

1301 hrs gmt Wednesday 10 February 1993

AUSTRALIA: JUSTICE SYSTEM WEIGHTED AGAINST ABORIGINAL PEOPLE

Aboriginal people continue to be imprisoned in grossly disproportionate numbers in Australia and held in conditions which have contributed to a high rate of deaths in custody, Amnesty International said today.

"Following a Royal Commission investigation two years ago, the government has taken some important steps to address this problem," said the human rights organization. "But in at least one prison we visited last year, the prisoners - predominantly Aboriginal - were still being held in conditions which may well have amounted to cruel, inhuman or degrading treatment.

"According to official statistics, Aboriginal people are imprisoned at 27 times the rate of other Australians - and despite the government's efforts to improve the situation, this is on the increase."

An Amnesty International investigating team visited police lock-ups, prisons and detention centres in four states and territories of Australia last year. It found that the criminal justice system makes Aboriginal people distinctly vulnerable to high over-representation.

The organization is now urging the Australian authorities to look hard at systematic practices which discriminate against Aboriginal people and lead to the detention or arrest of hundreds of people.

For example, despite the decriminalization of drunkenness in most of Australia, an Alice Springs by-law side-steps this by making it illegal to drink in a public place within two kilometres of any liquor outlet. This singles out Aboriginal people, who are not welcome in many of the local pubs and hotels and have no licensed club of their own. But when they drink and socialize in public, they are frequently picked up by police.

In New South Wales, a key factor in a dramatic increase of arrests for minor offences is an act which bans offensive behaviour or language near schools or in public. There is evidence to suggest that this is arbitrarily used to imprison Aboriginal people.

Over-policing of Aboriginal communities is also common and many Aboriginal people have alleged that provoked arrests frequently occur - with officers abusing and swearing at Aboriginal people in an effort to goad them into similar responses, resulting in arrest.

And once under arrest, conditions for Aboriginal people are often very poor indeed. In every jurisdiction visited by Amnesty International, police lock-ups were used to back up over-crowded prison accommodation - none of them was designed to hold prisoners long-term - and despite government pressure, some lock-up and prison conditions amounted to ill-treatment.

For example, the Alice Springs Prison, in which 80 per cent of inmates are Aboriginal, is often significantly over-crowded. Prisoners are confined to dormitories, divided up into wire cages, for 16 hours a day, and have little or no privacy even for toilet facilities. Some prison administrators claimed that this accommodation was suitable for Aboriginal people - but not for white Australians - who they said preferred sleeping communally. Amnesty International fears that such cultural suppositions are used as an excuse to provide grossly inadequate over-crowding or degrading communal accommodation specifically for Aboriginal people.

Such conditions may violate the rights of Aboriginal people "to be treated with humanity and with respect for the inherent dignity of the human person", as set out in the International Covenant on Civil and Political Rights, to which Australia is a state party.

In addition, there is still a frightening pattern of deaths in custody. "This also relates to white prisoners - in November 1992, there were at least four such deaths in New South Wales alone. But because of their disproportionate numbers in prison, Aboriginal people are particularly at risk," said Amnesty International.

The human rights organization urges the Australian government to address Aboriginal people's over-representation in prisons and deaths in custody. Said Amnesty International: "The scope of the net which drags so many Aboriginal people into the criminal justice system in the first place - particularly those aspects which tend to be discriminatory - simply must be removed as soon as possible."

EMBARGOED FOR 1301 HRS GMT, WEDNESDAY 10 FEBRUARY 1993

Note to Editors:-

Please note that Amnesty International's Australian Section will not be able to deal with media inquiries. Australian media should contact the Press Office of Amnesty International's International Secretariat if they require further information or interviews. Tel: +44 71 413 5810/5562.

1993 has been designated by the United Nations as the International Year for the World's Indigenous People.