

UN WORKING GROUP ON INDIGENOUS PEOPLES

11th SESSION

AGENDA ITEM 5

REVIEW OF DEVELOPMENTS

STATEMENT BY NATIONAL COMMITTEE TO DEFEND BLACK RIGHTS,
ABORIGINAL CORPORATION

DELIVERED BY MS HELEN CORBETT

UGIP 33/OCE. AUS/74

Madam Chairman, Members of the Working Group, Indigenous Brothers and Sisters, Observer Governments, ladies and gentlemen.

Madam Daes, as you would know, my organisation has been reporting on a number of issues since 1987 to this Working Group. One primary issue over those years has been on Australia's criminal justice system, with specific reference to the issue of Aboriginal deaths in custody.

Last year, we presented substantive documentation to the Working Group on the effects of the Australian criminal justice system on our people. We do not intend to repeat this information again. But suffice to say, that what is emerging is a very frightful situation. Since the conclusion of the Royal Commission into Aboriginal Deaths in Custody, we see a pattern whereby our men, women and youth are jailed more than ever before, they are staying in custody for longer periods, the rate of deaths in custody is on the rise and our communities are almost militarized zones because the practice of overpolicing our communities.

Coupled with this is the result of the Australian government's past and current economic and social programs for our people which contribute to our life expectancy to be at the very young age of 39 years old, our women are likely to be murdered 38 times more than non-Aboriginal Australians in violent domestic situations which arise from drug and alcohol substance abuse, and we have literally thousands of displaced lost children searching for their families and communities because of the past government policies of stealing our children and placing them outside our communities.

The recently published 1993 Amnesty International report entitled "Australia - A Criminal Justice System weighted against Aboriginal people", gave further testimony that Australia's criminal justice system functions in a way to make our people a group that is particularly vulnerable to the violation of our right "to be treated with humanity and with respect for the inherent dignity of the human person", as set out in Article 10 of the International Covenant on Civil and Political Right.

One question that begs to be answered is who is left on the street that the government speaks to on Indigenous issues in Australia, and especially on the very crucial questions arising from the Australian High Court decision on Native Title and the getting rid of the concept of Terra Nullius. Who are they sitting down with to draft up national legislation on these questions. Simply put, we are not in this debate.

Is the Aboriginal and Torres Strait Islander Commission the solution to ensure our equal and full participation on this debate? Will we be given opportunities to give a free and informed consent to the Australian government on crucial issues such as the Mabo decision and all that arises from it through its structures?

We believe the answers are no. We want to make it clear to this forum as we have done in the past. ATSIC has a role to play, as a government arm to determine how monies are spent on Indigenous community programs. It has its role and we have some of our people with decades of experience in our struggle. But in terms of being the political voice, then it must be made clear that key national Indigenous community organisations took a strong stand in 1990 when they refused to accept ATSIC as a non governmental organisation. On top of

this, the majority of our national voting population did not vote for this body to be the political voice of our people. Further, our women and youth, who together constitute over 60% of our population, are not represented in the present ATSIC structures.

It is our experience that it is the ATSIC administrative arm that has captured the debate on issues of significant importance to us and not the Aboriginal and Torres Strait Islander elected arm.

It is of no surprise to find that of the 339 recommendations from the Royal Commission into Aboriginal Deaths in Custody, the only one which the federal government did not take on board, was the recommendation that the elected arm should have control over the administrative arm.

Just who constitutes the administrative arm? The overwhelming majority are non-Indigenous people, moreover a number of them are former native welfare officers who use to issue food rations and orders to have our children removed.

What is the alternative? We believe that the way forward is for a national independent Indigenous organisation that will encompass all our concerns. An organisation which we ourselves are in control of.

At the World Conference on Human Rights, the Australian government lobbied strongly for States to put monies forward for human rights programs. While they were unable to convince States to make an international commitment to take up this point in respective national programs of action, we urge the Australian government to lead the way and adopt a commitment of its own and fund such an indigenous body in Australia.

In April this year, an agreement was reached by national indigenous organisations to establish an Australian-based international indigenous desk to assist us in research and documentation on domestic and international studies of concern, and especially those within the UN system.

We believe that this would be an important step in ensuring that we can participate in other UN forums outside this Working Group.

It would also provide an infrastructure to monitor the federal and state governments' performances, including those relating to the Royal Commission into Aboriginal Deaths in Custody. For example it is our strong concern that the Australian government is only monitored by itself on the implementation of the 339 recommendations of this Commission.

Madam Daes, we know what we need, we even know how to do it. All we need now is the political will on the part of the government to enable us to do it.

Thank you