



Oral Statement at the 42nd Session of UN Human Rights Council

Item 3 & 5: Clustered ID with the SR on the rights of indigenous people and ERMIP

18 September, 2019

Delivered by: Ms. Adrienne Ringin

Mr. President

The Aboriginal and Torres Strait Islander Peoples of Australia are the custodians of the world's oldest living cultures.¹ Yet today, Indigenous children in Australia are held in custody at 17 times the rate of non-Indigenous children. Comprising 5% of people aged 10-17, Indigenous youth represent 56% of all children aged 10-17 in detention. In 2019, every child in detention in Australia's Northern Territory was Aboriginal.

In 2015, the UN Human Rights Commissioner urged Australia to address the over-representation of indigenous people in prisons and the underlying causes, review mandatory sentencing laws with a view to abolishing them, and giving judges the discretion necessary to determine relevant individual circumstances.²

We strongly recommend that the Australian Government work with state governments to develop alternatives to imprisonment for Indigenous people for minor offenses; implement community-led, place-based initiatives to address the underlying causes, and improve access to community-based sentencing options for Aboriginal and Torres Strait Islander people that are culturally appropriate and involve the local Indigenous community.

Despite the dispossession of colonialism and the injustices of the past 241 years since 1788, Aboriginal Australians have survived, and have offered a way forward for Australia.

1 An Aboriginal Australian Genome Reveals Separate Human Dispersals into Asia, Morten Rasmussen, Xiaosen Guo, Yong Wang, Kirk E Lohmuellen, Simon Rasmussen, Anders Albrechtsen, *Science*, 07 Oct 2011; <https://www.australiangeographic.com.au/news/2011/09/dna-confirms-aboriginal-culture-one-of-earths-oldest/>; 2UNGA Human Rights Council Thirty-first session, Report of the Working Group on the Universal Periodic Review: Australia, A/HRC/31/14, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/004/89/PDF/G1600489.pdf?OpenElement>; further summary available here: 'Australia's Aboriginal peoples face 'tsunami' of imprisonment, UN expert finds, 4 April 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21475&LangID=E>

In May 2017, Aboriginal leaders released the *Uluru Statement from the Heart*, calling for recognition of Indigenous Peoples in Australia's constitution, a Voice to Parliament and a truth-telling process leading to a treaty.³

This was a united generous call from the custodians of the world's oldest living cultures to be recognised, listened to and included in modern Australia -thus addressing the ongoing levels of dispossession, incarceration and structural injustice that Indigenous Australians still face, and to formally recognising Aboriginal people at the heart of their own country.

We strongly urge the Australian Government to work effectively with the leadership of Indigenous Australia to enshrine the *Uluru Statement* in the life of the nation, so that the nation's First Peoples are fully involved in all decisions that ultimately impact on their lives.

Thank you.

³ https://www.referendumcouncil.org.au/sites/default/files/201705/Uluru_Statement_From_The_Heart_0.PDF