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ORAL STATEMENT

THE CRISIS OF INDIGENOUS YOUTH DETAINED IN AUSTRALIA
ITEM 3: INTERACTIVE DIALOGUE WITH THE SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

UN Human Rights Council
Thirty-sixth session
11 – 29 September 2017

Mr. President,

Amnesty International and the National Aboriginal and Torres Strait Islander Legal Services welcome the report of the Special Rapporteur on her visit to Australia bringing global attention to the situation of Indigenous children in the justice system, who make up less than six per cent of young people aged 10 to 17 years, but 55 per cent of children in prisons.

Whilst imprisoned, Indigenous children have been abused in cruel and inhuman ways including by being hooded, gassed, held in solitary confinement, inappropriately restrained, denied food and medication and subjected to forced strip searches.

This continuing abuse is evidence of the need for a different approach, focusing on holistic Indigenous led solutions and eliminating discrimination, to make detention a last resort. Fortunately, many Indigenous people and organizations have developed ways forward. Australian Governments must now listen and act.

Amnesty International and the National Aboriginal and Torres Strait Islander Legal Services agree with the recommendations of the Special Rapporteur who has called for the Australian Federal Government to “adopt a national plan of action to address the incarceration crisis of Aboriginals and Torres Strait Islander peoples as a matter of national priority”. This plan must include:

- raising the age of criminal responsibility to at least 12;
- ending detention of children who are not sentenced;
- ensuring conditions in youth prisons provide children with the best chance to thrive;
- prioritizing investment in programs to address underlying causal factors;
- improving data collection and use;
- adequately funding Indigenous legal and diversion services; and
- setting and tracking targets.

The Federal Government have consistently failed to protect Indigenous children saying it is a jurisdictional issue.

Ms Rapporteur, how should the federal government work with the states and territories to ensure the human rights of Indigenous children in Australia are protected?

Thank you Mr. President.