

We need to go beyond empty gestures if we're going to end Aboriginal deaths in custody

We have had the solutions to ending our deaths for almost three decades. Join us



We are dying because governments have ignored the recommendations from the royal commission into Aboriginal deaths in custody. Photograph: Paul Kane/Getty Images

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This could be a pivotal moment in Australian history – but it's up to you. As CEOs of Aboriginal and Torres Strait Islander Legal Services we are not tired of telling the truth about injustice, we are tired of people not listening. People are listening now, even as the state sanctioned violence against our people continues.

As Aboriginal women, seeing the killings of George Floyd and Breonna Taylor our stomachs knotted: it's happened again.

Aboriginal people cannot watch this footage without seeing ourselves. George Floyd is David Dungay Jnr, who also died after crying out "I can't breathe" while being pushed down to the ground by correctional officers. He's Wayne Fella Morrison and Nathan Reynolds who also couldn't breathe. He's Ms Dhu, Aunty Tanya Day and all of the 437 black deaths in custody since 1991. That's one death every three weeks for 29 years.

It took the brutal deaths of black people in the USA for Australia to pay attention to what was occurring in their own backyard.

Already this month we've seen an Aboriginal man repeatedly tasered by a police officer even while he wasn't resisting arrest, an Aboriginal boy kicked to the ground in Surry Hills and an Aboriginal man brutally detained in South Australia.

It is preposterous that there have been 437 deaths of our people in custody without a single officer or authority held criminally liable. Hundreds of family members have been left behind, without justice, only to be forced back to their grief after they hear of another preventable death on the news.

There is no peace without justice and there is no justice without truth telling.

The truth is that we are dying because governments have ignored the recommendations from the royal commission into Aboriginal deaths in custody. Politicians have had the answers to end black deaths in custody for 29 years but have chosen inaction. There have been over 400 inquiries into ending our over-imprisonment and the injustices we face in the legal system. The government hasn't even provided a response to the most recent review by the Australian Law Reform Commission. These recommendations must be urgently implemented in partnership with the families left behind after a death in custody.

Instead of building prisons we need to build futures by providing excellent public hospitals, schools, and homes

The truth is the police's role as first responders is often harmful or fatal for our people. We must hold police, prisons and authorities accountable and criminally liable for our deaths, future and historic. We must also end the perverse conflict of interest that arises when authorities like police and corrections officers investigate themselves.

The truth is we live oppressed by our racist legal system. Low-level offences like public drunkenness contribute to our mass imprisonment and deaths. All low-level offences that are used to target and over-police our people must be repealed.

The truth is that we are more likely to die in custody because we are over-imprisoned. Despite being only 2% of the population, we are 28% of the adult prison population, no right-thinking person can allow this to continue.

Instead of building prisons we need to build futures by providing excellent public hospitals, schools, and homes. Experiencing homelessness is a key contributor to our people being criminalised, social housing waiting lists can be decades long. We need to strengthen our income support systems, provide culturally safe support for our people, particularly our women fleeing family violence, and provide strong healing programs that connect our people back to country and culture.

The truth is that in Australia children as young as 10 can be imprisoned. Our kids are overrepresented in children's prison and the evidence shows once they're in, it's a life sentence. All governments need to raise the age of criminal responsibility to at least 14 and ensure that no person under 16 is ever put in a prison.

We are strong, despite the oppressive weight of the legal system crushing our lives. We rise for our ancestors, those killed, our kids and for their kids.

We have had the solutions to ending our deaths for almost three decades. Join us, contact your MPs, talk to your family and friends. Tell them that this is the moment to create real, systemic and lasting change. If this is going to be a pivotal moment in our history, we need to go beyond the empty gestures of the past.

Australia, do not let us down. Our lives depend on it.

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