

UN Human Rights Council – 21st Session

Panel discussion on Indigenous Access to Justice

Statement by Australia, 18 September 2012

We are pleased to have the opportunity to participate in this panel discussion on this important thematic issue of particular significance to Australia. We thank the panellists for their insight, and particularly welcome the participation of Dr Megan Davis. Dr Davis' work as a member of the UN Permanent Forum on Indigenous Peoples with responsibility for portfolios including Administration of Justice and Gender and Women has been an inspiration for Australians.

Indigenous Australians' ability to access justice is dependent on

- reducing underlying disadvantage across a range of spheres,
- a fair and equitable justice system,
- the availability of appropriate services
- and addressing those circumstances which impact on community safety.

Australia is focusing on the underlying disadvantage in Indigenous communities, which leads to cycles of victimisation and offending, through its Closing the Gap initiative - a national agreement to improve Indigenous outcomes in areas including education and employment.

Australia has entrenched the importance of social inclusion in the justice system through our Strategic Framework for Access to Justice, which underpins a system-wide approach to access to justice and reform. Whilst we recognise that simply increasing funding for the justice system will not remove the barriers faced by Indigenous Australians, directing resources to the early provision of legal assistance, information, advice and support services can.

Australia's National Indigenous Law and Justice Framework represents the first national approach to addressing interactions between Indigenous people and justice systems. A partnership between government and communities, this framework seeks to address Indigenous disadvantage that is directly related to adverse contact with justice systems.

Australia acknowledges the range of barriers faced by Indigenous Australians in using mainstream dispute resolution and conflict management services, including the fact that Western concepts of dispute resolution may not make sense in an Indigenous context, the unavailability of services in remote areas and language barriers. We are working to implement recommendations from our National Alternative Dispute Resolution Advisory Council which advocate a coordinated approach to breaking down these barriers.

Australia would be interested to hear from panellists about best practice legislative or policy measures that, in their experience, assist in advancing access to justice for Indigenous peoples. We would also be interested in the panellists' views on how governments can strengthen Indigenous peoples' trust in the justice system.