



## Expert Mechanism on the Rights of Indigenous Peoples

9<sup>th</sup> Session Palais de nation, Geneva, 11-15 July, 2016

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### Agenda item 5: Study and advice on the right to health and Indigenous peoples, with a focus on children and youth *Expert Study on the Right to Health*

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor for the Northern Region, and member of the Gomeroi Peoples, Councillor Charles Lynch

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Thank you Mister / Madam Chairperson

Despite being one of the wealthiest nation states, the vast disparities between the health of the Indigenous and non-Indigenous peoples in Australia is alarming. The impact of colonisation and the systematic displacement of Indigenous peoples from their lands has created a social and personal environment of crisis; cultural disruption, social exclusion, and a decreased sense of identity which are linked to Indigenous peoples in Australia having a greater likelihood of suffering from ill health than other Australians. The racism and discrimination that has accompanied colonisation and exists to this day, continues to impact on the social and emotional wellbeing of Indigenous peoples and our communities.

Australia's failure to incorporate international human rights standards, as enshrined in treaties, into domestic laws remains a significant issue. The Australian Government's own 'Closing the Gap report 2015' recognises that land and culture is intrinsically linked to the overall health and wellbeing of Indigenous peoples.<sup>1</sup> The successful implementation of the rights of Indigenous peoples to health and well-being rests upon the acceptance and implementation by nation states, of more culturally astute and competent health and education systems, and a willingness to implement legislative protection of Indigenous culture and heritage which confers ownership of culture and heritage and land by Aboriginal peoples. This is clearly recognised in numerous international instruments, most notably Articles 17, 21, 23 and 24 of the Declaration.

Indigenous representative structures provide support for Indigenous communities in determining our own affairs, ensuring a greater level of decision making through a process of empowerment. The New South Wales Aboriginal Land Council supports a rights based approach to be adopted on issues that impact health outcomes for Indigenous peoples,

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<sup>1</sup> Department of the Prime Minister and Cabinet 'Closing the Gap Prime Ministers Report 2015' pg 30  
[https://www.dpmc.gov.au/sites/default/files/publications/Closing\\_the\\_Gap\\_2015\\_Report.pdf](https://www.dpmc.gov.au/sites/default/files/publications/Closing_the_Gap_2015_Report.pdf)

which draws on the Declaration, including principles of autonomy, participation and decision-making in driving current and future self-determination.

Service delivery by community controlled organisations are responsive and cost effective in addressing local priorities and supporting sustainable community health outcomes, culturally secure and appropriate, better value for government investment as services are better targeted and are based on local knowledge, are more flexible and integrated, and are a major source of education and training for Indigenous peoples. Adequate resources must be allocated to Indigenous community controlled services which have a proven record of delivering health services to Indigenous communities.

The inter-relationships between health and social determinants such as education and employment are acknowledged in Australia's 'Closing the Gap Prime Ministers Report 2016'.<sup>2</sup> For a number of years the Australian government has committed to closing the gaps in health status and life expectancy between Indigenous and non-Indigenous Australians. Unfortunately this is challenged by Indigenous peoples being sidelined in decision making in favour of mainstream models. This is reflected in recent data, which although Indigenous mortality rates have declined, the government is not on track to close the life expectancy gap and with regard to some chronic diseases the gap is widening<sup>3</sup>. It is clear that for such challenges to be overcome for future generations, key success factors must be incorporated into Indigenous health, economic and employment policies and programs, including a state wide plan to fully implement the Declaration at the domestic level.

#### **RECOMMENDATIONS:**

**The New South Wales Aboriginal Land Council respectfully makes the following recommendations to the Expert Mechanism on the Rights of Indigenous Peoples:**

- The New South Wales Aboriginal Land Council urges the Expert Mechanism to encourage all states to **establish mechanisms to monitor and ensure the implementation of UN Declaration on the Rights of Indigenous Peoples and its recommendations at the country level through national action plans** based on consultation with Indigenous peoples based on free, prior and informed consent.
- The New South Wales Aboriginal Land Council urges the Expert Mechanism to encourage all states to **progress their commitment to advancing the recommendations of the Outcomes Document as endorsed in 2014 at the World Conference** on Indigenous Peoples through effective consultation with Indigenous representative bodies.

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<sup>2</sup> Department of the Prime Minister and Cabinet 'Closing the Gap Prime Ministers Report 2016'

[http://closingthegap.dpmc.gov.au/assets/pdfs/closing\\_the\\_gap\\_report\\_2016.pdf](http://closingthegap.dpmc.gov.au/assets/pdfs/closing_the_gap_report_2016.pdf)

<sup>3</sup> Department of the Prime Minister and Cabinet 'Closing the Gap Prime Ministers Report 2016' pg 42

[http://closingthegap.dpmc.gov.au/assets/pdfs/closing\\_the\\_gap\\_report\\_2016.pdf](http://closingthegap.dpmc.gov.au/assets/pdfs/closing_the_gap_report_2016.pdf)

- The New South Wales Aboriginal Land Council urges the Expert Mechanism to encourage all states to **adequately resource and fund quality community controlled services across early childhood, health, family support, housing and youth sectors**, recognising the inter-relationships between health and social determinants.
- That the Expert Mechanism urges all states to **better collaborate with Indigenous representative bodies through best practice, comprehensive and meaningful consultation, and to ensure that culturally appropriate policies based upon free, prior and informed consent** are developed and implemented which recognise all social and cultural determinants of health in achieving the principles of the Declaration.