

Sell-out conference addresses human rights in “closed environments”

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

These words, from Article 10 of the International Covenant on Civil and Political Rights, enshrine a well-recognised right to humane treatment for all persons. Despite this, there is an alarming silence within the human rights discourse as to how state-run institutions like prisons, closed psychiatric and disability facilities and immigration detention centres can ensure that the rights of those whose liberty they confine are respected. Seeking to address this very issue, on Monday 20 February 2012, Associate Professor Bronwyn Naylor and Dr Julie Debeljak conducted a two day conference on Implementing Human Rights in Closed Environments.

The first plenary session saw fascinating addresses from Prof Claudio Grossman, Ellen Hansen and Oliver Lewis. Speaking from distinctly international perspectives, these three speakers began the conference by discussing how human rights in closed environments are recognised across the realms of international treaty based law, immigration detention and disability institutions. Ellen Hansen’s (Senior Protection Officer for UNHCR Regional Representation in Canberra) address was particularly shocking as she discussed human rights within the context of Australia’s immigration security detention centres.

The second plenary session involved speakers from the UK (Dame Anne Owers), Canada (Dr Ivan Zinger) and New Zealand (Ms Natalie Pierce). Each discussed their experiences primarily in the prison system of their own state. These three speakers highlighted a universal need to focus on the everyday, and seemingly mundane, needs of individuals when implementing human rights in closed environments.

The conference then broke out into parallel sessions, allowing for the exploration of the international and comparative perspectives of the morning in sector specific settings. In the parallel session on closed psychiatric settings, it was suggested that those in psychiatric facilities are absent from the public mind more than any other detained group. Tom Dalton, CEO of Forensicare, suggested that the national system was fractured due to an absence of national policy statements or principles on forensic mental health.

Other parallel sessions addressed prisons, with a presentation by Neil Morgan and facilitated by Dame Anne Owers and Ivan Zinger; disability settings, with a presentation by Ron McCallum and facilitated by Claudio Grossman; and asylum detention, with a presentation by David Manne and facilitated by Ellen Hansen.

The first day of the conference finished with a session on the current research of the ARC research group led by Dr Julie Debeljak and her colleagues. Their research will assess how human rights can be made part of day-to-day practice for people living in closed environments. Surveys, interviews and focus groups are being carried out with a variety of partners and interest groups with a focus on prisons; police cells; forensic psychiatric institutions; closed disability settings and immigration detention. A critical aspect, as highlighted by Dr Inez Dussuyer, is monitoring of the role of oversight agencies.

The second day began with a discussion of monitoring closed environments. Four speakers addressed the topic from different but overlapping perspectives. Mr. Richard Harding, formerly Inspector of Custodial Services in Western Australia warned that Australia appeared unlikely to ratify the United Nations Optional Protocol to the Convention Against Torture (OPCAT). Catherine Branson, President of the Australian Human Rights Commission, while being a strong advocate for the positive effects of monitoring, suggested monitoring itself was not enough, given the very serious human rights breaches in the very fact of mandatory and indefinite detention. John R Taylor, the Victorian Deputy Ombudsman since 2004, added to this by comparing current conditions of prisoners now as opposed to 5 years ago, highlighting both improvements and inadequacies in the system. Colleen Pearce, Victoria’s Public Advocate, was critical of the limited nature of public intervention in these areas.

The sixth plenary session was based on the premise that changing the culture within closed environments is fundamental if a human rights framework is to be successfully implemented. Jem Stevens, Asia Pacific Programme Officer at the Association for the Prevention of Torture made clear that it is not only management, but also the views and values of the people held or detained – as well as broader societal attitudes – which have a role in shaping the culture within a closed environment. Colin Allen, Associate of the International Centre for Prison Studies at the University of Essex, added that while the effective management of such institutions requires the ability to get things done, it first requires humanity and intelligence.

The seventh session again broke out into parallel gatherings, allowing deeper exploration of the practically focused session of the morning in sector-specific sessions. In the parallel session on psychiatric settings, the diversification of psychiatric care presented many challenges in dealing with policy implementation. The parties in the session’s discussion recognised that the bottom line in maintaining the desired level of care is ongoing training and strong leadership. It is clear that this is an essential aspect to the successful implementation of change in many closed environment settings. The other parallel sessions addressed prisons, disability settings, and asylum and immigration.

The final session of the conference saw the presentation of recent ARC research findings concerning human rights issues relating to Australian prison and immigration detention environments. Dr Bronwyn Naylor revealed a number of critical concerns within prisons, including issues surrounding family visits, healthcare and overcrowding. Tania Penovic, Deputy Director of the Castan Centre for Human Rights Law, gave an insightful presentation on the implementation of human rights in immigration detention specifically. The issues demonstrated the manner in which human rights and respect go hand in hand.

The conference papers and research findings presented across the conference show that Australia still has a long way to go in ensuring that the treatment of some of our most vulnerable people – those detained in closed environments – accords with human rights standards and obligations, which correspond to treating all humans with respect and dignity.