

# Australia's rate of Indigenous child removal 'unique', UN investigator says

Victoria Tauli-Corpuz says child protection policies are contributing to Indigenous incarceration rates, which are among worst in the developed world



*The UN special rapporteur on Indigenous rights says Aboriginal and Torres Strait Islander people feel 'helpless' and 'frustrated'. Photograph: Jonny Weeks for the Guardian*

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Australia's [Indigenous incarceration](#) rates are among the worst in the developed world but it is in the increasing rates of child removal that Australia stands out as being particularly behind other nations, the UN special rapporteur on Indigenous rights has said.

In [a preliminary report delivered to the government on Monday](#) after a 14-day visit, the special rapporteur, Victoria Tauli-Corpuz, highlighted the growing Indigenous incarceration rate as an area of serious concern.

She told Guardian Australia that child protection policies, which saw Indigenous children removed from their families at almost 10 times the rate of non-Indigenous children, contributed to the numbers in detention.

“The thing that makes it different in Australia is this child protection system where they are taken away from their parents and brought to other families, I think that’s the one that I find quite different compared to what I have seen for instance in the US,” she said. “I think that’s quite unique here in Australia.”

Tauli-Corpuz toured the Cleveland youth detention centre in Townsville and Bandyup women’s prison in Perth as part of her visit and said both the rates of incarceration and the crimes for which people were being incarcerated were alarming.

“Some of the reasons for them being incarcerated are very petty,” she said. “I went to Cleveland, I spoke with the young children there, and one boy was like 12 years old, he just stole a fruit, and on that basis he was incarcerated and then he just kept going back.”

Tauli-Corpuz is the second Indigenous special rapporteur to conduct an official visit since Australia signed the declaration on the rights of [Indigenous peoples](#) in 2008. She said she found it “disturbing” that so few of the recommendations made by her predecessor in 2009

had been implemented, and that the bulk of recommendations made by both the 1991 royal commission into Aboriginal deaths in custody and the 1996 Bringing Them Home report, among other recommendations, had also not been enacted.

She also made a number of her own recommendations, including introducing justice targets to the Close the Gap goals and refunding the National Congress of Australia's First Peoples, both of which she said would be necessary for Australia to win a seat on the human rights council.

"If those actions are taken then maybe they have the justification to sit in the human rights council," she said. "But if there are no good, serious efforts to implement some of the repeated recommendations then I think it's not ... it doesn't speak well of having a country being there."

The visit coincided, rather awkwardly, with the [parliamentary vote on abolishing section 18C of the Racial Discrimination Act](#), in which the Turnbull government sought to remove protections against insulting, harassing or humiliating people on the grounds of their race.

The proposed change [was stopped in the Senate](#), but Tauli-Corpuz said the highly publicised debate, which in another awkward piece of timing began on Harmony Day, sent a message to Aboriginal and Torres Strait Islander people about their position and value in Australian society.

It's no wonder, she said, that many Aboriginal and Torres Strait Islander people are frustrated. "What they really feel is so, so, helpless," she said. "They feel so frustrated ...

"There are all these different recommendations for royal commission reports, etc, and they are looking up to the implementation of these recommendations, but nothing is happening ...

"And in everything they have to push, they have to fight for it, nothing ever comes to them. They have to fight for every little bit of their rights."

In intensely bureaucratic processes such as securing native title or obtaining funding under the Indigenous Advancement Strategy, where the system is already stacked against them, that lack of faith can turn to despair, Tauli-Corpuz said.

"I think there are many positive things happening within Indigenous communities with them taking up the cudgels and dealing with the issues themselves," she said. "But the way that they are being regarded is like they are wards of the state: they don't have the agency themselves to address these issues ... [and] the services that they need are not really shaped in a manner which is structurally competent."

It's a model used by governments across the world, she said, to curtail the rights of Indigenous peoples while still outwardly appearing to comply with international law.

"The thing that governments do generally is to really bureaucratise the system ... they put in place very complex bureaucratic processes that Indigenous peoples will not be able to hurdle," she said.

Tauli-Corpuz particularly criticised the Indigenous advancement strategy, introduced by the Abbott government in 2014, which she said undermined the right to self-determination by

promoting a shift towards service delivery in Indigenous communities by mainstream, centralised services.

She called for the government to reinstate all funding cut under the strategy and accused it of abandoning its public commitment to support the self-determination of Indigenous peoples.

She also criticised the federal government's decision not to fund political advocacy work traditionally undertaken by organisations such as Aboriginal legal services.

“How will these discriminatory or racist policies be rectified if the people who are directly affected are not even provided support to do that?”

“It costs a lot of money to do advocacy work, to get people to analyse the law, to get people to go and meet with the members of parliament or the members of government. It requires a lot of resources and by not giving the resources you are basically capping the ability of organisations to influence the reforms that are very much needed.”

Other draft recommendations included immediately reinstating funding for Aboriginal legal services, increasing funding to Aboriginal family violence services, establishing national strategies for reducing the overrepresentation of Aboriginal children in both the justice system and out of home care, developing a national charter of human rights, and urging the government to act on the recommendations of the joint parliamentary committee on human rights.

The Indigenous affairs minister, Nigel Scullion, defended the Indigenous Advancement Strategy, which he said increased the number of Indigenous organisations delivering services from 30% to 45%.

“The Coalition government is absolutely committed to working with [Indigenous Australians](#) to deliver better outcomes – and this can be seen in a range of areas, from the stunning success of our procurement policy to our remote school attendance strategy that is getting more kids to school,” he said on Monday.

He said that while he welcomed Tauli-Corpuz's visit and her preliminary report, it skipped over more positive developments.

“I thank the special rapporteur for her initial findings and reflections as captured in her statement released today but note there is only a passing reference to the many positive things occurring in Indigenous affairs in this country,” he said.

Tauli-Corpuz, who met Scullion before handing down her preliminary findings, said he had acknowledged the importance of engaging local community-led services but suggested that could be difficult in areas that are under state control, including law and order.

“That kind of response really allows for the abdication of the federal government in terms of their responsibilities in complying with the international human rights obligations to the conventions they have ratified,” she said.

The final report is due in September.