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Media release

For immediate release 4 December 2015

ALHR calls Systemic Change to address Indigenous Incarceration

The Australian Lawyers for Human Rights (ALHR) condemns the mistreatment of Indigenous Australians held in detention and calls for a national bipartisan approach to address the levels of Indigenous incarceration. “The idea that citizens can be held in custody for unpaid fines is Dickensian and shows systemic inequalities in the justice system” said ALHR National President Nathan Kennedy. “The further fact that citizens are still dying in custody reinforces the need for action. It is a national disgrace that requires an examination of all levels of the justice system.”

A coronial inquest in Perth this week has heard that Ms Dhu, 22, died in August last year after being held at South Hedland police station for unpaid fines. Officers laughed at her while she lay in her own vomit in the hours before she died in police custody in Western Australia's Pilbara region, her partner has told a coronial inquest.

Ms Dhu was taken to Hedland Health Campus on three occasions during her detention after complaining of being unwell, and died on her third visit. Mr Ruffin, Ms Dhu's partner, gave evidence that he and Ms Dhu had been arrested together in August for unrelated matters and put in adjacent cells, and over the next three days he could hear her crying and moaning in pain.

“As a signatory to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment (OPCAT), the Australian government is under an obligation to ensure that prisoners' are treated with humanity and dignity,” said Mr Kennedy. “The Australian government needs to do more to address, not only the conditions for Indigenous incarceration but also the root causes of the over representation of Indigenous people in prisons, especially in Western Australia. It has been over 20 years since the Royal Commission into Aboriginal Deaths in Custody and we are still facing the same problems,” said Mr Kennedy.

Aboriginal and Torres Strait Islander people are massively overrepresented in the criminal justice system of Australia. Indigenous people represent only 3% of the total population, yet more than 28% of Australia's prison population is Indigenous.

Indigenous Australians in Western Australia are 18 times more likely to be imprisoned than non-indigenous Australians. This is one of the highest imprisonment rates in the developed world. One rea-

son for this is the relatively trivial nature of the offences for which Indigenous Australians are incarcerated, as was the case with Ms Dhu.

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practicing and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 2,600 people, with active National, State and Territory committees.