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Australia's compliance with CERD FACT SHEET 5

Aboriginal and Torres Strait Islander Peoples Economic, Social and Cultural Rights

Aboriginal and Torres Strait Islander peoples do not enjoy the same outcomes as all Australians in their rights to health, education, social security, an adequate standard of living and work.

Health

The unequal outcomes in the right to health are illustrated by the fact that life expectancy for Aboriginal men is 67.2 (compared with 78.7 years for all Australian men) and 72.9 years for females (compared with 82.6 years for other Australian females).¹ Many Aboriginal communities lack basic needs, such as primary health care and other basic determinants of health, such as adequate housing, safe drinking water, electricity and effective sewerage systems. Aboriginal children also have significantly poorer outcomes, including higher rates of infant mortality, chronic and preventable illnesses and lower rates and care.²

Education

Aboriginal children have lower levels of access to education from pre-school through to tertiary levels than all Australian children.³ For example, 35% of Aboriginal 17 year old children attend secondary school, compared with 66% of all Australian 17 year olds. 24% of Aboriginal communities are in remote Australia⁴ with limited access to schooling.⁵ It is estimated that 2000 Aboriginal school-aged children have no access to school.⁶ Further the public education system fails to promote, and at times actively denies, bilingual education despite the clear disadvantages to Aboriginal children for whom English is not their first language.

Social Security

The *Northern Territory Intervention's* compulsory income management regime has negatively effected Aboriginal peoples' access to social security. The scheme involves quarantining 50% of welfare payments and 100% of lump sum payments for food and other essentials, and links welfare payments to children's school attendance (see Northern Territory Intervention factsheet). However, the assumptions and policy that underpin the regime are not supported by evidence that the measures will achieve the Government's objective of addressing 'intergenerational passive welfare'. Evidence suggests that the regime has resulted in stigmatisation, hunger and people criss-crossing family groups to find food.

Housing and Homelessness

There is a lack of affordable and culturally appropriate housing, lack of appropriate support services, significant levels of poverty across Aboriginal communities and underlying discrimination. Access to, and the conditions of, Aboriginal housing has been described by the UN Special Rapporteur as a 'humanitarian tragedy'. Aboriginal peoples are half as likely as other Australians to own their home,⁷ are more likely to live in social housing than non-Aboriginal households⁸ and are five times more likely to live in dwellings with structural problems.⁹ Despite Aboriginal peoples making up 2.4% of the Australian population, 9% of the homeless population are Aboriginal peoples.¹⁰

Work Rights

Aboriginal peoples experience significant disadvantages in their right to work, for example, the unemployment rate for Aboriginal peoples was 20% in 2006, approximately three times higher than the rate for other Australians.¹¹ The median weekly income for Aboriginal peoples was \$278 in 2006 compared with \$471 for other Australians.¹² It has also been found that Aboriginal peoples must submit 35% more applications for entry-level positions to obtain the same number of interviews as an Anglo-Saxon person.¹³

Stolen Wages

Aboriginal peoples have suffered stolen wages in every Australian jurisdiction.¹⁴ 'Stolen wages' are the wages of Aboriginal peoples whose paid labour was controlled by the Government during the nineteenth and twentieth centuries. There is no scheme that requires State or Territory governments to account for the monies held by them on behalf of Aboriginal peoples.¹⁵ (See also factsheet on Access to Remedies).

TABLE OF CROSS-REFERENCES

Issue	Relevant CERD Articles	References to Issue in CERD NGO Report
Closing the gap policies	1 and 2	CERD Report Part B.4
Education, Health, Access to water and food, Social security, housing and homelessness, Work rights and Stolen wages	5(e)	CERD Report Part G.1

Endnotes

¹ Australian Government, *Closing the Gap: Prime Minister's Report* (2010) page 13.]

² Australian Medical Association, AMA Report Card Series 2008 – Indigenous and Torres Strait Islander Health, Ending the Cycle of Vulnerability: The Health of Indigenous Children (2008) page 1.

³ Sapna Dogra, *Australian Indigenous people – A Statistical Snapshot Based on the Australian Bureau of Statistics* (2006).

⁴ Australian Bureau of Statistics, *Population Distribution, Aboriginal and Torres Strait Islander Australians* (2006).

⁵ Productivity Commission, Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2007* (2007), section 6.

⁶ AHRC, *Submission to the Special Rapporteur*, para [95].

⁷ Australian Government, *Indigenous Home Ownership Issues Paper* (24 May 2010) page 9.

⁸ Australian Indigenous people – A Statistical Snapshot Based on the Australian Bureau of Statistics (2006) Report, reproduced in *Your Legal Rights* (Quarterly Newsletter Magazine of Aboriginal Legal Rights Movement Inc 19 (September 2009) page 17.

⁹ AHRC, *Social Justice Report 2008* (2009) pages 283-312.

¹⁰ Overall, 2.4% of people identified as Indigenous at the 2006 Census, but 9% of the homeless were Indigenous: Australian Bureau of Statistics, *Counting the Homeless, 2001*, ABS Catalogue No 2050.0 (2003) page ix.

¹¹ Australian Bureau of Statistics, *Population Characteristics, Aboriginal and Torres Strait Islander Peoples 2006* (2006).

¹² Australian Bureau of Statistics, 2006 Census of Population and Housing, Community Profile Series, Indigenous Profile (2007) page 104.

¹³ A Booth, A Leigh and E Varganova, Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence From a Field Experiment (2009) page 9.

¹⁴ Senate Legal and Constitutional Affairs Committee, Parliament of Australia, *Unfinished Business: Indigenous Stolen Wages* (2006) ch 1, at pages xiii-xiv.

¹⁵ Public Interest Advocacy Centre, *Stolen Wages in NSW* (2009).