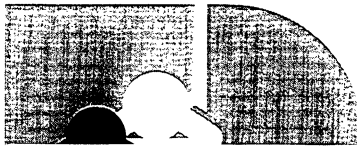


Australian Children's Rights News



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TEOH; THE INDIGENOUS PERSPECTIVE.

A report has found the indigenous communities' ability to fight Australia's racist Juvenile Justice System with International Human Rights Law has been seriously fettered by the Federal Government's rejection of the TEOH decision.

Mr Michael Dodson, Aboriginal and Torres Strait Islander Social Justice Commissioner, released the report on the 23 November 1995. The report calls on the Federal Government to act with commitment, urgency and energy to fulfill the promises it made to the world when it ratified the Convention on the Rights of the Child, by truthfully accounting to the international community and Australia's citizens on its progress to date, and further to compel the States and Territories to take seriously the obligations to children under international law. The commissioner's report found indigenous children were 18.6 times more likely to be held in detention than other Australian kids. In Western Australia, indigenous children make up 57.9% of those in detention. In Queensland indigenous children make up 45.4% of those in detention. Forty three of the ninety nine aboriginal people whose deaths in adult custody were investigated by the Royal Commission into Aboriginal Deaths in Custody had a history of childhood separation from their families and placement in institutions. This "crude system of prohibitions and punishments for indigenous children" continues, despite Article 2 of CROC that states "states, parties shall respect and ensure the rights set forth in the present convention to each child within their jurisdiction without discrimination of any kind".

(Continued page 6) ➤

BLACK DEATHS: an ongoing tragedy

In December 1995, Maurice Fisher hanged himself in the Sir David Longland Correctional Centre, a gaol located near Brisbane, Queensland. Maurice was an Aborigine who had been in custody on remand for many months.

HE WAS 17.

PROBE INTO JAILING

THE QUEENSLAND ATTORNEY-GENERAL WILL INVESTIGATE WHY AN ABORIGINE WAS JAILED FOR FAILING TO PAY AN OUTSTANDING SUM OF \$39. MURGON MAGISTRATE GRACE KRUGER SENTENCED JULIE MICKELO, 18, TO JAIL ON MONDAY FOR FAILING TO COMPLY WITH A FINE OPTION ORDER.

The Queensland Government has cut the funds available to employ staff at the Sir Leslie Wilson Youth Detention Centre in Brisbane. On Christ-mas Eve, while *our* children waited for their Santa sacks, a child hanged himself at the centre. He was 15.

INQUIRY INTO CHILDREN AND THE LEGAL PROCESS

The inquiry's first discussion paper will be released in February to coincide with return to school. It will be widely distributed to start the consultation process with children and young people, as well as NGOs. Further information is available from HROEC (02-284-9600) and ALRC (022846333). It is a great pity that the terms of reference do not require it to look at the question of legislation to implement the Convention on the Rights of the Child. This key question for protecting children's interests in legal processes must not be ignored. If you would like to help prepare DCI's submission, or have some comments on the discussion paper when it has been released, please contact the DCI National office.'

TEOH; THE INDIGENOUS PERSPECTIVE (continued from page 1)

Mr Michael Dodson's report is particularly scathing of Western Australia's Juvenile Justice laws. The "Young Offenders Act 1994 (WA)" contains a myriad of breaches against the Convention, perhaps the most blatant expressed in S.125 of the legislation, which directs the court to give primary consideration to the protection of the community when sentencing young offenders and to place this consideration ahead of all other matters. Article 3 of CROC clearly makes the best interest of the child a primary consideration in all actions of States parties concerning children.

The Report is also fiercely critical of the Federal Government "observing" treaty obligations without giving them any practical effect, describing the practice as "international showmanship".

"The International Conventions which appear to provoke so much fear do no more than articulate bottom line standards for human rights. From an indigenous perspective, treaties are, if anything, an inadequate statement of the human rights standards which should be observed. The Conventions in question all existed as declarations supported by virtually all of the 185 member states of the United Nations. The Convention at issue, the Convention on the Rights of the Child, has been ratified by 174 states. Surely no reasonable person would object to Australian law and practice being updated in conformity with universally accepted principles?"

Anyone wishing to obtain a copy of this Report should write to the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, GPO Box 222, Civic Square, ACT 2608 (Phone: 06 247 1200).☆

CHILDREN'S COURT OF VICTORIA

The following is an extract of a paper given by Justice Fogarty, A.M. at the Annual General Meeting of The Mission Of St James And St John on the 17th of October, 1995 entitled "The future of the Children's Court of Victoria";

It is a sad and frightening circumstance that many children in Victoria are abused or neglected by their caregivers and to such a degree that society is obliged to intervene. An integral part of that process is a court or tribunal which, after having heard all sides, is empowered to make orders which accord with the best interests of those children. In Victoria that important function is fulfilled by the children's court and it would be expected that that court would be suitably structured and equipped to be able to carry out this function at the high level which society and its children are entitled to expect. However...there seems to be universal agreement that the present state of the Children's court falls far below the minimum standards that are expected, and ...nothing has been done about this matter for the last two or three years.

A copy of this paper can be obtained from DCI-Australia, P.O.Box 383, Dickson,ACT, 2602.