

Australia's rising Aboriginal deaths in custody: Law-and-order and the assault on the working class

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Australia has recorded the highest number of Aboriginal and Torres Strait Islander deaths in custody in more than four decades, alongside a rise in fatalities among non-Indigenous prisoners. These figures reveal not an isolated crisis affecting one community alone, but a deepening social crisis driven by government austerity programs, the expansion of punitive “law-and-order” measures and the systematic criminalisation of poverty across the entire working class.

Over the past year, the total prison population grew by 6 percent, a rate well above recent annual increases, continuing a decades-long trajectory of mass incarceration by capitalist governments that disproportionately targets the most vulnerable sections of society.

According to the Australian Institute of Criminology's Deaths in Custody in Australia 2024–25 report, 113 people died in custody in the 12 months to June 2025, including 33 Aboriginal and Torres Strait Islander people and 80 non-Indigenous. Although Aboriginal people make up just 3.8 percent of the population, they accounted for almost 30 percent of all deaths in custody, the highest proportion since records began in 1979–80, amounting to a 23 percent increase on the previous year.

“Deaths in custody” encompass fatalities occurring in adult and youth detention, during transfers or hospitalisation, in police custody, stations or vehicles, in post-arrest care and in custody-related operations such as detention attempts or police interventions. The definition extends well beyond prison cells or watch-houses to include deaths resulting from injury, inadequate medical care or incidents during detention or attempted escape.

Of the 113 deaths, 90 occurred in prison custody—26 Indigenous and 64 non-Indigenous—while 22 occurred in police custody or related operations, of which seven were Indigenous. One death occurred in a youth detention facility. Indigenous prisoners died at more than 13 times the rate of non-Indigenous prisoners in custody and at an average age of 45.5 years, compared with 63 years for non-Indigenous prisoners, highlighting both systemic neglect and the concentrated vulnerability of Aboriginal communities.

The 90 prison deaths last year, the highest ever recorded, reveal a nationwide escalation of lethal conditions in custody, targeting the poorest and most marginalised layers of the working class. While Aboriginal people remain disproportionately affected, the rising toll among non-Indigenous prisoners shows that these brutal conditions extend across the working class.

According to a report from the Australian Institute of Health and Welfare (AIHW) in 2022, around 43 percent of people entering prison were homeless or in unstable accommodation in the four weeks before incarceration, rising to about 54 percent among Indigenous entrants. Nearly half were unemployed, and 31 percent had not completed Year 9 schooling. These figures expose prisons not as institutions targeting the “dangerous,” but as holding centres for those abandoned and criminalised by capitalism.

This bipartisan offensive has targeted populations already living on the edge, struggling to survive unemployment and homelessness, and often with untreated mental illness or substance dependence. AIHW data show around 51 percent of prison entrants report a history of mental health conditions, while approximately 73 percent used illicit drugs in the year before custody.

Unsentenced prisoners now account for around 42 percent of the prison population, up from roughly one-third a decade ago. By mid-2025, nearly 19,850 people were held on remand nationally, a 10 percent increase in a single year, while the sentenced population rose by just 3 percent. Bail refusal, driven by tightened laws, as well as aggressive policing and chronic court delays, are driving the acceleration of incarceration.

For workers and youth experiencing severe disadvantage, contact with police is routine rather than exceptional. Lacking stable housing, access to legal representation or support services, they are far more likely to be refused bail and held in custody, regardless of the seriousness of alleged offences. Remand prisoners are held in overcrowded and understaffed facilities, ill-equipped to meet acute health or mental health needs.

Thirty-four percent of recent deaths in custody occurred

among people who had not been convicted of any crime.

Many of those who died had pre-existing medical conditions, histories of trauma or severe mental illness. Around one-in-five prison entrants report a history of self-harm, while custodial mental health care remains grossly inadequate. Hanging and other self-inflicted causes—to which 53 percent of Indigenous and 29 percent of non-Indigenous deaths in prison custody last year are attributed—remain prevalent. This points to complete neglect, understaffing and the failure to remove known hazards, identified by coroners and inquiries for decades.

At every point in the criminal justice system, Aboriginal people are incarcerated at vastly disproportionate rates. Adults are imprisoned at around 12 times the rate of non-Indigenous people. In several jurisdictions, close to half of all Aboriginal prisoners are unsentenced, with the proportion among women even higher.

Indigenous young people constitute the majority of those held on remand in youth detention, a practice that disrupts education, fractures families and entrenches future incarceration. In 2023–24, over 83 percent of Indigenous children aged 10 and over in detention were unsentenced.

Children are imprisoned not because they pose a danger, but because youth services, education and mental health supports have been systematically dismantled. In New South Wales, Queensland and South Australia, the minimum age of criminal responsibility remains just 10, meaning children are prosecuted under criminal law in violation of international human rights standards.

Since the 1991 Royal Commission into Aboriginal Deaths in Custody handed down 339 recommendations, more than 600 Indigenous people have died in custody. The persistence and escalation of deaths is not the result of failed reforms or administrative oversight, but the outcome of deliberate policy choices by successive Labor and Liberal governments.

This grim milestone comes more than 15 years after then Labor Prime Minister Kevin Rudd’s 2008 parliamentary apology to the Stolen Generations, hailed as a historic turning point. In reality, the apology functioned as a political safety valve, drawing a line under past crimes while leaving intact the social relations and state institutions responsible for ongoing oppression.

Equally exposed is the failure of the “Closing the Gap” agenda. Successive federal governments have promoted reports and targets, yet meaningful indicators of social equality have stagnated or worsened. The Australian Bureau of Statistics estimates that Indigenous males born now will die 8.8 years earlier, and females 8.1 years, than their non-Indigenous contemporaries. The proportion of Aboriginal children in out-of-home care increased from 47.3 per 1,000 in 2019 to 50.3 in 2024. The Indigenous suicide rate remains at 30.8 per 100,000.

“Closing the Gap” has functioned as a bureaucratic façade concealing the intensification of repression. The principal beneficiaries—a narrow Indigenous business and managerial

elite of CEOs, senior bureaucrats, consultants, land council officials and entrepreneurs—have enriched themselves through government contracts, procurement schemes and expanded land-rights arrangements, while the conditions of the vast majority have deteriorated.

The 1991 Royal Commission is routinely cited by the media as a solution, demanding implementation of its recommendations. In reality, it was a political whitewash, diverting anger into a dead end. While documenting systemic racism and appalling conditions, not a single police officer or prison official was charged. Recent events underscore the accelerating violence of the state, including the killing of a mentally ill Indigenous man in an Alice Springs supermarket and militarised police operations and shootings in remote communities such as Yuendumu.

The rising incarceration of Aboriginal people is driven by poverty, over-policing, racism and discriminatory bail regimes. Indigenous communities are the most oppressed layers of the working class and therefore bear the harshest impact of deprivation and austerity. Increasingly, however, the social conditions of non-Indigenous prisoners mirror this same poverty and marginalisation, exposing the class character of the crisis.

Prisons now function as warehouses for the most disadvantaged and vulnerable sections of society, Indigenous and non-Indigenous alike.

Labor and Liberal governments bear responsibility, advancing “law-and-order” agendas, attacking democratic rights, expanding police powers and prison funding while slashing welfare, public housing, education, health and social services.

The rising death toll in custody is not accidental, but the predictable outcome of government policies that prioritise punishment over social provision. Ending these preventable deaths requires more than procedural reforms, it demands the unified mobilisation of Aboriginal and non-Aboriginal workers and youth to overturn the capitalist system that produces poverty, repression and state violence.



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