

Universal Periodic Review of Australia – Joint NGO Coalition

Fact Sheet 15

Police

Police oversight, regulation and accountability

Suggested Question

How do the interactions of Australia's police with the wider community conform with the international human rights to be free from torture, cruel, inhuman and degrading treatment or punishment, the entitlement to equality and non-discrimination, and minority rights?

Background

There is a lack of regulation and accountability regarding the use of force (including lethal force) by police and deaths in custody (in particular, Aboriginal deaths in custody) in many Australian jurisdictions. There are inadequate means for independently investigating police conduct and a lack of access to effective remedies where police misconduct is proven to have occurred. There is evidence of targeting and harassment by police of Aboriginal and Torres Strait Islander peoples¹ and of newly arrived migrants (particularly those from Africa).

Proposed Recommendation

That Australia: (1) establish independent, effective police oversight mechanisms; (2) legislate to regulate the use of force in a human rights-compliant way; (3) mandate compulsory human rights and anti-racism training for police across all Australian jurisdictions; and (4) implement a system whereby any death that occurs in police custody (and especially those concerning the death of an Aboriginal person) be investigated by an independent and impartial body.

¹ See, for instance, Ethical Standards Department, Victoria Police and Indigenous Issues Unit, Department of Justice, *Koorie Complaints Project - 2006-2008 - Final Report* (2008), pages 7, 18 and 19; Vic Health, *Building on Our Strengths: A Framework to Reduce Race-based Discrimination and Support Diversity in Victoria* (December 2009), page 31.

Expansion of coercive powers

Suggested Question

What safeguards are in place in Australia to ensure that individuals are not deprived of their human rights to liberty and security of person during interactions with police?

Background

Legislation has been introduced and implemented across Australia as part of a commitment towards “tackling the growing incidences of drunkenness, disorderly behaviour and violence”². Such legislation significantly extends the coercive powers available to police to search and apprehend individuals including, in some instances, without any need for suspicion on reasonable grounds regarding the commission of an offence. The legislation has had a disproportionate affect and impact on young, Aboriginal and Torres Strait Islander peoples, homeless and mentally ill individuals.

Proposed Recommendation

That Australia: (1) reinstate the need for suspicion on reasonable grounds that an offence has been committed as a standard into all summary offences and control of weapons legislation across Australia; and (2) invest more money and resources towards human rights-based education and training which advocates for a community-oriented solution to addressing the root causes of criminal behaviour such as disorderly behaviour and violence.

² See, for example, the *Summary Offences and Control of Weapons Acts Amendments Bill 2009* (Vic).