

**Pacific Indigenous Peoples Preparatory meeting for the  
World Conference on Indigenous Peoples  
19 - 21 March 2013, Sydney Australia**

**Agenda Item: Health Equality**

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**Paper submitted by the Office of the Aboriginal and Torres Strait Islander  
Social Justice Commissioner**

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**Introduction**

Health and health equality is a human rights issue. I believe that human rights provide a framework for addressing the consequences of the health inequality experienced by Indigenous peoples. The Commission recognises the importance of Article 24 of the *UN Declaration on the Rights of Indigenous Peoples* (Declaration) in affirming Indigenous peoples' right to health. This article when read in conjunction with the other articles of the Declaration, articulate that the right to health is to be conceived in a holistic way. Health is not just confined to the physical well-being of an individual but includes the social, emotional, spiritual and cultural well-being of the whole community. It also requires acknowledging and addressing historic and continuing injustices facing Indigenous peoples which have an influence over health outcomes. States have a clear obligation to take concrete steps and progress as expeditiously and effectively as possible towards Indigenous health equality. The Commission notes that the *Social Justice Report 2005* provides a comprehensive articulation of the right to health as it applies to Indigenous peoples.<sup>1</sup>

The Commission also notes Article 23 of the Declaration which states that Indigenous peoples have the "right to determine and develop priorities and strategies... in developing health... programmes affecting them... and, as far as possible, to administer such programmes through their own institutions". Therefore in taking action to address Indigenous health equality States must ensure Indigenous peoples actively participate in decision-making and programme delivery.

**Recommendations:**

As the Social Justice Commissioner, I recommend:

1. That the World Conference on Indigenous Peoples have a specific focus on Indigenous peoples health. This should frame health and health equality as a human rights issue and provide an opportunity for Indigenous peoples and their organisations to highlight good practices.
2. That the World Conference on Indigenous peoples urges that States:

- a. Take measures to promote health equality for Indigenous peoples which are consistent with the rights, principles and standards contained in the *UN Declaration on the Rights of Indigenous Peoples*. Importantly Indigenous peoples should, as far as possible, have control over the design, delivery and monitoring of all policy and programmes in relation to Indigenous health.
- b. In conjunction with Indigenous peoples States must develop long-term and targeted planning to direct action to achieve health equality and the right to health.
- c. Adopt a broad and holistic definition of health that is consistent with a rights-based approach to health as outlined in *UN Declaration on the Rights of Indigenous Peoples*, Article 12 of the *International Covenant on Economic, Social and Cultural Rights* and General Comment 14 of the Committee on Economic, Social and Cultural Rights.
- d. Ensure that Indigenous peoples have equal access to health services and that these health services are comprehensive, integrated and culturally appropriate.
- e. Ensure that accountability and monitoring processes are built into actions to address health equality to ensure that real and tangible health improvements are being made, consistent with the principle of progressive realisation. Indigenous peoples must be actively involved in these processes.

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<sup>1</sup> T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2005*, Human Rights and Equal Opportunity Commission (2005), chapter 2 (see particularly pp 48-57).