



# Australian Children's Rights News

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## Crisis in Indigenous Housing, Health, Education and Juvenile Justice

**Recognition of the multitudinous problems in relation to the health, housing, education and juvenile justice involvement of Indigenous children and young people is not new, and is hardly news any more. But recent media attention to the problems of abuse and neglect, and in particular child sexual assault, has once more put these issues in the spotlight.**

As outlined in the non-government Alternative report to the UN Committee on the Rights of the Child prepared by DCI-Australia and the National Children's and Youth Law Centre, many Australian Indigenous children do not have secure housing, live in households with incomes below the poverty line, and are exposed to or subject to violence including sexual exploitation as a 'normal' part of daily life. They may also be exposed to drug and alcohol abuse and become victims of addiction including the inhalation of solvents such as petrol. They are marginalised from mainstream health, education, child welfare and police services and do not have adequate, or in many instances any, alternative Indigenous services.

The importance of community development and principles of self determination in addressing Aboriginal and Torres Strait Islander youth and children's rights have often been recognised, and recommendations with respect to these matters have been made, by numerous public inquiries. But these recommendations remain unimplemented.<sup>1</sup>

Among many, the reports by the Productivity Commission 2003 Report on Indigenous Funding, *Overcoming Indigenous Disadvantage: Key Indicators 2003* and the Commonwealth Grants Commission 2001 both provided evidence of the crises for indigenous Australians across all aspects of life, from education and health through to excessive levels of engagement with the criminal justice system and low levels of economic participation.

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The Australian government's report to the UN Committee on the rights of the Child acknowledged the challenges in relation to indigenous children and young people in the following terms:

Australian governments continue to address the needs of indigenous children, particularly in the areas of health, education, family violence and the juvenile justice system. Yet indigenous children continue to suffer disadvantage in these areas compared with non-indigenous children. Indigenous children comprise an increasingly significant proportion of the Australian population. It is estimated that approximately 5% of all Australian children are indigenous and that if current patterns continue, by 2042, indigenous Australians will make up approximately 12% of the 0–14 age group in Australia. These statistics mean that the need to address the relative disadvantage of indigenous children is more pressing than ever.

In its Concluding Observations in response to Australia's reporting process, the UN Committee recommended "that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to disadvantaged groups, such as indigenous children, "to the maximum extent of....available resources" (para 18).

**The Committee recommends that the State party strengthen its efforts to continue developing and implementing – in consultation with the indigenous communities – policies and programmes ensuring equal access for indigenous children to culturally appropriate services, including social and health services and education. The Committee further recommends that an evaluation of the new arrangements for the administration of indigenous affairs take place soon in order to assess whether the abolition of ATSIC has been in the best interests of the indigenous children. (para 77)**

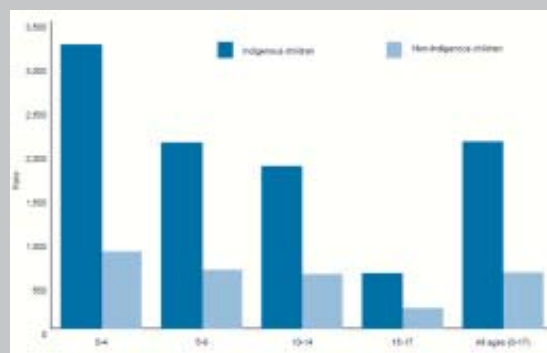
As the following series of articles in relation to juvenile justice and the health, housing and education indigenous children and young people in the Northern Territory point out, however, there is now clearly a crisis.

(Endnotes)

<sup>1</sup> See for example the recommendations from two major Australian inquiries; the Royal Commission into Aboriginal Deaths in Custody, in particular Commissioner Elliot Johnson (1991) National Report vol 5 recommendations 62, 235, 236, 237, 238 and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997) Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, Sydney recommendations 43 to 53 with particular reference to recommendation 43.

The Australian Institute of Health and Welfare publication *Child protection in Australia* each year reports on child abuse and neglect notifications and substantiations, and the way in which authorities deal with these. In Australia, child protection is the responsibility of community services departments in each state and territory. Following reports of child abuse or neglect (known as notifications), the relevant department launches an investigation. Cases in which abuse or neglect is found to have occurred are known as substantiations, and can lead to an application for a care and protection order before a court. The figure below shows that in 2004–05 Indigenous children in all age groups were much more likely to be the subject of substantiations than non-Indigenous children. The rate of child abuse or neglect substantiations was greatest in the age group 0-4 years for both Indigenous and non-Indigenous children (3,236 and 881 per 100,000, respectively), declining with increased age.

Children who were the subject of abuse or neglect substantiations, by age and Indigenous status, 2004-05, rate per 100,000<sup>a</sup>



<sup>a</sup> per 100,000 Indigenous or non-Indigenous children in relevant age group. Rates were calculated using Australian Bureau of Statistics population estimates for June 30 2005. For the Indigenous population, high series estimates were used.

Source: Australian Institute of Health and Welfare 2006. *Child protection in Australia 2004-05*. Canberra: AIHW (Child welfare series no. 38).