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# A model charter of rights for children and young people detained in youth justice facilities

The following fundamental rights are drawn from:

*UN Rules for the Protection of Juveniles Deprived of their Liberty: the 'Havana Rules' or JDLs (1990)*

*UN Minimum Rules for the Administration of Juvenile Justice: the 'Beijing Rules' (1985)*

*Convention on the Rights of the Child (1989)*

## The Charter

This Charter of Rights tells you what you can expect while you are detained. The rights apply to everyone so you have to respect other people's rights.

You have the right:

- To be treated equally, and not treated unfairly because of your sex, sexuality, race, religion, disability or other status (CRC 2, JDL 4).
  - To be treated with respect and dignity by staff and to be kept safe while you are in the youth justice centre (JDL 1, 12, 31, 66,87)
  - To be given a copy of the rules of the centre, and information about your rights and responsibilities, in a language that you can understand (JDL 24)
  - To see a doctor or nurse whenever you need to, and to receive proper healthcare (JDL 49)
  - To receive help for your mental health if you need it, and to be transferred to a mental health facility for treatment if required (Beijing 26.2, JDL 53)
  - To get help if you have problems with drugs or alcohol (JDL 54)
  - To have special care and protection if you are vulnerable or have special needs (JDL 27,28)
  - To have regular contact with your family and friends through visits and phone calls (JDL 59,60, 67, CRC 37, Beijing 26.5)
  - To get help to see a lawyer, and to talk to them privately (JDL 18(a))
  - To have an interpreter for formal meetings or medical examinations if you are not fluent in English (JDL 6)
  - To get information and news about what is happening in the world (CRC 17, JDL 62)
  - To have a say in decisions about your rehabilitation and other issues that affect you (CRC 12)
  - To participate in activities and programs that help your rehabilitation (JDL 12)
  - To continue your education, or to do training to learn useful skills for work (JDL 38)
  - To get exercise every day, and to go outside every day except in bad weather (JDL 47).
  - To have enough good food (including food that is suitable for your culture or religion, or dietary requirements), and to have drinking water available whenever you need it (JDL 37)
  - To have clean clothes, and to wear your own clothes if you go out of the centre (JDL 36)
  - Not to be punished unfairly, and only in accordance with the rules of the centre or the law (JDL 66-71)
  - Not to have force used against you, or restraints used on you, unless absolutely necessary, and never as a punishment (JDL 63 - 64)
  - Not to be isolated from other young people unless necessary to keep you or others safe, and never as a punishment (JDL 67)
  - To practice your religion or express your culture and, whenever possible, to be able to see religious or spiritual advisors (JDL 4 , 48, CRC 30))
  - If you are Aboriginal or Torres Strait Islander, whenever possible, to participate in cultural activities and celebrations with other Aboriginal or Torres Strait Islander people (CRC 30)
  - To make a complaint about your treatment to an independent person (like an official visitor) and to be told what happens with your complaint (JDL 75 and 76)
  - Before you leave the centre, to get help with somewhere safe to live and ongoing support. (JDL 80)
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