

Mercy Advocacy

*'How terrible also for you teachers of the law!
You put loads on peoples backs which are hard to
carry but you yourselves will not lift a finger to
help them carry their loads.'*

- Luke 11:46



Seeding the Future with Others

July 2015

I was in prison and you visited me

On the 15 June we celebrated the 800th anniversary of the sealing of the Magna Carta – all, even the King, are subject to the law. In the 16th century, Thomas More and John Fisher, whose feast day also occurs in June, experienced the conflict between the law of the state and the law of God. Over time, our sense that the law is called to protect all in society, particularly the vulnerable, has deepened. How protected today are the Indigenous Peoples, the homeless people and asylum seekers by our law?



Indigenous Imprisonment – school not prison!

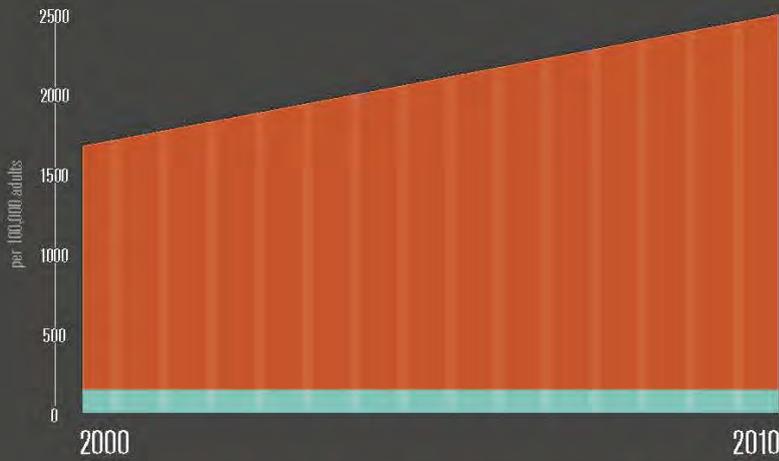
“I remember the first time I heard Social Justice Commissioner, Mick Gooda, say ‘we are better at keeping our young people locked up in detention than in school.’ I sat there engulfed in the sad indictment of a society that has things seriously round the wrong way.”

Andrew Meehan, National Director ANTaR.

The Commissioner was highlighting a crisis.

- In the past ten years 58.5% of Aboriginal and Torres Strait Islander young people had been re-imprisoned
- The year 12 retention rate for Aboriginal and Torres Strait Islander young people is only 46.5%
- On top of that, Aboriginal and Torres Strait Islander young people are twice as likely to be in prison than in university
- Indigenous children and teenagers who are about 5% of the Australian population of ten to seventeen year olds make up 59% of those in detention
- They are twenty-four times more likely to be incarcerated than their non-indigenous peers. In WA the rate is fifty-two times greater.
- Punitive measures such as:
 - Mandatory sentencing in WA,
 - The removal of the principle of imprisonment as a last resort in QLD
 - And abolition of youth drug courts in Queensland and NSW disproportionately affect Aboriginal people.





AUSTRALIAN ADULT IMPRISONMENT RATES 2000-2010

■ non-Indigenous ■ Indigenous

THE RATE OF INDIGENOUS IMPRISONMENT HAS BEEN INCREASING STEADILY:

between 2000 and 2010, the Indigenous imprisonment rate increased by

51.5%

while the non-Indigenous rate increased only slightly by

3.1%

THE RATE OF INCREASE IN INDIGENOUS IMPRISONMENT IS FASTEST GROWING AMONG WOMEN AND JUVENILES:



Indigenous juveniles are **31 TIMES MORE LIKELY** to be in detention than non-Indigenous juveniles.



The imprisonment rate for Indigenous females increased by **58.6%** between 2000 and 2010.



There is a need for a new approach that enables communities to address the key drivers of imprisonment:

- high levels of poverty
- poor education
- high rates of unemployment
- drug and alcohol abuse
- high rates of mental illness and disabilities
- overcrowded housing and homelessness
- over-representation in the child protection system
- loss of connection to community and culture



A SIGN OF HOPE – JUSTICE REINVESTMENT

Part of an Indigenous - led *Maranguka* ('caring for others') initiative, this grassroots approach brings Aboriginal organisations, police and government departments to work together to address disadvantage and provide alternatives to jail. Their aim is to shift investment from prisons to communities by ensuring that programs have enough long-term funding to be sustainable.

Currently being trialled in Bourke, **JUSTICE REINVESTMENT** already has a track record in America. Its introduction in Texas in 2007 allowed the state to close eight juvenile detention centres. *Alistair Ferguson*, overseeing the trial in Bourke is confident of similar success and believes it is an overdue change to current thinking.

“The explanation is that there’s no other alternative to being sent to jail. We just don’t accept that.”

Justice Reinvestment is a model not just for Bourke, but for all of Australia.





ACTION:

- Write to our political leaders and send a strong message that we must close the justice gap and ensure that we do not lose another generation of Aboriginal or Torres Strait young people to the criminal justice system.
- Sign up to online campaigns by Amnesty /ANTaR



The Link between Incarceration and Homelessness

Is there a link between incarceration and chronic homelessness in Queensland? Are certain subpopulations in the community more at risk of imprisonment while homeless? Which risk factors increase the likelihood of someone who is homeless entering the corrections system or someone in the corrections system becoming homeless? What are the options to reduce the incarceration and recidivism in the homeless population?

As of 7 March 2015, from data collected from the state wide *Home for Good* registry 36.08% of participants (526 of 1458) had served time in prison. It was found 14.91% more likely for males and 13.07% more likely for Aboriginal and Torres Strait Islander people to experience both homelessness and incarceration.



Prominent risk factors that may predict imprisonment include problematic use of alcohol or drugs, a mental health condition, chronic health condition(s) or a combination of any of these factors.

Interaction with the prison or foster care systems and cultural background are leading indicators of chronic homelessness. (Queensland Council of Social Services - QCOSS)

A new study '*Journeys Home Research Report No. 6*', (May 2015), written by the Melbourne Institute and commissioned by the Department of Social Services, which followed more than one thousand four hundred homeless Australians, has found that of those released from prison, juvenile detention or remand in the past six months - almost half are homeless..

“It’s not at all surprising that the rate of homelessness amongst prison leavers is so high; they have everything stacked against them. The stigma of prison can make it hard to find a job or a place to live, which is compounded by a chronic shortage of affordable housing,”

Council to Homeless Persons spokesperson ***Sarah Toohey*** said.

“The Newstart allowance of \$250 per week doesn’t go far when median rent for a one-bedroom rental in metro Melbourne is \$320 per week”

Dr Heather Holst, CEO of HomeGround Services, which runs a justice program that includes assisting people to find housing when exiting the justice system, said:



"Rather than building extraordinarily expensive new prison capacity, we should be investing in housing and services that will prevent further offending and give very disadvantaged people a chance. We know from the justice housing programs we run that this does work."

Once again Texas is to the forefront through the Jail Inreach Project in Harris County which began in 2007 with a plan for post-release to ensure continuity of care between prison and primary and behavioural health care. This has proved a positive example of how one community has worked to break the often continuous cycle between homelessness and imprisonment.



ACTION:

- Write to the State Minister for Corrective Services, the *Hon Jo-Ann Miller*, to ask what the government is doing to break the cycle of imprisonment and homelessness /or to invest in housing and services instead of increasing prison capacity in order to give disadvantaged people a chance.





What life is really like in immigration detention...

Iranian refugee **Mohsen Soltany**,⁴⁴ spent four years in immigration detention before being granted refugee status and described it as a ‘hell’ that nobody gets to see.

“You think Australia is one of the countries that respect human rights but it’s totally, totally different... People have more respect for criminals in this country than those seeking asylum.”

For **Mr Soltany**, who lived in Port Headland, Villawood and spent three months in prison for what he says was a peaceful protest, life in detention left him like a ‘dead zombie’ plagued with anxiety and nightmares. He recalled being woken in the middle of the night and forced to recite his ID number. He claimed to have been bashed, sworn at, left in isolation and described nights as particularly bad when people succumb to their darkest fears.

“Prison was a wonderful place to see instead of detention It was totally shocking to a human being who was just asking for asylum in this country.”

His experience is a common one according to NSW School of Psychiatry Professorial Chair of Trauma and Mental Health, **Dr Zachary Steele**, who has worked with asylum seekers and said there’s no doubt it can transform adults psychologically in a short space of time.

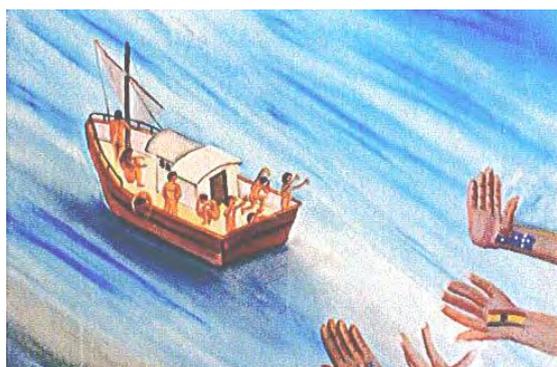


“It’s not like people can go to court. There’s no redress for injustices. You haven’t been convicted of any crime. Of course you go to acts of protest ultimately more extreme (because) the only thing you have control of is your own body. If these occur in any institution it’s probably a sign that standard human rights have been abandoned,”

For **Mr Soltany**, constant flashbacks mean he is effectively still experiencing what life is like being held in detention, saying:

“I see everything back there all the time. Enough is enough. You’re living in the 21st Century. You’re not living in the 15th Century. Australian people they don’t know the reality.”

- Two hundred and thirty-one children are still in detention on the mainland and in Nauru
- On average children are spending three hundred and forty-five days in detention
- One child has been detained for one thousand seven hundred and seventy-four days – almost five years.
- One thousand eight hundred and forty-eight people are currently in mainland immigration detention facilities
- c. One thousand seven hundred people are in offshore detention on Manus and Nauru



Artwork by a Tamil refugee

ACTION:

- Urge your crossbench **Senator Glenn Lazarus**, to vote against the Maintaining Good Order of Immigration Detention Facilities Bill which gives guards unprecedented power (greater than the Federal Police) to use more force against asylum seekers. A former Supreme Court Judge says this will in effect allow guards to ‘beat asylum seekers in detention to death.’
- Change the tenor of the conversation when alarmist refugee numbers (ranging upwards to ninety million) are advanced. Mention that half of the world’s fifty nine million refugees/displaced people are children.



“No soldier is obliged to obey an order contrary to the law of God. No one has to obey an immoral law. It is high time you obeyed your consciences rather than sinful orders. The church cannot remain silent before such an abomination... In the name of God, in the name of this suffering people whose cry rises to heaven more loudly each day, I implore you, I beg you, I order you: stop the repression.”

- Oscar Romero





**Compiled by Genevieve Caffery and Dolores Creevey
on behalf of the Members of the Reference Group**

