



# Australian NPM Joint Statement **Reintroduction of spit hoods for children in the NT is not the answer**

Members of the Australian National Preventive Mechanism (NPM) are deeply troubled by the Northern Territory's (NT) proposal to reintroduce the use of spit hoods (also referred to as spit guards) on children in both youth detention and police custody. The ill treatment of children deprived of their liberty is an issue of collective concern to members of the Australian NPM, irrespective of where it occurs. Here we are particularly guided by informed local NT voices, who have studied the evidence on spit hood use in the NT, and call on the NT Government to do the same.

There is no safe way to use a spit hood on a child. As well as being inherently dehumanising, spit hoods have the potential to cause distress,<sup>1</sup> and can pose a risk of asphyxiation and death.<sup>2</sup>

In June 2023, the **NT Office of the Children's Commissioner** [published a position paper on the use of spit hoods and restraint chairs on children](#). This paper's robust evidence demonstrated the significant risks of using spit hoods on vulnerable people, especially children.



**“These devices cause irreparable harm to children who have already experienced significant trauma, and have unmet disability and mental health needs.”** said **Shahleena Musk**, the **NT Children's Commissioner**.

At the same time, the rationale for their use is inherently weak. In their [2023 investigation report into spit hood and emergency restraint chair use on children in police custody](#), the **NT Ombudsman** found the risk of spreading communicable disease through spitting and biting was negligible. It noted a range of more effective measures based on a health approach in use across the country and internationally, including de-escalation techniques

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<sup>1</sup> Royal Commission into the Protection and Detention of Children in the Northern Territory, [Final Report Volume 2A](#) (17 November 2017), page 248.

<sup>2</sup> Northern Territory Office of the Children's Commissioner, [Use of spit hoods and restraint chairs on children – position paper](#) (June 2023), page 23.

and personal protective equipment. These alternatives are better placed to protect workers, protect children and meet best practice standards. Staff need to be adequately protected in their work, but spit hoods are not the answer.

Australian NPM members implore all Australian governments to legislate a ban on spit hood use on children in all forms of detention, employ appropriate alternative strategies, and ensure any use of force against children remains a last resort.



**“Avoiding spit hood use should also not be seen as a justification for other uses of force in detention environments which cause harm. Appropriate training including focusing on de-escalation, as well as adequate personal protective equipment, should be central” added Iain Anderson, Australia’s Commonwealth Ombudsman and NPM Coordinator.**

Whatever their decisions on the use of spit hoods, all Australian governments continue to have international legal obligations to act and make decisions in the best interests of children. This must be a primary consideration in all actions involving children, particularly to ensure that they are free from torture and other ill treatment, and are treated with humanity and respect in detention.<sup>3</sup>

Children, who are often already facing the challenges of systemic disadvantage, should be treated with compassion and respect, not subjected to punitive measures that strip away their dignity and basic rights.

All Australian governments must meet their obligations to adequately implement the Optional Protocol to the Convention against Torture (OPCAT), so that all members of the Australian NPM can perform critical preventive oversight of detention.

This joint statement is made on behalf of the following Australian NPM members:



<sup>3</sup> [United Nations Convention on the Rights of the Child](#), articles 3(1), 37(a), 37(c).