



21 June 2021

Emeritus Professor Rosalind Croucher AM
President of Australian Human Rights Commission
Sydney NSW 2001

Dear Professor Croucher,

I am writing to you about the detention of Indigenous people in the Northern Territory. I am joined in raising this matter by the Committee on Racial Equality which has members from Canberra Quakers, the First Nations Peoples Concerns Committee (Australian Quakers) and the wider Australian community.

The media coverage of the ill-treatment of young offenders by the justice system and individual police and prison officers led to a Royal Commission which made numerous recommendations. However, on 8 June 2021 the NT Government and Parliament passed amended legislation (co-drafted by the police) to reverse the limited changes earlier adopted from the Royal Commission, and thereby reinforce the previous approach to youth detention. This is despite strong opposition from many Aboriginal elders and organisations, health and legal services, and the NT Children's Commissioner.

One distressing result of the tightening of bail conditions is that there will be more children placed in Don Dale and Alice Springs Detention Centres. This will add further to the repressive effect of the justice system on Indigenous people, causing more deteriorating cross-cultural relations in the NT.

Given the Human Rights Commission's commitment to monitoring laws, policies and programs on Indigenous peoples, I write to ask what action you are able and willing to take to respond to the alarming moves in the Northern Territory that discriminate against young Aboriginal people who have come up against the justice system. Our committees have heard stories from some of those families affected adversely. Some of the issues that arise are:

- The arbitrary use of punishment during detention (e.g. use of isolation, transferring detainees from Darwin to Alice Springs or elsewhere without notice).
- The absence of alternative 'restorative' approaches to juvenile justice.
- The impact on families of misinformation and lack of transparency about what is happening to their children in detention.
- The mental health effects on the young people (including suicidal thoughts).
- The recidivism that leads some young people to be constantly subject to arrest and detention from childhood into adulthood.

Australia Yearly Meeting

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- The absence of adequate educational and recreational facilities for those detained.
- Difficulty in obtaining legal support by families of those detained.
- The poor level of training amongst prison officers and police about cultural awareness and the importance of treating young offenders with respect and support.

We are also deeply concerned that what is happening in the Northern Territory is one reason the States and Territory have found it so difficult to reach agreement to raise the age of criminal responsibility to 14 years.

It is impossible to reconcile what has been happening in the Northern Territory with the goals of the UN Declaration on the Rights of Indigenous Peoples: self-determination, participation in decision-making, protection of culture, and equality and freedom from discrimination.

It appears that until the Aboriginal people themselves have a greater role in determining effective responses to youth justice, there will be little progress. They have an impressive range of skills and cultural knowledge that could be drawn upon to make a difference to all concerned. The work being done in places like Bourke, Moree and Mount Druitt in NSW in the area of justice reinvestment is an example of how things could be turned around. (See article by Robert Millikan; *Reinvesting in Moree*, Canberra Times 11/06/2021)

In paece,



Ann Zubrick
Presiding Clerk
The Religious Society of Friends (Quakers) in Australia

Cc:
June Oscar AO, ATSI Social Justice Commissioner
Edward Santow, Human Rights Commissioner

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