



**United Nations Permanent Forum on Indigenous Issues**

**17<sup>th</sup> Session New York, 16 - 27 April, 2018**

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**Item 10: Dialogue with the UN Special Rapporteur on the Rights of Indigenous Peoples**

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor for the North West Region, and member of the Gamilaraay people, Councillor Anne Dennis

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Thank you, Madam Chairperson,

We pay our respects to the Elders and Ancestors, past and present, and give our appreciation to Indigenous experts and participants at this session in having an open dialogue with the United Nations Special Rapporteur.

Madam Chairperson, we are astounded by the Philippine Government's treatment of the UN Special Rapporteur on Indigenous Issues. The Philippines Government actions to intimidate the Office of UN Special Rapporteur - by placing her on a terrorist list is

appalling and despicable behaviour. We would encourage you to urge all Member States to make representations on our behalf to have that Status over-turned.

**The NSW Aboriginal Land Council makes the following recommendations to the Permanent Forum to urge all States to:**

- **Comprehensively implement the Declaration** within domestic legislation and policies at all levels,
- With reference to the recommendations by the Special Rapporteur in her Country report, **enact comprehensive legislation that addresses all prohibited grounds of discrimination** and promotes substantive equality, through **ratifying as a matter of urgency the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,**
- **Develop comprehensive national frameworks** to address the **overrepresentation of Indigenous children and adults** in the criminal justice system, **including justice targets** as part of National strategies, and provide effective remedies against systemic discrimination through the **establishment of independent National preventive mechanisms,** and

- **Encourage States to invest more resources in Aboriginal organisations, such as the NSW Aboriginal Education Consultative Group**, that provide early intervention and prevention strategies in schools to address the over incarceration of Indigenous Women and Children; and
- **Request that Australia review and implement each of the Special Rapporteur's recommendations from Australia's recent Country Report** in genuine partnership with Indigenous peoples based on free prior and informed consent. Consultation must meet the standards contained in the Declaration requiring genuine respect for cultural integrity and self-determination.
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The NSW Aboriginal Land Council Australia acknowledges the important work undertaken by the Special Rapporteur including her recent visit to Australia.

The UN Special Rapporteur observations are that the policies of the Australian Government do not duly respect the rights to self-determination and effective participation of Indigenous peoples. We note her recommendations to include specific close the gaps targets

on justice and women, and we hope that her Country Report will prompt the Australian Government to initiate effective Indigenous participation in all decisions that impact our lives, lands and identities.

We draw the Forum and the Special Rapporteur's attention to the lack of a human rights based approach to addressing Indigenous disadvantage in Australia.

Firstly, in relation to the alarming rates at which our young women and adult women are being locked up in our jails. Although we represent 2% of the Australian population, our women represent 33% of the jail population. Strategies to deal with this scourge must be developed by Aboriginal women and communities and delivered by Aboriginal organisations.

Madam Chair, Australian States are still placing our Indigenous men and women in jail indefinitely, without conviction by a Court of any crime. So they are - Doing Time without the Crime because of failed government systems

This is because the Australian Government refuses to fully enforce their Human Rights Declaration obligations on to State Governments in relation to indefinite incarceration of people deemed unfit to plea - due to cognitive and psychiatric impairment. Every-time this issue

has been raised in this place with the Australian Government they say it is the responsibility of State Governments because they operate the courts and jails. Yet Australia proudly parades its membership on the UN Human Rights Council.

This is getting us no-where and there remain people locked up, without conviction, indefinitely. Although this also impacts non-Indigenous people, our Indigenous people are over represented in the jail population. The time has come to do something about this.....

Madam Chair, this is a human rights crisis.

Thank you for allowing me to take the floor.