

NGO Oral Statement – Human Rights Law Centre, Australia

UN Human Rights Council

27th Session, September 2014

This statement is made by the Human Rights Law Centre to update the Council on the unacceptably high imprisonment rates of Indigenous peoples in Australia. Despite representing less than 3% of the Australian population, Indigenous people constitute 27% of the prison population.

Last month, a 22 year old Indigenous woman died after being held in police custody for 4 days. She had been detained for non-payment of a minor fine. This young woman's death in custody is not an isolated event – an Indigenous death in custody occurs on average about once every month.

This is despite a Royal Commission Into Aboriginal Deaths in Custody more than 20 years ago, which made 339 recommendations directed toward ensuring self-determination, the elimination of social and economic disadvantage, and ensuring that imprisonment is a measure of last resort.

However, most of these recommendations have never been implemented and Indigenous imprisonment rates continue to soar. In the past 12 months alone, the number of Indigenous women in prison has increased by 18%.

We are particularly concerned that this disturbing trend will be further exacerbated by a number of recent developments, including:

1. funding cuts in the recent Federal Budget of over \$500 million to Indigenous frontline services and legal services;
2. the entire defunding of the national Indigenous representative body; and
3. the insertion by government of gag clauses in funding agreements for Indigenous organisations, which prevent them from engaging in advocacy and law reform activities.

In the context of Australia's recent announcement that it will seek membership of this Council, we call on the Council and member states to urge Australia to:

1. implement the recommendations made by the Special Rapporteur on Indigenous Rights 5 years ago in relation to self determination, overcoming disadvantage and addressing the alarmingly high levels of imprisonment;
2. reinstate funding to essential community controlled Indigenous services, as well as to the national Indigenous representative body;
3. develop "justice targets" to reduce the over-imprisonment of Indigenous peoples; and
4. support and fund the adoption of community-driven justice reinvestment approaches to reduce offending behaviour and keep communities safe.