

Kirby Institute stands against racism, and urgently calls for an end to over-incarceration and Aboriginal deaths in custody

For far too long, there has been an undercurrent of both recognised and unrecognised racism in Australia. The recent Black Lives Matter protests have highlighted the lack of effective action to address systemic and institutional racism in Australia.

A long history and continued reporting of discrimination and abuse against Aboriginal and Torres Strait Islander peoples illustrates the necessity to acknowledge that racism is deeply entrenched in Australia.^{1,2}

The current National Aboriginal and Torres Strait Islander Health Plan identifies racism as a key driver of ill-health.³ The unacceptably poorer health outcomes experienced by Aboriginal and Torres Strait Islander people in Australia is a significant public health issue that must be addressed as an urgent priority, by all Australians. Aboriginal Australians experience higher rates of many infectious diseases including those in which the Kirby Institute work - HIV, viral hepatitis, sexually transmitted infectious and trachoma.

As a research institute with a strong focus on inequalities in health, we at the Kirby Institute add our voice to the growing calls for solidarity and action, in Australia and globally, that racism in all its forms be denounced and addressed.

Recognising and addressing structural and systemic racism will require sustained effort on every front - from all organisations and businesses, the community, and importantly, genuine political will by governments.

Political will helped initiate the 1991 Royal Commission into Aboriginal Deaths in Custody, which produced five volumes of research and 339 recommendations directed at reducing the disproportionate incarceration of Aboriginal and Torres Strait Islander peoples.⁴ Almost 30 years later, many of the recommendations have been either only partially implemented or not implemented at all¹, and incarceration rates have soared.

The Aboriginal and Torres Strait Islander imprisonment rate at the time of the Royal Commission was 1,122 persons per 100,000 adult Aboriginal and Torres Strait Islander population.⁵ Today it stands at 2,589 persons per 100,000.⁶ This is the highest rate of imprisonment per capita of any population group in the world and something we must urgently address.⁷

¹According to Deloitte who were commissioned by the Department of the Prime Minister and Cabinet to review the implementation status of the 339 recommendations identified in the Royal Commission into Aboriginal deaths in custody

Since the 2009 Social Justice Report, there have been calls to expand 'Closing the Gap' targets to include a criminal justice target to address the disproportionate representation of Aboriginal and Torres Strait Islander peoples as both victims of crime and in the prison system.⁸ Eleven years later no target has eventuated. Additionally, in 2017 the Australian Law Reform Commission received Terms of Reference by government to undertake an inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples.⁹ The second anniversary of the outcomes of this inquiry has just passed and the Federal government remains silent on its recommendations.

The Kirby Institute has a strong history of research and evidence-based advocacy conducted in partnership with communities most affected by structural inequalities and poor health, including Aboriginal and Torres Strait Islander people and those in contact with the criminal justice system. Input from communities, along with the Institute's Patron, the Hon Michael Kirby, has embedded into our Institute a growing focus on human rights, including conducting research to understand and address the effects of criminalisation on the health and well-being, of the communities our Institute works with, and for.

Our research in the justice health area consistently demonstrates that Aboriginal and Torres Strait Islander people who come into contact with the criminal justice system have some of the worst health outcomes of any population and are one of the most disadvantaged and stigmatised groups in Australia.¹⁰⁻¹⁵

Our research has demonstrated the need for Aboriginal and Torres Strait Islander people's access to culturally relevant and safe health care services and prevention programs both in the wider community and within prisons.¹⁶

Besides standing strong in solidarity with others to address the structural causes of racism, we must advocate for immediate and tangible actions that target the over-incarceration of Aboriginal and Torres Strait Islander peoples.

We call for the full implementation of all recommendations identified in the 1991 Royal Commission into Aboriginal Deaths in Custody and the 2018 Pathways to Justice report of the Australian Law Reform Commission into incarceration rates of Aboriginal and Torres Strait Islander peoples, and for new justice targets to be incorporated into the Closing the Gap initiative covering the entire spectrum of the criminal justice system, including the health services within it.

It is also imperative that our Constitution gives specific recognition to Australia's First Peoples and provides an appropriate Voice for them into our Federal Parliament as the Uluru Statement proposed.

Implementation of recommendations and any new justice targets must be developed in close partnership with Aboriginal and Torres Strait Islander leaders, enabling local communities to implement their own solutions.

At the Kirby Institute, we will take responsibility for addressing racism and structural inequality particularly where it intersects with our work, and we join our many Aboriginal and Torres Strait Islander partnering organisations and communities in calling for a fairer, healthier and culturally rich Australian future without racism.

Professor Anthony Kelleher (Director) and The Hon. Michael Kirby (Patron) on behalf of the Kirby Institute

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