

SA children locked up in adult cells thousands of times breaching their human rights, report finds

By [Patrick Martin](#)

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South Australian authorities have breached the human rights of children by locking them up thousands of times in adult facilities, with an expert saying it will lead to life-long consequences for those incarcerated.

A new report from the state's Commissioner for Children and Young People found that kids were held at least 2,030 times in SA police cells in the 2020-21 financial year.

Of those admissions, 890 involved Aboriginal children.

"In some regional [and] remote locations all, or almost all children arrested and detained were Aboriginal," Commissioner Helen Connolly found.

The practice was in direct contravention of the human rights of children as set by the United Nations.

The UN states children should only be held in adult facilities as a last resort, for the shortest possible time and separately from adults.

The state government has admitted more work needed to be done but has defended police putting children in adult facilities in some circumstances.

SA Police has been contacted for comment.

Expert says 'state violence' is ongoing

Curtin University Law School's Hannah McGlade said she was horrified at the statistic that was common across Australia.

Key points:

- Children in SA were locked up in adult facilities 2,030 times last financial year
- An expert has warned the practice will have long-term effects on the children
- SA's Human Services Minister says the children are not in view of adult detainees

"This is a very frightening state of affairs," Dr McGlade said.

"It is unlawful, it is a direct contravention of our United Nations human rights obligation.

"We are harming children for life in treating them such an abusive way.

"It's abuse and violence towards children and young people, particularly Indigenous children, it's a form of racial discrimination and racism and it's setting children up for severe disadvantage including lifelong risk of incarceration.

"This is state violence happening to children now."

Australia is a signatory to the UN Convention on Child Rights but has a reservation in place against the prohibition of holding kids in adult facilities, as set out by the UN's Committee on the Rights of the Child.

Dr McGlade said it was critical that Australia removed that objection and also signed up to allow children to bring breaches of their human rights to the UN.

"We are a modern country and we must step up to our obligations to protect and defend the rights of children," she said.

SA working towards an 'acceptable position'

Human Services Minister Nat Cook said now the report had been made public, the state government would work towards an "acceptable position where children are not detained in adult facilities".

Ms Cook said in some regional areas, children were held overnight in police cells rather than being driven vast distances to courthouses for hearings.

"Police are very careful to make sure that children are watched closely and separated from adults, so they're not in view of adult detainees either," Ms Cook said.

Ms Cook said a \$15 million investment in Adelaide's youth detention centre at Cavan would help the processing of young people through the justice system.

The centre also attracted criticism in Commissioner Connolly's latest report.

"Another area of concern has been the extended periods of time in which children in Kurlana Tapa Youth Justice Centre have been detained in their cells, and the low percentage of Aboriginal children and

young people (22.1 per cent) who have been diverted away from the child justice system when compared with non-Indigenous children and young people (34.7 per cent)," the Commissioner wrote.

The number of Aboriginal children diverted away from the justice system was the lowest since reporting began.

Commissioner Connolly also noted that COVID-19 impacted staff numbers that resulted in children at the centre being restricted to their rooms with limited access to visits, health care and other activities, including education.

The state government said it was focusing on hiring more staff to address the issues.