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HUMAN RIGHTS

Locking up Aboriginal children in Western Australia

Young Aboriginal people in the state of Western Australia are 53 times more likely to be detained than peers.

 Royce Kurlmelovs | 13 Jul 2015 12:21 GMT | [Human Rights](#) [Australia](#) [Crime](#) [Asia Pacific](#)


Aboriginal people in Australia often feel the government acts unfairly towards their communities [Getty Images]

Perth, Australia - At any given time, one in 77 Aboriginal boys will be detained by Western Australia's criminal justice system.

Chace Hill is one of the 76 who never were.

Now 22, he is a university honours student half way through writing his thesis about the representation of Aboriginal people in the media over the last 50 years.

Hill was blunt in discussing the high rate of incarceration among young Aboriginal people in Western Australia. The idea it may have happened to him is "disgusting".

"You've got things like mandatory sentencing, where you've got kids who are ten or twelve years old and they're getting thrown in jail for stealing [oll]pops," Hill said.

'Lost generation'

In Western Australia, young Aboriginal people aged 10 to 17 are 53 times more likely to be imprisoned than others their age.

This is **twice** the national rate.



Chace Hill's study focuses on the portrayal of Aboriginal people in the media over the last 50 years [Royce Kurlmelovs/Al Jazeera]

According to Amnesty International's Indigenous Peoples' Rights manager, Tammy Solonec, the cause is a complex blend of history, apathy and decades of "tough on crime" laws.

In 1996, Western Australia first introduced mandatory minimum sentencing under its "three-strikes laws" for home burglars. Initially, the laws also applied to young offenders, but the courts later interpreted it in ways to keep children out of detention where circumstances allow.

Since then, the state government has moved to stop this with tougher laws ensuring they will apply to 16 and 17 year old offenders. Police Minister Liza Harvey has claimed they are needed to protect victims of home invasions.

Solonec fears this means recidivism rates will grow.

"Recidivism rates are so high that you put a kid in jail for three years, chances of them repeat offending, especially if they've gone to adult prison, just get higher and higher," Solonec explained.

She also explained that the legal processes around securing bail for young children is complicated in remote communities, where it can be difficult to locate a legal guardian for the child.

There, young offenders will be transferred to Perth where they are likely to be held on remand until trial. Over half of all young people being held in detention are unsentenced and 70 percent are Aboriginal.

Solonec's warnings are severe.

"Around 50 percent of the Aboriginal population is under 21," she said.

"So we've got this big lot of kids coming through and unless we take this diversionary approach, those kids will get slammed by the same laws and we'll just see more Aboriginal children becoming adults in this cycle," Solonec said.

Diversion

Earlier this month, Western Australian Premier Colin Barnett announced a new working group tasked with addressing the over-representation of Aboriginal people in prison. **Aboriginal youth at a greater risk of suicide**

Meanwhile, organisations such as the Wirrpanda Foundation have also been awarded funding to run a pilot programme to cut back on re-offending. It will pair former professional Australian footballers with Aboriginal boys aged 12 to 19, for up to four months while they are still in custody.

Dale Kickett, an ex-footballer and manager of the programme who will be working with the children as a mentor said many learn from their fathers.

"A lot of it is learning," said Kickett. "They have to learn why we are the way we are. We weren't dysfunctional people at the start. We were made this way."

"They have to understand we come from a proud people. And we can get back to that one day, with a little bit of hard work for ourselves," Kickett said.

Similarly, the Aboriginal Legal Service of Western Australia (ALSWA) has also received funding to run a diversionary programme for young Aboriginal people at the courts.

ALSWA CEO Dennis Eggington said it was the first time in the organisation's 40 year history, but said ongoing support will be critical to dealing with the issue.

"This is not tomorrow stuff, but it is forever stuff," Eggington said. "So we've got to get it right forever, because we've been here forever and we're going to be here forever."

Seeking happiness

But breaking the cycle is not always easy.

Rocky Loo has spent 11 of his 37 years of life in a jail cell.

Loo was 15 years old the first time he was convicted for burglary, which he said he was using to fuel a drug habit

For the next decade, Loo was in and out of prison, but when he was 27, his first child was born and things started to change

Loo said he broke his habit and went to work. Even now, he does not drink

It stuck until Loo was convicted of a burglary he committed five years earlier with DNA. None of his rehabilitation was considered and he was sent back to prison for another three years.

Once out, he started to fall back into old habits, but managed stop a second time.

For Loo and his partner, what matters now is keeping their five kids from making the same mistakes

"They're good kids" Loo said. "What sort of person would I be to let my children follow the same path as me?"

Between them, they care for three girls and two boys. The youngest just a year old, the oldest 14. The pair keep them focused on sports so they stay out of trouble. The boys love their football and the girls love their netball.

Loo's motivation and desires for his children are simple: "For them to be happy," he said

"That's what we all seek - happiness."

But Loo may not be around to see this happiness. He was recently charged with assault after striking a man he said had become aggressive against him.

Within a month from the publication of this story he must appear in court, where he will represent himself.

Follow Royce Kurmelovs on Twitter: [@RoyceRk2](#)

Source: Al Jazeera



Rocky Loo and his partner are trying to become a good example for their children [Royce Kurmelovs/Al Jazeera]

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