implementation of the 83 recommendations has been scoped across three years. As at 30 June 2018, 44 of the recommendations have been implemented and implementation has commenced on the remaining 39 recommendations.

28. Implementation of the recommendations will result in young people in detention having:

- Improved access to vocational training and tailored programs;
- Increased access to mental health, drug and alcohol and therapeutic services;
- Improved behaviour management and de-escalation to embed trauma-informed practices;
- Additional safeguards through the establishment of an independent inspectorate that will also comply with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

29. Importantly, implementation will also see an expansion of cultural programs and support services for Aboriginal and Torres Strait Islander youths.

30. Information about implementation progress is publicly available on the Queensland Department of Child Safety, Youth and Women's (DCSYW) website.

Transition of 17-year-olds

31. On 12 February 2018, new laws commenced in Queensland to ensure young people who are 17 years of age and commit offences are dealt with as part of the youth justice system, bringing Queensland into line with the rest of Australia.

32. The *Youth Justice (Transitional) Regulation 2018* (the Regulation) provides that 17-year-olds in adult correctional centres may be transferred to youth detention centres if it is safe and in their best interests to do so. The Regulation is for a period of 12 months, meaning there will be no 17-year-olds in adult correctional centres by 12 February 2019.

33. There were five 17-year-olds in Queensland Corrective Services' (QCS) custody as at 20 August 2018. QCS will continue to give special consideration to these prisoners and prioritise their welfare when determining accommodation placements. The Office of the Public Guardian is notified when a 17-year-old is admitted to QCS' custody and visits

every 17-year-old prisoner to inform them of their rights and how they can access Official Visitors. In addition, the Office of the Chief Inspector inspects all correctional centres to ensure they are adhering to specific and robust standards for the treatment of youthful prisoners.

34. A range of programs and services are available to 17-year-old prisoners, including culturally appropriate support provided by Elders and Murri Chaplaincy.

35. More than A\$ 200 million over four years was committed to implementing this significant reform. Implementation initiatives include:

- The Townsville Stronger Communities initiative, with a specialist court, additional police, a joint agency action group and enhancements to youth diversionary and support services;
- Recruitment of additional specialist positions, focused on mental health and therapeutic services, behaviour management and incident prevention, and cultural services and supports;
- Four new supervised community accommodation facilities, operated jointly by non-government organisations and Youth Justice – this is a new model for Queensland;
- Comprehensive health and disability assessments of children and young people in youth detention; and
- Innovative Social Benefit Bond initiatives to reduce youth recidivism and youth homelessness.

Royal Commission into the Protection and Detention of Children in the Northern Territory

36. While the Royal Commission report and its recommendations have no legal jurisdiction over youth detention or child protection practices in Queensland, the recommendations are consistent with existing or planned practices within Queensland.

37. In a youth justice context, the Royal Commission recommendations support a therapeutic, culturally appropriate service delivery model that is integrated across the police, education, health and child safety contexts.

38. The Royal Commission's report made a number of references to Queensland Government initiatives that provided positive alternatives to Northern Territory systems and practice. These include:

- Trauma-informed practice, which has decreased physical interventions against youth people;
- Induction processes that ensure young people are aware of and understand legal services, complaints mechanisms, programs, supports, rules and routines;
- Legislative safeguards relating to strip searches, use of force and behaviour management;
- Establishment of the Cleveland Youth Detention Centre Cultural Unit;
- Wraparound support provided by the Conditional Bail Program; and
- Establishment of the Children's Court Committee and its ongoing work to provide support to the legal profession.

39. The report supports the Queensland Government's commitment to a balanced approach to youth justice policy that holds children and young people accountable for their offending behaviour, while also providing them with the supports and services they need to address the causes of their behaviour and reconnect with a pathway to a more positive and productive future.

40. The Royal Commission also recommended raising the age of criminal responsibility to 12 years. Currently, the age of criminal responsibility in all Australian jurisdictions is consistent at 10 years, with the onus on the prosecution to prove the requisite capacity for

children under 14. The Queensland Government is considering this recommendation and will consult with the other states and territories before determining a final position.

Police detention

41. The Queensland Police Service (QPS) may detain juveniles in watch-house or police station holding cells for a short period of time. There are 59 major police watch-houses in Queensland where a person may be held in custody.

42. The QPS Operational Procedures Manual and local instructions govern watch-house operations. Additional safeguards and monitoring requirements apply when dealing with juvenile detainees, Aboriginal people and Torres Strait Islander people, and detainees with special needs.

43. To enhance standards and focus on the quality of care for all persons in QPS detention, the QPS has appointed a watch-house champion at the rank of Chief Superintendent.

44. Oversight of watch-house issues falls to the QPS's Ethical Standards Command, as well as the Crime and Corruption Commission as the independent watchdog for the State. Further oversight is also provided by the Public Guardian.

45. As part of Australia's obligation under OPCAT, a UN Sub-Committee will be established to conduct inspections of facilities where people are detained for more than 24 hours and QPS watch-houses will fall within this. Work is underway to establish inspectorates at a national and state level to reinforce the work of the UN Sub-Committee over the next two years.

46. The Queensland Government has made a commitment to implement a Human Rights Bill, which will contribute to ensuring continued ethical processes and procedures are in place for the treatment of persons in police detention.

47. The implementation of the Human Rights Bill and OPCAT will inform QPS training activities and operational policies and procedures, to ensure best practice in watch-house management and compliance with these instruments.

Other initiatives underway within the Queensland Government

The Youth Justice Strategy

48. The Queensland Government has committed to developing a Youth Justice Strategy that will provide a whole-of-Government road map for preventing and responding to youth crime in Queensland.

49. The Strategy aims to:

- Reduce the number of remanded young people in custody;
- Reduce re-offending among young people; and
- Address the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system.

50. DCSYW is currently engaging Queenslanders to inform development of the Strategy based on five guiding principles:

- Preventing the causes of crime and intervening early is as important as addressing the crime itself;
- Culturally safe systems and culturally competent actions are critical to ensuring the best outcomes for Aboriginal and Torres Strait Islander young people;
- Proven or promising actions backed up by evidence will achieve the best outcomes;
- An understanding of the psychological, neurological and social development of children and young people is critical to an effective youth justice system; and

- A holistic, integrated suite of reforms and actions supported by communities and involving government agencies, community members and the non-government organisation sector will be key to success.

51. The Strategy will be delivered by the end of 2018.

South Australia

Input provided by the Government of South Australia:

52. South Australia performs well against the findings in the report of the Royal Commission into the Protection and Detention of Children in the Northern Territory, and many of the recommendations are consistent with current policy and practice, including strong oversight and monitoring provisions.

53. The Adelaide Youth Training Centre – Kurlana Tapa (AYTC) – emphasises community reintegration within a safe and secure environment that reflects community norms, values and expectations. The secure open campus environment supports rehabilitation, learning, participation and social development. Residents have access to a range of services on site, such as education and vocational training, health and mental health, rehabilitation and criminogenic treatment programs.

54. The *Youth Justice Administration Act 2016* has clear provisions on the appropriate and limited use of resident isolation and restraint procedures, as well as searches. The legislation recognises the particular needs and circumstances of Aboriginal young people in the justice system – including the need to observe the Aboriginal and Torres Strait Islander Youth Justice Principle, detailed in the Regulations. The AYTC has clear policies and procedures to manage the safety and security of the centre and its operation. South Australia’s Behaviour Support Framework uses a progression model, including incentives, to support residents’ pro-social behaviour and prepare for their return to the community. A suite of Protective Actions, which operate in conjunction with the Framework, focus on the safety of young people and the community of their supports at the AYTC.

55. The training package for physical intervention is specifically designed for responses to young people and does not include excessive use of force or pain compliance techniques. All new AYTC operational staff are required to undergo an induction program, which includes classroom and field placement as well as training in Child Safe Environments and Dynamic Observation/Supervision.

56. On admission to the AYTC, young people are informed about residents’ rights, complaints processes and how to make contact with independent advocates. There are a number of mechanisms for residents of the AYTC to raise concerns, including dedicated unrecorded telephone lines to the Ombudsman South Australia and the Office of the Guardian for Children and Young People.

Tasmania

Input provided by the Government of Tasmania:

57. Tasmania has a single youth detention centre, the Ashley Youth Detention Centre (AYDC). It is managed by Children and Youth Services; an operational unit of the Department of Communities Tasmania. AYDC houses juveniles (between 10 and 18 years of age), of both sexes, who have been remanded or sentenced to detention.

58. In the recent 2018–19 budget, the Tasmanian Government committed A\$ 7.28 million to a major redesign and upgrade of facilities at AYDC. This includes improvements in integrated, clinical, therapeutic youth justice services including the placement of therapeutic specialists within the residential unit environment.

59. The *Youth Justice Act 1997* provides for the establishment and management of AYDC. The objectives and principles of the Act require that detaining a youth in custody should only be used as a last resort and should only be for as short a time as is necessary.

The Act also requires that the rehabilitation of the youth be given more weight than is given to any other individual matter.

60. Since April 2016, a comprehensive improvement process has been underway at AYDC. This has been directed at ensuring that when a young person enters detention there is an opportunity to work in a trauma-informed, therapeutic way to address assessed criminogenic risks and needs.

61. Initiatives being progressed as part of the improvement process include a review of all Standard Operating Procedures. New procedures have a much greater focus on quality of relationships, a young person's rights and responsibilities and engagement of family and/or significant others rather than on containment.

62. Improved oversight mechanisms have been introduced into AYDC through the creation of an independent inspection body; the appointment of a Custodial Inspector and the publication of Inspection Standards for young people in detention in Tasmania.

63. The Commissioner for Children and Young People (CCYP) is the official advocate for young people who are detained under the *Youth Justice Act 1997*. In fulfilling this function, the CCYP regularly visits AYDC to meet with the young people who are detained there. Residents can also contact the CCYP to discuss their experience or concerns.

64. To support an increased focus on rights, the CCYP has developed and distributed a range of youth friendly resources to increase young people's understanding of their rights while detained at AYDC. One of these rights is for residents to have a say on issues that affect them. A Residents Advisory Group has been established, allowing young people to put forward ideas to improve the service provided at the Centre.

65. A continuous quality improvement framework and approach has been adopted by AYDC. This framework directly aligns with the Australasia Juvenile Justice Standards. The framework will soon be reviewed to incorporate the inspection standards.

66. With regards to staffing, there has been increased provision and strategic oversight of learning and development. Training in Trauma Informed Care and Adolescent Development has been rolled out to all staff. Statement of Duties for Youth Workers are being reviewed to ensure skill levels are commensurate with the new approach and the operating model is being reworked to support more training days.

Victoria

Input provided by the Government of Victoria:

67. The Victorian Government recognises a safe, secure and stable custodial environment is essential for rehabilitating young people and for their successful reintegration back into the community.

68. The Government has recently invested over A\$ 400 million to repair, strengthen and fortify both Youth Justice centres, and build new secure beds and custodial infrastructure. This investment ensures that Victoria has the appropriate infrastructure to flexibly and safely accommodate young people in custody, and provides greater scope for Youth Justice to be responsive to the circumstances, risks and vulnerabilities of each young person when placing them in the custodial centres.

69. In August 2017, the Victorian government released the Youth Justice Review and Strategy: *Meeting Needs and Reducing Offending* (Youth Justice Review) the first independent review of youth justice in 17 years. The review delivers recommendations to create a more contemporary and evidence based youth justice system. The Government is taking a range of actions to strengthen the youth justice custodial centres, supporting their effective operation and rehabilitation of young people. This includes:

- Increasing the delivery of offending behaviour programs for young offenders in custody, including programs targeting violence to reduce their risk of reoffending;

- Strengthening the response to the overrepresentation of Aboriginal children and young people, increasing the number of Aboriginal Liaison Officers and providing additional culturally responsive programs for Aboriginal young people in custody;
- Introducing new assessment tools to assess all young offenders for their risk of reoffending, violent behaviour, and identify acquired brain injuries, intellectual disabilities, and other mental health concerns; including using validated assessment tools to identify appropriate interventions for each young person to reduce their risk of reoffending;
- Developing a new custodial operating model and establish a Custodial Classification and Placement Service that delivers a graduated management regime maximising opportunities for rehabilitation and reducing the risk of incidents in custody;
- Expanding structured day programs within custody to ensure an effective balance between delivery of rehabilitation, education, health services and physical activity for young people within the Youth Justice Centres; and
- Providing additional health and mental health services to young people in custody to support their health and rehabilitation.

70. The Government's reforms within custodial facilities will ensure Victoria has a humane, safe and stable environment for staff and young people.

Western Australia

Input provided by the Government of Western Australia:

71. The Western Australian Department of Justice has undertaken a number of improvements to the way it manages and supports young people in its detention facility and continues to consider further improvements.

72. In 2017–18, the Department commenced a trauma-informed pilot as part of introducing a proposed Model of Care (MoC) for young people in detention. The MoC, currently under development, takes a trauma- and culturally informed approach and considers the age and level of development of young offenders. It is informed by the Through care Case Coordination Practice Framework and is supported by an enhanced Intensive Support Unit which comprises a Multi-Disciplinary Team.

73. The Department collaborates with other government and non-government agencies to improve the management and delivery of services to young people. This includes the development of staff skills in caring for young people with disabilities and the enhanced delivery of mental health services.

74. In response to the Royal Commission into Institutional Responses to Child Sexual Abuse, the Department of Justice is reviewing its policies, practices and infrastructure to ensure the risk of such abuse is minimised.

II. Part 2: Implement the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory (November 2017), and launch effective criminal investigation into the human rights abuses that occurred with a view to bringing alleged perpetrators to justice, punishing them appropriately, if convicted, and compensating victims

75. The Australian Government has considered the *Royal Commission into the Protection and Detention of Children in the Northern Territory – Final Report* and notes that many of its practices and standards are consistent with the Royal Commission's recommendations.

76. The Australian Government, Northern Territory Government and the community sector, with strong Indigenous representation, have established a Children and Families Tripartite Forum to oversee a reform agenda following the Royal Commission into the

Protection and Detention of Children in the Northern Territory. This Forum is working to develop and implement a 10-Year Generational Strategy for children and families in the Northern Territory. The Australian Government has committed to fully funding its responsibilities and is working closely with the Northern Territory Government to implement the recommendations relevant to its national responsibilities.

77. The Youth Justice Legislation Amendment Act 2018 was passed by the Northern Territory Legislative Assembly on 10 May 2018. It addresses the horrific acts that led to the establishment of the Royal Commission into the Protection and Detention of Children in the Northern Territory. It specifically prohibits the following:

- The use of force except under specific circumstances and only as a last resort;
- The use of force of restraint for the purpose of maintaining the good order of a detention centre of disciplining a detainee;
- Any form of physical, verbal or emotional abuse;
- The administering of corporal punishment, that is, any action which inflicts, or is intended to inflict, physical pain or discomfort on the detainee;
- Any act or omission intended to degrade or humiliate the detainee;
- Excessive control over the detainee's access to basic human needs, including toilet facilities, food and clean drinking water;
- The use of any form of psychological pressure intended to intimidate or humiliate the detainee; and
- Any kind of unlawful discriminatory treatment.

78. The Northern Territory Government is also delivering a number of workshops in Don Dale and Alice Springs youth detention centres to inform and engage with staff and young people in detention about the new provisions. The Northern Territory Government is ensuring all training for youth justice staff complies with the Act. It has developed further law reform proposals that improve the current immunity provisions in the *Youth Justice Act (NT)*. These include provisions in relation to extending limitation periods for commencement of civil proceedings in relation to acts done or omitted to be done by any person under the Act.

79. Three Northern Territory Corrections Youth Detention staff were investigated for three separate matters that occurred in Northern Territory Youth Detention Facilities between 2010 and 2011. Charges were laid relating to assaults on youth in detention by detention staff. All three matters proceeded to court at different times with not guilty verdicts being handed down for all charges by the Northern Territory Local Court. These matters were all reported, investigated, prosecuted and finalised prior to the commencement of the Royal Commission. The footage relating to these matters, however, was used as part of the media reporting that precipitated the Royal Commission.

80. As a result of the Royal Commission, police received an additional 28 referrals from youth regarding various complaints while in detention. All of these matters were investigated by Northern Territory Police and no charges have been laid in relation to any of those matters. No criminal complaints from the youth were received in relation to the use of 'tear gas' by Northern Territory Corrections staff. The youth however commenced civil action regarding this incident.

Concluding observation 31 (B)

The Committee therefore urges the State party to:

81. Halt its policy of offshore processing of asylum claims, transfer all migrants, asylum seekers and refugees to Australia, and process any remaining asylum claims while guaranteeing all procedural safeguards.

Australian Government response

82. The Australian Government cooperates with our regional partners to resolve the shared challenge of people smuggling and irregular migration. Regional processing, among other policies, has reduced illegal maritime travel to our region and prevented people from risking their lives at sea.

83. Persons under regional processing arrangements have their protection claims assessed by the Governments of Papua New Guinea and Nauru under their domestic laws. They have access to claims assistance to help support the lodgement of their claims and any subsequent reviews. The Australian Government continues to assist the Governments of Papua New Guinea and Nauru to secure durable migration outcomes for people under regional processing arrangements.
