

AUSTRALIAN HUMAN RIGHTS COMMISSION REPORT

‘Stretched resources’ put Indonesian children in prison

Political cowardice and stretched resources are at the core of the Australian government’s attempts to put Indonesian people smugglers in adult prisons, some of whom were later found to be children, according to the president of the Australian Human Rights Commission.

Catherine Branson yesterday released a scathing 430- page report, entitled “An Age of Uncertainty”, which sets out a litany of failures that she said robbed some minors of a childhood.

“For these individuals, what is lost is irretrievable,” Ms Branson said.

The report outlines the cases of 15 Indonesians who were convicted of people-smuggling between 2008 and last year and were later found to be children or “likely” to be children. The fifteen spent an average of 948 days in detention and an average of 864 days - more than two years – in adult prisons, some of which were maximum security. All 15 have now been sent home to Indonesia.

A further 48 were held in detention and prisons after a wrist X-ray. Prosecution cases against these 48 were later dropped, as they were “likely children”.

Ms Branson said authorities wrongly trusted discredited wrist x-rays, which were used to define whether a person was over 18, based on the skeletal structure of the joint. “The Australian Federal Police, the office of the Commonwealth Director of Public Prosecutions and the Attorney General’s Department engaged in acts and practices that led to the contravention of fundamental rights,” she said.

“Not just rights recognized under international human rights law, but in some cases rights also recognized at common law, such as the right to a fair trial. Some of those acts and practices are best understood in the context of heavy workloads, difficulties of investigation and limited resources.

“Others, however, seem best explained by insufficient resilience in the face of political and public pressure ‘to take people-smuggling seriously’.”

The report recommends the Criminal Act be changed to ban the use of wrist x-rays.

(Rick Morton The Australian July 28-29 2012)