

25 February 2015

Our ref: 325/19

Mr Martyn Hagan
Secretary-General
Law Council of Australia
GPO Box 1989
CANBERRA ACT 2601

By post and email to: [REDACTED]

Dear Secretary-General

Universal Periodic Review Shadow Report – Queensland Law Society issues – supplementary submission

In addition to our letter dated 25 February 2015, we provide some additional material for inclusion in the Law Council Shadow Report to the United Nations (UN) Universal Periodic Review (UPR) of Australia's human rights obligations on the topic of rights of indigenous peoples.

1. Aboriginal and Torres Strait Islander peoples' rights

There is ongoing cause for concern that Aboriginal and Torres Strait Islander peoples in Australia still experience considerable disadvantage on many indicators of well-being. Some measures of disadvantage have been set out in the Australian Government's 'closing the gap' targets for Indigenous people: life expectancy, infant and child mortality, health, education and employment. On 11 February 2015, Prime Minister Tony Abbott presented the government's 7th annual *Closing the Gap* report, which concluded that targets for closing the gaps in life expectancy and infant mortality, early childhood access, reading and numeracy and employment outcomes either were not on track or had not been met.

Indigenous Australians have poorer health than other Australians, for a number of complex and sometimes interrelated reasons. Indigenous people are more likely to die

at younger ages, experience disability and report their health as fair or poor.¹ The health differences start at birth and continue throughout life: babies born to Indigenous mothers are more likely to be underweight than babies born to non-Indigenous mothers. Between 2008 and 2012, the death rate for Indigenous infants was higher than the rate for non-Indigenous infants (6 per 1,000 live births compared with 4 per 1,000 live births). Indigenous children aged 0-4 years died at more than twice the rate of non-Indigenous children between 2007 and 2012.²

Indigenous adults of all ages also died at higher rates than non-Indigenous Australians, particularly in the 35-44 year age group, where Indigenous people died at almost 5 times the rate of non-Indigenous people.³

In 2010-12, Indigenous life expectancy was estimated to be 69.1 years for males and 73.7 years for females, compared to 79.7 years for non-Indigenous males and 83.1 years for non-Indigenous females.⁴

The gap in school attendance rates between Indigenous and non-Indigenous students which widens as children age and tends to be significantly greater in remote and very remote areas. In 2013, Indigenous attendance rates in government schools were lower than non-Indigenous rates for each jurisdiction and all grades from Year 1 to Year 10.⁵ Across all States and Territories, average literacy and numeracy scores for Indigenous students in Years 3, 5, 7 and 9 were substantially lower than those for non-Indigenous students in 2013. Almost half (49%) of Year 7/8 Indigenous students stayed at school until Year 12 in 2011, compared with 81% of non-Indigenous students.⁶

In 2011, 42% of Indigenous Australians aged 15 and over were employed, compared with 61% of non-Indigenous people. Unemployment rates were 17% for Indigenous Australians and 5% for non-Indigenous Australians.⁷

Finally, in 2011, about 36% of Indigenous households purchased or owned their own home while 59% were renters. This compares with 68% and 29% of non-Indigenous households respectively. About 12% of Indigenous households were considered overcrowded in 2011, compared with 3% of non-Indigenous households. The rate of homelessness for Indigenous Australians was 14 times as high as the rate for non-Indigenous Australians in 2011.⁸

These measures of health and welfare reflect Australia's failure to abide by its international human rights treaty obligations set out in the UN International Covenant on Economic, Social and Cultural Rights 1966 (notably Art 6: right to work; Art 11:

¹ Australian Institute of Health and Welfare, *Australia's Health 2014* (2014) 304, 312.

² *Ibid* 302.

³ *Ibid* 329.

⁴ Australian Government, *Closing the Gap: Prime Minister's Report 2015* (2015) 7.

⁵ *Ibid* 12.

⁶ Australian Institute of Health and Welfare, above n 1, 310.

⁷ *Ibid* 311.

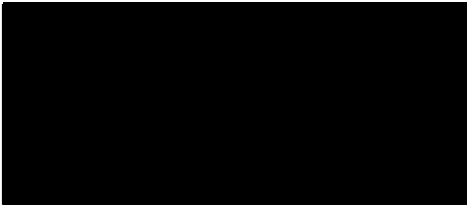
⁸ *Ibid* 310.

right to adequate housing; Art 12: right to health; Art 13: right to education); the International Convention on the Elimination of All Forms of Racial Discrimination 1965; and the Declaration on the Rights of Indigenous Peoples 2007.

If you require clarification of any of the issues of raised in this submission, please do not hesitate to contact the Society.

Thank you again for the opportunity to provide our views. We look forward to receiving a copy of the Law Council of Australia's final submission.

Yours faithfully



Michael Fitzgerald
President