



KNOW YOUR RIGHTS

**A guide to your rights
in custody or detention**

54 reasons

Even if you commit
a crime, you have
rights. It's important
that you know what
they are.

**If you're in custody or detention
you have the right to:**

- Get free legal help
- Have a say in important decisions about what happens to you
- Stay connected with your culture or religion
- Keep in touch with your family
- Be treated with respect
- Keep up your education or learn work skills
- Get medical help with your physical and mental health
- Feel safe

The United Nations Convention on the Rights of the Child

54 reasons

Everyone has rights, including anyone under 18.

The UN Convention on the Rights of the Child describes these rights.



You should not be:

- Held in custody or detention with adults
- Unfairly punished if you break the detention centres rules
- Held somewhere by yourself unless there is a good reason
- Abused or unfairly treated by other young people or adults no matter who they are, or what you have been accused of doing



If you don't think your rights are being respected, you're allowed to say something. If you're not happy with how you're being treated, you can ask for things to change.

You have the right to feel safe and be treated with respect

You have the right to be protected from all forms of physical or mental abuse. You have the right to not be discriminated against.

Discrimination means being treated worse than other people because of your:

- Age
- Race
- Gender identity
- Sex
- Religion
- Sexuality
- Disability

You have the right to be free from harassment and bullying.

This includes:

- Threats
- Aggressive or sexual comments or actions

Both bullying and harassment can be online or in person, and physical as well as emotional. If you're experiencing either, reach out to a trusted adult, friend or a support service for help.

You should never be made to feel unsafe or disrespected. If you experience any of this, tell someone you trust.

You have the right to your own opinions and to take part in making important decisions about your life

You have the right to have your say on things like:

- The programs or services you participate in
- Who you want to visit and contact you
- Your health needs
- Your education
- What you want to do when you get out of detention
- What support you need

Sometimes decisions will be made for you. It's important that you understand why these decisions have been made. If you don't understand, ask someone. If you don't agree, it's your right to say something.

You have the right to be treated fairly and with respect, even if you're accused or convicted of a crime

If you're in youth detention, staff must keep you safe and act in your best interests.

- You must be told about the charges against you in a way you understand
- You should not be kept in custody for longer than is necessary
- If you're taken into custody by the police, you must never be locked up with adults
- You have the right 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

If you break the detention centre rules you might lose privileges, like extra TV time, but there are some things that should never happen to you as a punishment:

- Keeping you away from others (unless it is needed to keep you or others safe)
- Not letting you attend programs or participate in activities that help you (unless there is a good safety reason)
- Not letting you practice your culture or religion
- Hurting you
- Not letting you sleep
- Not giving you food and water
- Cutting you off from visits and phone calls
- Restraining you with handcuffs or using force unless it is absolutely necessary

You have the right to have regular contact with your family, friends and community



You should be able to keep in touch with people and places that are important to you like your family, close friends and members of your cultural or religious community.

You have the right to enjoy your culture, practise your religion and beliefs and use your own language while in detention

For Aboriginal and Torres Strait Islander young people this could include:

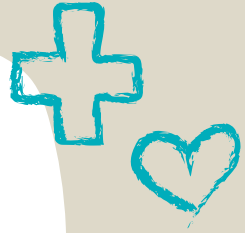
- ✦ Connecting with cultural and spiritual practices
- ✦ Maintaining kinship ties (staying connected with your mob)
- ✦ Speaking your own language



You have the right to access services to help your health and wellbeing

This includes seeing a health worker (like a doctor, nurse, dentist, counsellor or social worker), or be taken to hospital, if you need to.

When you're sick or having a check-up, you should always be told what the health workers are going to do. If you don't understand what's happening, ask them to explain again so that you do understand.



You have the right to an education

While in detention you have the right to access school. If you've already finished school you have the right to access vocational education (like TAFE courses).

Education is important to prepare you to return to the community and re-build your life when you leave detention. If you're finding it hard to learn at school or TAFE, let your teacher know.

You have the right to receive free legal support

If you ever have to go to court, you have the right to be helped and supported. **This means:**

- ✎ You will have a lawyer to help you tell your story
- ✎ You can also choose a responsible adult to support you such as a parent or guardian or someone else
- These adults will also help you understand what's happening, so you know what you're accused of
- ✎ You have the right to ask for any information that is being kept about you, like what is in your file at the detention centre

You have the right to ask for help

If you don't feel like you're getting the help you need, or you think you're being treated unfairly, then it's your right to speak up and have someone take you seriously.

If you're not happy with the care or services you're getting you can ask for things to be changed.

Important numbers

Kids Helpline

Free phone and online counselling



1800 55 1800



kidshelpline.com.au



counsellor@kidshelpline.com.au



facebook.com/KidsHelpline

Lifeline

24-hour phone and online counselling



13 11 14



lifeline.org.au



[@LifelineAust](https://twitter.com/LifelineAust)



facebook.com/LifelineAustralia

eheadspace

Free online and phone mental health support for young people 12–25 years old



1800 650 890



eheadspace.org.au



[@headspace_au](https://twitter.com/headspace_au)



facebook.com/headspaceAustralia

Twenty10 Association

Support services for young people 12 years and older of diverse genders, sexes and sexualities



8594 9555

1800 65 2010 (Rural Freecall)



twenty10.org.au



info@twenty10.org.au



[@twenty10](https://twitter.com/twenty10)



facebook.com/Twenty10incGLCSNSW

For legal advice

Australian Capital Territory

Youth Law Centre (02) 6173 5410

New South Wales

Children's Legal Service Youth Hotline on 1800 101 810

Northern Territory

Legal Aid Helpline 1800 019 343

Queensland

Youth Legal Advice Hotline 1800 527 527

South Australia

Youth Legal Service 1300 366 424

Tasmania

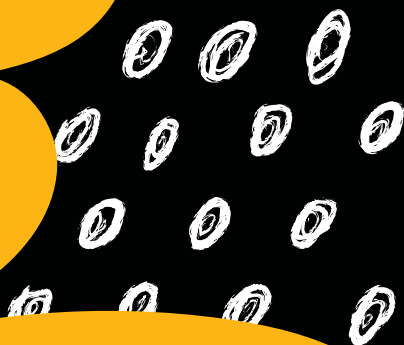
Tasmania Legal Aid 1300 366 611

Victoria

Youthlaw (03) 9113 9500

Western Australia

Youth Legal Service (08) 9202 1688 (Perth) or 1800 199 006 (regional)



54 reasons — Australia's first and leading child rights organisation

We're here to make sure that everyone understands their rights, so that children and young people have their rights met and thrive, in all their diversity.

We champion the children, young people and families we work with.

With your voice at the centre, we provide quality services and advocate alongside you so you can develop and learn and be connected, safe and confident.

For more information about your rights, contact info@54reasons.org.au

54reasons.org.au

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