

# **Australia's failure to implement prison NSPs is arguably unlawful – What are we doing about it?**

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## **Background/Approach:**

Australia's draft National Hepatitis C Strategy 2023-2030 recognises that eliminating hepatitis C depends on tackling impacts of colonisation and racism while upholding a harm reduction approach minimising adverse health, social, and legal impacts. In addition to violating human rights obligations, an absence of Needle and Syringe Programs (NSPs) in Australian prisons undermines the hepatitis C elimination agenda.

## **Analysis/Argument:**

Absence of NSPs in Australian prisons may be unlawful (on legal and human rights grounds). Prisons are the primary sites of hepatitis C transmission and provide more than one-third of all treatment episodes nationally. More than 15% of ~80,000 people incarcerated annually are living with hepatitis C.

## **Outcome/Results:**

- People in prison are infected (and reinfected post-cure) because current responses are not sufficient to prevent transmission, denying those who need it the means of prevention.
- NSPs in prisons is current national policy endorsed by all Australian Health Ministers, however, there has been no progress on implementation.
- Failure to prioritise harm reduction and implement NSPs in prisons disproportionately impacts priority populations, including Aboriginal and Torres Strait Islander people.
- A large majority of people in prisons being reinfected with hepatitis C are Aboriginal and/or Torres Strait Islander peoples, some treated and reinfected 3, 4, or 5 times.
- [\*The United Nations Basic Principles for the Treatment of Prisoners\*](#) ('The Mandela Rules') states "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation." Accordingly, people in corrections settings and other places of held detention are entitled to NSPs, as community NSPs are available in all Australian jurisdictions.

## **Conclusions/Applications:**

The Australian Government has prioritised (as the first priority action of Australia's draft Sixth National Hepatitis C Strategy (2023-2030) the implementation of NSPs to ensure access to sterile injecting equipment in corrections settings and other places of held detention.

## **Disclosure of Interest Statement:**

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