



Aboriginal Legal Rights Movement Inc.

MEDIA RELEASE

AUSTRALIA CALLED TO ACCOUNT BY THE UNITED NATIONS ON ABORIGINAL LEGAL AID FUNDING

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Whilst the Australian and State Governments continue to bicker over who should fund Aboriginal legal aid, the United Nations Human Rights Committee has expressed concern to the Australian Government on the continuing denial of access to justice for Aboriginal people.

At the Committee's meeting held on the 23/24 March 2009, it was resolved that:

The Committee regrets that it (Australia) has not granted reparation, including compensation, to victims of the Stolen Generations policies.

The Committee went on to recommend that Australia should provide reparation, including compensation to victims of these policies.

The Committee notes with concern the lack of adequate access to justice for marginalised and disadvantaged groups, including Indigenous peoples.

The Committee followed up with a recommendation that Australia should take effective measures to ensure equality in access to justice, by providing adequate services to assist marginalised and disadvantaged people, including Indigenous people and adequate funding for Aboriginal legal aid funding, including interpreter services.

The Committee expresses concern at reports of excessive use of force by law enforcement officials against Indigenous peoples. The Committee regrets that investigations of allegations of police misconduct are carried out by police itself.

The Committee went on to recommend that Australia take firm measures to eradicate all forms of excessive force by law enforcement officials and establish a mechanism to carry out independent investigations of complaints of police.

ALRM CEO, Mr Neil Gillespie said the Aboriginal Legal Rights Movement has called on successive Commonwealth and State Governments to address these three key issues for a number of years.

"Following a distinct failure by these two Governments to address our concerns ALRM was forced in 2008 to complain to the *United Nations Committee on the Elimination of Racial Discrimination* to achieve change of the discriminatory behaviour of both Governments," he said.

“For Australia to be under the microscope by the United Nations is indicative of the racial discrimination by Government against Aboriginal peoples. This is an international embarrassment and both Governments need to immediately put in place plans to address these fundamental issues.”

“Had the Rudd Government honoured its pre-election promise to ALRM to increase Aboriginal legal aid, our complaint may not have been necessary. Likewise, had the Rann Government honoured the Premier's previous commitment given in State Parliament to increase ALRM's funding to ensure access to justice for Aboriginal people, our complaint would also not have been necessary.”

“Australia has been branded a RACIST nation by the UN. It is up to the Prime Minister and the Premier to restore Australia's standing in the eyes of the world. They must pull their bureaucrats and underperforming Ministers into line and ensure Aboriginal people have access to justice,” Mr Gillespie said.

“It has taken a small, non-Government organisation like ALRM to bring international attention to the appalling and racially based behaviour of both Governments and have the UN give us as a nation a real serve on the discriminatory mistreatment of Aboriginal people.”

“The Premier cannot continue to deny he has no responsibility to ALRM and Aboriginal people as citizens of this State. The United Nations says he and the Prime Minister need to put Australia's house in order before we go out and criticise other nations on human rights issues.”

“I do acknowledge that the Minister for Aboriginal Affairs, Jenny Macklin has gone some way in an attempt to address the Stolen Generations concerns of ALRM by considering an application by ALRM for some interim funding. I also condemn the appalling behaviour of the Rann State Government in the handling of ALRM's attempts at engagement with his government on behalf of members of the Stolen Generations following the now famous Trevorrow case.

“I await anxiously for the Prime Minister and Premier Rann to put in place plans to address the three key issues raised by the United Nations.”

ALRM has always, been willing to work with government and again offers to work with both Governments in partnership in developing ways to address the concerns expressed by the United Nations Human Rights Committee,” he said.

Following ALRM's recent visit to the UN's Permanent Forum on Indigenous Issues in New York recent, ALRM has been invited to participate in the 2nd Session of the Indigenous Expert Mechanism on the Rights of Indigenous Peoples in Geneva in August 2009.

For interview

Neil Gillespie is available for comment on +61417086025 or by email: neilg@alrm.org.au

FYI: The Aboriginal Legal Rights Movement Inc provides legal services and associated activities (legal aid and native title legal services, financial counselling, law reform and advocacy, the Aboriginal Visitors Scheme and community education) for Aboriginal and Torres Strait Islander peoples in South Australia. ALRM is an independent incorporated Aboriginal community organization