



Wiyi Yani U Thangani  
(Women's Voices)

**FIRST NATIONS  
WOMEN'S SAFETY  
POLICY FORUM  
OUTCOMES REPORT**

NOVEMBER 2022

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Wiyi Yani U Thangani  
(Women's Voices)

First Nations Women's Safety  
Policy Forum

Outcomes Report

November 2022

Australian Human Rights Commission



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## Acknowledging victim-survivors

The Australian Human Rights Commission would like to acknowledge and pay respects to all First Nations women and children who are, and those now passed who were, victim-survivors of violence. You are courageous, your life matters, and we stand with you. It is First Nations women—the First Nations matriarchs of our many nations— with boundless generational strength and wisdom, knowledges and lived experiences, who hold the solutions to drive transformative change and end violence.

Although the Outcomes Report does not recount individual stories of violence, mentioning violence and its causes and consequences can be painful and traumatising to read.

Help is available at:

- 1800RESPECT (1800 737 732) or visit [www.1800respect.org.au](http://www.1800respect.org.au). National sexual assault, domestic and family violence counselling service. This service is free and confidential. Available 24/7.
- Full Stop Australia (1800 943 539) or visit [www.fullstop.org.au](http://www.fullstop.org.au). National trauma counselling and recovery service for people of all ages and genders experiencing sexual, domestic and family violence. This service is free and confidential. Available 24/7.
- Rainbow Sexual, Domestic and Family Violence Helpline (1800 497 212). For anyone from the LGBTIQ+ community whose life has been impacted by sexual domestic and/or family violence. This service is free and confidential. Available 24/7.
- Well Mob [www.wellmob.org.au](http://www.wellmob.org.au) Social, emotional and cultural well-being online resources for Aboriginal and Torres Strait Islander peoples.
- Men's Referral Service (1300 766 491) or visit [www.ntv.org.au](http://www.ntv.org.au). For anyone in Australia whose life has been impacted by men's use of violence or abusive behaviours. Available 7 days.

## Terminology

The Outcomes Report endeavours to use inclusive language while acknowledging the evidence base and the experiences of First Nations women and will often use the term ‘violence against First Nations women and children.’ No exclusion is intended in the terms used in the Outcomes Report. The Outcomes Report defines ‘women’ as all First Nations women who identify as women, including cisgender women, and First Nations people who are gender and sex diverse often referred to as LGBTIQ+SB.<sup>1</sup> The Outcomes Report includes First Nations elders and those with disability. It also acknowledges that women and children can never be defined by one singular identity, and gender-based violence impacts in different and often complex and intersecting ways.



### June Oscar, AO

#### *Aboriginal and Torres Strait Islander Social Justice Commissioner*

June Oscar AO is a proud Bunuba woman from the remote town of Fitzroy Crossing in Western Australia’s Kimberley region. She is a strong advocate for Indigenous Australian languages, social justice, women’s issues, and has worked tirelessly to reduce Fetal Alcohol Spectrum Disorders (FASDs).

June has held a raft of influential positions including Deputy Director of the Kimberley Land Council, chair of the Kimberley Language Resource Centre and the Kimberley Interpreting Service, CEO of Marninwarntikura Women’s Resource Centre and Chief Investigator with WA’s Lililwan Project addressing FASD.

In 2016, she was the recipient of the Desmond Tutu Global Reconciliation Award, she was named NAIDOC person of the year in 2018, and in 2019 she was bestowed the honorary role of a Distinguished Fellow of ANZSOG.

June began her five-year term as Australia’s Aboriginal and Torres Strait Islander Social Justice Commissioner in 2017, and in April 2022 she was reappointed for a further two years. She published the landmark Wiyi Yani U Thangani (Women’s Voices) Report in December 2020 and continues to pursue its full implementation to advance First Nations gender justice and equality in Australia.

This Report was developed by Commissioner June Oscar AO, with the assistance of the Social Justice Team at the Australian Human Rights Commission. The Report is produced as part of Stage Three of the Wiyi Yani U Thangani (Women’s Voices) project, led by Commissioner Oscar.

## Introduction

*We, the delegates, call on all Australian governments to take urgent and ongoing action to invest in the solutions of First Nations women to end violence, and ensure commitment to our human rights. It is the responsibility of all levels of government to ensure our rights are protected by listening and acting on the solutions put forward by First Nations women, victim-survivors and specialist community-controlled organisations. **Delegate Statement, Wiyi Yani U Thangani Women's Safety Policy Forum***

The Wiyi Yani U Thangani First Nations Women's Safety Policy Forum (the Forum) was held virtually on 12 September 2022. It brought over 150 participants together including First Nations community members, practitioners, researchers, specialist experts and government participants to consider how to address the root causes and drivers of violence, as the government prepares to deliver on its commitment to develop a standalone National Plan to End Violence against First Nations Women and Children (standalone National Plan).

The Forum was designed as a self-determining space, where First Nations women could speak on their own terms, drawing on their expertise and lived experience. It drew together the diversity of issues, united voices and sought common ground to consider the way ahead. The Forum's ultimate intention is to re-set the relationship with government, where First Nations women become central to shaping the policies and systems that impact their lives.

Forum participants consistently highlighted that First Nations women have always been central to providing the care and doing remarkable, often unrecognised, work to keep family and kin safe and well. Women are both the backbone and at the forefront of social and economic change work, such as establishing and running holistic organisations grounded in culture and community, which respond to immediate harms, enable healing, and implement culturally responsive violence prevention approaches.

First Nations women also hold an extensive body of ancestral knowledges—at times referred to as Grandmother's Law. These knowledges speak to the flourishing of intergenerational life. Amongst many things, women learn and enact knowledges about maintaining social and ecological equilibrium; supporting the healthy growth of babies and educating children; keeping families and communities strong and connected; sustaining societal safety; and protecting children and families against danger.

When First Nations women are invested in, and their lives, roles and knowledges are recognised and reflected in surrounding systems, children thrive, economies grow, communities are cohesive, and harms and violence are minimised. This was a key message underpinning the Forum discussions and understood as vital to transforming systems to end violence and revitalise cycles of intergenerational wellbeing.

To do this, participants emphasised that transformation is required to combat systemic, structural, and continuous acts of violence which permeate every aspect of the lives of First Nations women and children, since colonisation. The disproportionate rates of all forms of violence, assault, murder and the disappearance of First Nations women and children is a national crisis caused and perpetuated by structural marginalisation, discrimination, and inequalities.

Participants were clear that the structural nature of this crisis demands the formation of national plans that can deliver transformational generational change.

This is long-term work that must begin immediately. It needs to focus on a range of systemic issues from challenging societal attitudes to rectifying structural inequalities, and remedying the harm caused by inadequate responses to family and sexual violence.

This Outcomes Report (the Report) is a contribution to setting out the pathway for transformational change, sitting alongside the long journey of advocacy of First Nations women, centuries past and present. The Report primarily deals with context setting and the steps required for how to move forward in designing effective plans and policies to end violence. At the heart of this Report, is the deep recognition of the importance of First Nations women's lives, diverse strengths and knowledges in constructing societies of care, safety and wellbeing for women, children, men and all of society.

# Recommendations snapshot



Figure 1

## Background

The Forum is a major milestone in the third stage of the Wiyi Yani U Thangani (Women's Voices) multi-year project. Wiyi Yani U Thangani is led by Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar AO, and supported by the National Indigenous Australians Agency (NIAA).

In addition to the Forum, Stage Three of the Wiyi Yani U Thangani Project will see the delivery of a National First Nations women and girls Summit, to be held in Canberra in May 2023; the development of a National Action Plan on First Nations Gender Justice and Equality; and the establishment of a First Nations Gender Justice Institute at the Australian National University (ANU).

### Forum methodology

Over 200 invitations were sent to First Nations community members, practitioners, researchers, specialist experts and government participants to register for the one-day virtual Forum held on 12 September 2022. To ensure there was opportunity for First Nations women to provide input and feedback, the Forum was designed as a private, invitation-only event.

In designing the Forum, First Nations women across the academic, advocacy and service delivery sectors, including women with lived experience, were brought together as a collective to provide expert advice and to determine the priorities and themes to explore at the Forum.

This advice informed two Forum panels called, '**Vision for the First Nations National Plan**', and '**Addressing the continuum of violence**'. The panels heard from leading First Nations family violence experts and practitioners. They spoke to priorities for the standalone National Plan and what it should build on, and how the intersectional systemic drivers of violence must be addressed. Both panels discussed the need for systems reform, investment in holistic community-controlled models, and the importance of guaranteeing First Nations women's voices and expertise in forming national policy, legislation and programs to effectively respond to and end violence.

Following the Forum, a [Delegate Statement](#) was released, which was drafted by all panellists. This Report builds on the high-level summary of the Statement.

This Report, to be delivered to the Australian Government, has been drafted by the Australian Human Rights Commission with input from the collective of advisors brought together to support the Forum design and its outcomes. It also includes supplementary input received through a post-Forum survey sent to participants.

Recognition and thanks to the panel of experts that spoke at the Forum:

- Antoinette Braybrook, Djirra and Change the Record
- Ashlee Donohue, Author and advocate
- Catherine Liddle, SNAICC
- Cheryl Axleby, Change the Record

- Emily Carter, Marninwarntikura Women's Resource Centre
- Associate Professor, Dr Hannah McGlade, Curtin University
- June Reimer, First Peoples Disability Network
- Scientia Associate Professor, Dr Kyllie Cripps, UNSW Sydney
- Marcia Langton AO, The University of Melbourne
- Associate Professor, Dr Marlene Longbottom, University of Wollongong
- Peta MacGillivray, UNSW Sydney
- Phynea Clarke, National Family Violence Prevention and Legal Service Forum
- Shirleen Campbell, Tangentyere Women's Family Safety Group
- Wynetta Dewis, National Family Violence Prevention and Legal Service Forum

## Purpose of the Outcomes Report

The purpose of the Report is to summarise the findings of the Forum, bringing together related evidence and literature, to inform the pathway forward and guarantee that First Nations women and children are central to developing national plans to end violence.

This Report comes at a critical moment, given the release of the [National Plan to End Violence against Women and Children 2022–2032](#). A deliverable under this National Plan is a dedicated Action Plan for Aboriginal and Torres Strait Islander family safety, set for release next year, and a commitment to develop the standalone National Plan. As Forum participants emphasised, there is significant opportunity for First Nations women to take a self-determining position to inform the design and delivery of these plans.

This Report, reflecting the voices of participants at the Forum, recommends a pathway forward. It has been developed as an outcome of the Forum but does not reflect an outcome of a comprehensive consultation process and cannot be considered an end point. Rather it is a starting point to create the processes and mechanisms that will guarantee that First Nations women and children in all their diversity are active participants with governments to work on the policies and approaches that will end violence in their lives.

As Forum participants called for, the Report canvasses some of the work that has been done to date, including existing frameworks and recommendations to align with and utilise, and the extensive research and knowledge of First Nations women to build upon. This is a high-level summary and by no means a full account of previous work and the evidence that exists.

The Report finishes with an outline of the priority areas raised by Forum participants and recommendations of next steps for the Australian Government to take, to effectively progress the design and delivery of the standalone National Plan.



First Nations women are estimated to experience sexual violence at a rate **three times** greater than non-Indigenous women and even higher rates of family violence.<sup>1</sup>



**11X**

Data indicates that Indigenous women are **32 times** as likely to be hospitalised due to family violence as non-Indigenous women, and **11 times** more likely to die from assault in Australia.<sup>2</sup>



**32X**



## Intersecting factors increasing vulnerability to violence

### Incarceration youth detention

Family violence is a significant contributing factor to the incarceration of First Nations women, and the over-representation of First Nations children in both child protection system and youth justice systems and is the leading reason for their removal from their families.



## Childhood trauma and violence

ALMOST **90%**

Experiencing violence in childhood significantly increased the risk of being both a victim and a perpetrator of violence in adulthood. **Almost 90%** of Aboriginal children in out-of-home care are there due to family violence.

There is evidence suggesting between **70 to 90%** of Aboriginal and Torres Strait Islander women in prison have experienced violence.<sup>3</sup>

**70 to 90%**



**11X**

**26X**

Nationally, the rate of Aboriginal and Torres Strait Islander children living in out-of-home care is **11 times** that of non-Indigenous children. Indigenous children continue to be overrepresented with **1 in 6** Aboriginal and Torres Strait Islander children receiving child protection services. First Nations children and young people are also imprisoned at **26 times** the rate of non-Indigenous children and young people.



### Homelessness

National FVPLS highlights that in 2015-16 Aboriginal and Torres Strait Islander people made up **3%** of the Australian population, but **24%** of those accessing specialist homelessness services. These issues create significant barriers to First Nations people disclosing and fleeing violence.<sup>4</sup>



**1 in 6**



**24%**

of those accessing specialist homelessness services

1 Mitra-Kahn, T., Newbiggin, C., & Hardefeldt, S. (2016). *Invisible women, invisible violence: Understanding and improving data on the experiences of domestic and family violence and sexual assault for diverse groups of women: State of knowledge paper* (ANROWS Landscapes, DD01/2016). Sydney, NSW: ANROWS.  
 2 AIHW: Al-Yaman F, Van Doeland M & Wallis M 2006. *Family violence among Aboriginal and Torres Strait Islander peoples*. Cat. no. IHW 17. Canberra: AIHW.  
 3 Australian Law Reform Commission (ALRC), (2017) *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, and Wilson, Mandy, Jocelyn Jones, Tony Butler, Paul Simpson, Marisa Gilles, Eileen Baldry, Michael Levy and Elizabeth Sullivan, *Violence in the Lives of Incarcerated Aboriginal Mothers in Western Australia* (2017) 7(1) SAGE Open.  
 4 National Family Violence Prevention Legal Services (2018), National Family Violence Prevention Legal Services Forum submission to the Australian Human Rights Commission, Wiyi Yani U Thangani (Women's Voices), December 7, 2018.

# Intersecting factors increasing vulnerability to violence

## LGBTIQA+SB

First Nations LGBTIQA+SB people have been identified as being more vulnerable to violence due to the intersection of their race, gender identity, sexuality and sexual identity.



## Disability

First Nations women and gender diverse people with disabilities are also identified as experiencing family violence at a much greater rate than the rest of the population.<sup>5</sup>



**30%** of women care for someone in need (with a disability, a long-term health condition, or old-age).

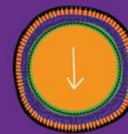
30%



## Financial insecurity and unemployment

Poverty and economic insecurity compound the conditions for family violence.

In 2018, the Aboriginal and Torres Strait Islander employment rate was around **49%** compared to around **75%** for non-Indigenous Australians. Additionally, First Nations women often have extensive family and community roles, which are rarely recognised and limit their capacity to engage in mainstream formal employment.



49%

ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

75%

EMPLOYMENT RATES

NON-INDIGENOUS AUSTRALIANS

**61%** of women provide support for someone living outside of their household, and **61%** of those women live with dependent children.

61%

61%



<sup>5</sup> Cripps, K, Miller, L, and Saxton-Barney, J (2010). 'Too Hard to Handle': Indigenous Victims of Violence with Disabilities. Indigenous Law Bulletin, 7(21), 3-6.

## The current state

*Critically, if we are to make effective and lasting change, it has to be Aboriginal and Torres Strait Islander peoples, our families, and organisations, that are designing the systems that are leading the decision-making and child protection systems and other systems that respond to family violence in our community.*<sup>3</sup> **Catherine Liddle, CEO SNAICC, Forum panelist**

Consecutive Australian Governments have supported the National Plan to Reduce Violence Against Women and their Children 2010–2022. The Australian Government, as a joint responsibility with states and territories, has developed the National Plan to End Violence against Women and Children 2022–2032. This new plan will be underpinned by two five-year action plans including a dedicated Aboriginal and Torres Strait Islander Action Plan. The first action plan is currently being developed by the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence.<sup>4</sup>

Advocates have called for a dedicated approach to address First Nations family violence for decades, recognising that the drivers of violence are different from non-Indigenous people and include not only gender inequality but also the ongoing impacts of colonisation and racism. Forum participants spoke to First Nations women and children’s needs being subsumed by mainstream plans, resulting in inadequate investment and development of First Nations specific responses to addressing family violence.

The Australian Government has committed to the development of a standalone National Plan to End Violence against First Nations Women and Children. While the process to develop the standalone National Plan is under consideration, the Aboriginal and Torres Strait Islander Action Plan is being developed by the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence<sup>5</sup> and is considered an important foundation for future work.

The Forum provided an opportunity for participants to hear from the Aboriginal and Torres Strait Islander Advisory Council on progress to develop the Action Plan. The Australian Human Rights Commission is not involved in the development of this Action Plan but will be providing feedback captured at the Forum to the Advisory Council, along with this Report.

This Report is intended to inform the longer-term formation of the proposed standalone National Plan. However, the findings and recommendations should also be applied to the Action Plan under development. Forum participants saw both plans as part of a continuum of delivering effective reform. They were clear that the current Action Plan can act as a strong foundation for the longer-term standalone National Plan.

## Embedding existing frameworks and commitments under the standalone National Plan

*We know that violence against Indigenous women is really underpinned by human rights abuses and inequalities. And the framework of human rights must be treated as critical to all our responses ... states have a duty to prevent violence against Indigenous women, to protect Indigenous women and also offer the appropriate responses for women to heal from that violence.*

*Unfortunately, what we have seen since colonisation in fact has been racism, throughout history, and continuing. And of course, this is gendered for Aboriginal women.*

*And these are reflections of our failure to really progress as a nation committed to human rights.<sup>6</sup> **Associate Professor, Dr Hannah McGlade, Forum panelist***

The rate of family violence in Australia has led governments to describe violence against women and children as a national crisis, demanding national responses.

Consequently, and with the tireless efforts from advocates and victim-survivors, there has been increased attention from state, territory, and Commonwealth levels of government to address the causes and consequences of violence against women and children. Several inquiries and reviews have been conducted alongside the development of government plans, as mentioned above.

Participants at the Forum were clear that future plans to end violence against First Nations women and children must not begin from scratch but should build on the findings and recommendations that already exist. They highlighted that many of the same recommendations are repeated across reports and research over decades but lack a consistent approach for taking action and tracking progress. Achieving the goal of ending violence against First Nations women and children requires a commitment to transformational change, not only to the systems and structures that impact women and children's lives, but in the approach that the government takes to design, develop, measure and deliver the Action Plan and standalone National Plan.

Many participants also spoke of the need to use existing frameworks to take action in moving forward. In particular, participants highlighted how the Closing the Gap Agreement's principles, targets and the four priority reform areas can help to drive the development of plans to end violence through an inclusive, transparent and self-determining process, supported by adequate and secure long-term funding.

What decades of reform and commitments have demonstrated is that the absence of an overarching strategy for effective and transparent monitoring has led to a system of dispersed accountability, where work is duplicated, and outcomes are sought in a vacuum.

This Report includes a snapshot of current findings and recommendations consistent in the literature and reports, and identifies where alignment is required across existing strategies, including Australia's human rights obligations, to deliver on the objective of the standalone National Plan to end violence against First Nations women and children.

## The Wiyi Yani U Thangani (Women's Voices) Project

The Wiyi Yani U Thangani (Women's Voices) project provides both a framework for responding to the needs, rights and aspirations of First Nations women and girls and collates the evidence for what needs to be done to implement reforms and improve the lives of women and girls. The [Wiyi Yani U Thangani \(Women's Voices\): Securing our Rights, Securing our Future 2020 Report](#) was the result of a year-long engagement process in 2018 with First Nations women and girls, from ages 12+, from urban, regional and remote areas across every state and territory. It was the most comprehensive process since the 1986 Women's Business report—the first time Aboriginal and Torres Strait Islander women were consulted nationally.

The Wiyi Yani U Thangani Report (2020) and accompanying [Implementation Framework \(2021\)](#) highlight the significant opportunities of recognising and investing in women and girls' strengths and including their voices in policy design and the development of initiatives that can drive systemic change and break cycles of disadvantage. Ending violence is at the centre of the Wiyi Yani U Thangani Project. The holistic and interconnecting principles, recommendations and actions of Wiyi Yani U Thangani are an intersectional approach for forming policies. They include suggested pathways forward such as developing models to access safe and secure housing and creating structures for women's economic security and empowerment, all of which are pivotal to improving outcomes across all socio-economic indicators and enhancing safety.

These interconnecting approaches to address the drivers of violence presented throughout Wiyi Yani U Thangani are captured in Figure 2. They are set out across the four major thematic areas of Wiyi Yani U Thangani. The diagram is reflective of the need for a whole of system holistic approach to target the systemic drivers of violence and create conditions for intergenerational wellbeing and safety.



**Figure 2**

The following 'Ways of working', set out in Figure 3, developed throughout the Wiyi Yani U Thangani project, are a set of principles to guide the design and implementation of actions and strategies.

# Ways of working—taking a First Nations gendered systems thinking approach

Over the course of the Wiyi Yani U Thangani project we have developed a set of 'ways of working' to help us think and act through a First Nations gendered systems lens. These can be used by individuals and teams across all sectors and positions. We recommend referring to these ways of working when engaging with this Implementation Framework and that readers apply them to their own work. The more they are practised, the more likely they are to become embedded and to alter work practices for the better. The presentation of these ways of working have been informed by the everyday systems practices developed by the Prevention Centre.<sup>1</sup>



## Co-design and collaborate:

First Nations women need to lead in designing solutions and initiatives and be a part of every stage of developing, implementing and evaluating work.

*Is co-design a part of your work from conception to actualisation of an idea, and have you ensured that co-design meets the standards of First Nations women? Are you prepared and willing to let co-design change your thinking, projects and intended outcomes?*



## strength-based approach:

First Nations women's lives hold remarkable knowledges, skills and expertise that can inform and create meaningful solutions.

*Are you fixated on issues and symptoms and wanting to fix problems without listening or understanding the lives and work of women and their communities? Are you working with the strengths and assets identified?*



## Engage in deep listening:

It is important to be present, focused, respectful and considered, when meeting and in dialogue to absorb new knowledge and to help define intention and hopes of communities.

*Are you thinking about your point of view and what to say next rather than listening? Have you spent time seeking to understand what has been communicated, without assuming and imposing your position? Have you come with a preformed fixed idea that you are unwilling to let go of?*  
Take a



## Commit to self-awareness and reflection:

There are many unknowns at the beginning of a project, reflective learning helps work to be flexible, adaptive and better able to meet needs and local priorities.

*Does your work have ongoing evaluation, and can it be altered by new learnings? Are you open to feedback without feeling threatened or defensive? Can you let go of control and accept that you do not know everything?*

<sup>1</sup> The Tasmanian Government and The Australian Prevention Partnership Centre, 'Systems practices you can do everyday' (August, 2018) <[https://preventioncentre.org.au/wp-content/uploads/2021/10/Systems-Thinking-A4-Poster\\_Aug18.pdf](https://preventioncentre.org.au/wp-content/uploads/2021/10/Systems-Thinking-A4-Poster_Aug18.pdf)>.



### Rebalance power:

Working in collaboration requires the rebalancing of power relationships and the acceptance that the Western worldview is not superior to all other knowledges. *When you engage are you happy to sit as an equal at the table? Do you invite and encourage others to put forward perspectives and thoughts? When you hear new ideas do you take interest, or do you dismiss them?*



### Be intersectional:

Voices from the margins must be embraced and all diversities understood and responded to, including women and girls living remotely, those with disabilities, LGBTQIA+SG (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Sistergirl and Brotherboy), and incarcerated women and children.

*Does your work consider diversity or does it presume a homogenous one-size-fits-all approach will work? Have you invited diverse perspectives and lived experiences to gain a better understanding of the whole?*



### Think in context and relationships:

Nothing exists in isolation. Everything is connected to something—placing issues within the environment that they occur and the economic, social and political conditions helps to gain an understanding.

*Have you thought and mapped out how the issue you are considering is connected to other things? Do you know/have you explored the historical and contemporary context that an issue is arising within?*



### Be informed by women's Law and culture:

Women's knowledge systems hold vast skills and practices that are significant to all sectors and tell of how to live healthy and sustainable existences.

*How is your work and thoughts influenced and informed by women's knowledges? Do women have the opportunity to integrate their knowledges and cultural practices into work and projects?*



### Be visionary and sustainable:

What is designed today should create healthier more sustainable and interconnected living environments, which bring about multiple benefits for health and wellbeing to meet the needs of women and girls well into the future.

*Are you aware of what women want for their families and communities beyond services or programs being provided? Have you considered how to make your work sustainable and the social, economic, and ecological benefits it could bring to women and communities?*



### Take a healing-informed approach:

Work underpinned by healing addresses the root causes of harms and inequalities, not just the symptoms.

*Do you spend time exploring what has happened and how to prevent it from re-occurring, or do you impose predetermined solutions? Do you judge people's behaviours rather than identifying structural drivers?*

Figure 3

## Responsibilities and commitments from a human rights perspective

Forum participants stressed Australia's obligation to uphold and protect the rights of First Nations women, children and families to be safe and free from all forms of violence including family, domestic and sexual violence, racial violence, and institutional discrimination, wherever they live. They spoke of the systemic failures of successive Australian Commonwealth, state and territory governments to guarantee these protections.

Participants noted that Australia has ratified and endorsed human rights frameworks where the right to safety is foundational. This includes the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of Race Discrimination (CERD), the Convention on the Rights of the Child (CRC), the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and significantly for First Nations peoples, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Progressing implementation of these treaties and fulfilling Australia's international obligations is foundational to ending violence against First Nations women and children.

CEDAW<sup>7</sup> articulates strongly in Articles 2,5,11,12 and 16 requirements to act to protect women against violence of any kind occurring within the family, workplace or any other area of social life. UNDRIP<sup>8</sup> captures the intention of these articles and applies them to the unique cultural lives and rights of Indigenous peoples, women and children. Specifically, Article 22(2) requires that governments take measures to guarantee that Indigenous women and children are protected against all forms of violence and discrimination. The CRC and the CRPD also highlight the unique vulnerabilities of children and those with disabilities experiencing violence, neglect and abuse and the need to guarantee protections and mechanisms to ensure freedom from violence and to guarantee safety.

There is increasing recognition of the heightened difficulties faced by Indigenous women in securing and realising their rights. In her 2022 *Report on violence against indigenous women and girls*,<sup>9</sup> the Special Rapporteur on violence against women, its causes and consequences, Reem Alsalem notes that Indigenous women experience intersecting discriminations and are disproportionately impacted by gender-based violence. Regarding the root causes of violence against Indigenous women, Ms Alsalem states:

*Historic and systemic patriarchal power structures, racism, exclusion and marginalization, maintained by the legacy of colonialization, have led to high levels of poverty, dire financial and social stress, and significant gaps in opportunities and well-being between indigenous and non-indigenous women.*<sup>10</sup>

Ms Alsalem recognises that Indigenous women exercise vital roles in forming cohesive societies and that states must recognise this.<sup>11</sup> She calls on States to:

*...ensure that their domestic legislation on gender-based violence against women is fully applicable to indigenous women and girls and sensitive to their experiences, including by ensuring specific provisions to account for all forms of violence against them, such as environmental, spiritual, political and cultural violence. Additionally, States must ensure ... [Indigenous women's] participation is sought in any legislative processes related to violence against them.*<sup>12</sup>

Critically, Ms Alsalem highlights the importance of holistic and preventative responses to combat violence by women-led organisations, which should be provided with flexible funding to ensure organisational resilience and sustainability.<sup>13</sup>

## Supporting reports and common findings

There are several recent reports, recommendations and policy papers intended to support the effective implementation of the mainstream National Plan and are key to informing the development of an effective standalone National Plan.

These include, but are not limited to:

- **National Plan Consultation Reports** released in July 2022 — outlining stakeholder and victim-survivor advocate responses.
- **Commonwealth Inquiry into family, domestic and sexual violence 2021** — putting forward 88 recommendations for the development of the next National Plan. The Inquiry also includes previous recommendations from Commonwealth inquiries.
- The Australian National University First Nations-led **Family and Community Safety for Aboriginal and Torres Strait Islander Peoples Study (FaCtS)** — commissioned in 2017 by the Department of Social Services to examine what is needed to address family and community violence in Aboriginal and Torres Strait Islander communities.
- **Changing the Picture: a national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children**, developed by Our Watch in 2018 — a practice framework focusing on the essential actions necessary to shift and change the drivers of violence.
- **Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander Children and Families** — a 2017 policy paper developed in collaboration between SNAICC – National Voice for our Children, the National Family Violence Prevention Legal Services Forum (NFVPLS) and the National Aboriginal and Torres Strait Islander Legal Services (NATSILS).

Additionally, across Australia there have been inquiries (often led by First Nations women) on family violence and sexual assault and typically the important recommendations of these inquiries have often been neglected.<sup>14</sup>

Several key findings and recommendations are repeated across reports and research. Similar findings were also raised by Forum participants, including the need for:

- an integrated, whole-of-system response to family, domestic and sexual violence within government and across all jurisdictions
- recognition and responses to the systemic intersectional drivers of violence for First Nations people, which include the consequences of colonisation, intergenerational trauma, multiple racialised and gendered inequalities and discrimination
- improved data collection on the causes, consequences and responses to violence against First Nations women and children, and rigorous evaluations of policies, programs and legislations to be designed and led by First Nations people
- recognition that systems and approaches, from policy design to service delivery, can cause and perpetuate violence, and systems need significant reform at all levels to continuously respond to, and incorporate, community-controlled approaches and best practice
- investment into national coverage of holistic family-oriented healing approaches and services that can ensure the safety of women and children while responding to the whole family, including men
- a national approach to embed trauma and healing informed practices across all services responding to family and sexual violence including child protection, justice, health and housing
- the development of programs and existing services and responses to be culturally grounded, informed, and secure
- the development and support of mechanisms to guarantee First Nations women and children co-design policies, legislation and programs that impact their lives.

Although there are some efforts to respond to these findings and recommendations, Forum participants emphasised that these efforts remain piecemeal, ad-hoc and short-term. There is a serious need for a comprehensive, long-term nationally consistent approach committed to genuine transformational and structural change.

### Links to existing strategies and targets

Participants also stressed the importance of utilising existing frameworks and their targets and plans, to action recommendations rather than continuously engaging in consultation processes that produce the same recommendations.

Significantly, Forum participants spoke of the importance of developing accountability and monitoring mechanisms to guide and guarantee implementation and alignment of strategies and to respond effectively to recommendations and actions. Many participants stated that it is important not to recreate mechanisms that already exist such as establishing Commissioner positions without clear need and purpose. There was some commentary stating that the necessary commissioner positions have been established to monitor family violence and it is important to consider other mechanisms to guarantee accountability and implementation of plans. This is particularly the case given the Government's commitment to the establishment of the Family, Domestic and Sexual Violence Commissioner to track progress against targets in the next National Plan to End Violence against Women and Children.

Significant national frameworks, approaches and policy and legislative considerations are summarised in Table 1. There are also strategies and action plans at the state and territory levels, which are not mentioned here. All are critical, but require a national approach to guarantee consistent, structural and meaningful progress toward ending violence.

## Table 1: Summary of existing strategies and targets

### National strategies for alignment

- Aboriginal and Torres Strait Islander Action Plan under the mainstream National Plan to End Violence against Women and Children 2022–2032
- Proposed standalone National Plan to End Violence against First Nations women and children
- The National Agreement on Closing the Gap, Four Priority Reforms and 17 Socio-economic outcomes and targets, with a focus on outcome area and Target 13: by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50%, as progress towards zero
- Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031
- National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030
- Proposed National Strategy to Achieve Gender Equality
- The proposed Wiyi Yani U Thangani National Plan to achieve First Nations Gender Justice

### Related national strategies

- National Drug Strategy 2017–2026
- The new National Aboriginal and Torres Strait Islander Health Plan 2021–2031
- National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing 2017–2023
- National Housing and Homelessness Agreement
- National Aboriginal and Torres Strait Islander Early Childhood Strategy
- Australia's Disability Strategy 2021–2031

## Other legislative and policy considerations

- Regional and local alcohol restrictions
- Income management programs, including the roll back of cashless debit cards
- State and territory criminalisation of coercive control, including the development of National Principles to Address Coercive Control
- Permanency measures within Child Protection policies and legislation
- Aboriginal and Torres Strait Islander Voice to Parliament

## Existing mechanisms for monitoring

- The National Family, Domestic and Sexual Violence Commissioner
- The Australian Human Rights Commission

## Building on the foundation of evidence—First Nations women’s voices, knowledges, work and research

*The importance of having First Nations women leading the research around violence against women is critical, it's foundational. I can't underestimate how important that is. We are grounded in community experiences. We are often also grounded by lived experiences. We bring an intersectional lens to understanding the problem, and also the solutions. We centre the importance of Indigenous women's self-determination. And that is fundamental. I can't stress that enough. When Indigenous women experience violence, their self-determination is taken away from them. This plan has to be how we give back self-determination. And do that in a fundamental way.<sup>15</sup>*

**Scientia Associate Professor, Dr Kyllie Cripps, Forum panelist**

This overview of the evidence base informed by the work of First Nations women practitioners and researchers is not exhaustive. It is intended to bring together a single summary of the key policy issues to support shared understanding as the Australian Government progresses consultation on the standalone National Plan.

This evidence has been vital in ensuring that the unique and multilayered reasons for why violence happens in the lives of First Nations women, children and families is understood. Without it, the experiences of First Nations women and children is either erased or reduced to mainstream perspectives and as such First Nations women and children’s needs are not effectively considered in the forming of policy and legislation.

### Violence can only be understood in the social, cultural and political contexts in which it occurs

First Nations literature and voices have continuously pointed to the context of colonisation and trauma as critical to understanding violence perpetrated against First Nations women, children, LGBTIQ+SB people, and those with disabilities. Research highlights the impacts of colonisation and trauma in a historical sense, as an ongoing intergenerational process, and as perpetuating and causing contemporary issues and cycles of harm. Dispossession of land, separation of families and communities, ongoing marginalisation from racism and discrimination and in particular the forcible removal of children, are historic traumas and continue through current structures. They are deeply linked with the experiences of family violence, serving both as a cause and effect of intergenerational trauma and violent behaviours.<sup>16</sup>

*Our voices are continually derided, placed to the sidelines, lost in the chorus of mainstream feminism, who perhaps unintentionally, do not realise that the fights for gender equality have always been within white structures, and have alienated many Aboriginal women, who are often fighting alongside Aboriginal men against the oppressive colonial settler state.<sup>17</sup>*

However, analysis of the impacts of colonisation and trauma, on its own, cannot provide a full understanding of the causes and consequences of violence. Violence needs to be understood as a contemporary symptom of colonisation's impacts (on Indigenous and non-Indigenous people), intersecting with gendered factors, and racialised gender inequalities and power dynamics.<sup>18</sup> Forum participants also spoke to how the structures of the nation-state perpetuate a pattern of colonial dispossession, brutality and neglect, causing poverty and entrenching vulnerability, resulting in high rates of violence and murder against women and children, across generations.<sup>19</sup>

Throughout Wiyi Yani U Thangani, women and girls stressed how the imposition of Western patriarchy at colonisation forced gendered hierarchies, restructuring and diminishing the role of women in society, contributing to the violence they experience today. There are a range of other racialised gendered dimensions of discrimination perpetuated since colonisation, including the disempowerment and societal stereotyping of First Nations men, women and gender diverse people. The FaCtS study further details the raft of compounding factors that contribute to violence such as racism, poor housing, financial stress, alcohol and other drug use, a loss of physical, social and emotional wellbeing, and contact with the justice system amongst many other things.<sup>20</sup>

Due to these broad and overlapping factors, First Nations people predominantly prefer the term 'family violence' to describe the 'range of violence that takes place in Indigenous communities, across extended families, kinship networks and broader relationships.'<sup>21</sup> In 1999 the Aboriginal and Torres Strait Islander Women's Task Force made clear:

*A study of violence focusing on the term 'domestic violence' will not lead to full consideration of, and response to, the destructive effects of colonisation on Indigenous culture and social systems. The intersection of race, gender, age and power, and the disruption of the relationship between spiritual, cultural and environmental dimensions, must be considered in order to understand violence in Indigenous communities.*<sup>22</sup>

At the same time, violence against First Nations women is perpetrated by men from many cultural backgrounds and there is evidence that suggests non-Indigenous men make up a significant proportion of perpetrators.<sup>23</sup> Similarly, sexual assault is often perpetrated by non-family members and is appropriately identified as sexual violence, rather than within the definition of 'family violence'.

## Multiple discriminations intersecting at a structural, institutional and interpersonal level

Forum participants emphasised that the unique experiences of each community must have their own processes of engagement so that they are not further marginalised and silenced either by being incorporated into a broad intersectional group, or unrecognised and not engaged with or heard at all.

First Nations women have written extensively about the importance of ensuring women, children and gender diverse peoples, with different positions and perspectives, are listened to and central to designing policies and legislation which address violence in their lives.

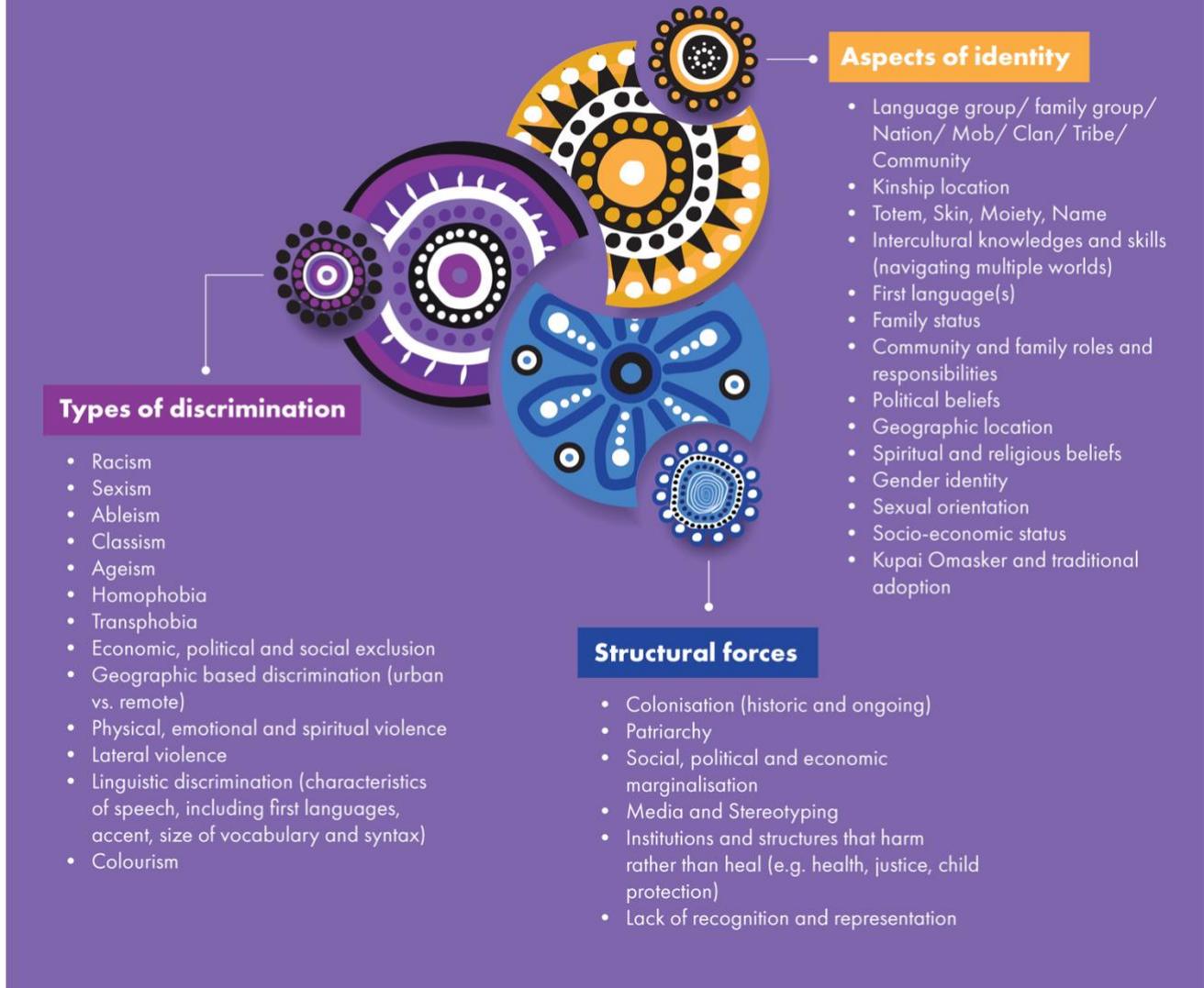
This includes, but is not limited to, women and children living in urban areas and those in remote areas, those with disabilities, those with experiences of incarceration and juvenile detention, children in the child protection system, LGBTIQ+SB people and many others.

There is much literature describing how structures and hierarchies of power overlap, causing intersectional discrimination and oppressing or marginalising people who are minorities and have multiple intersecting identity markers.

The result is the ongoing exclusion of First Nations women and children in all their diversity from the policies, programs and structures that impact their lives, which has continued since colonisation. This can cause situations and environments that heighten the vulnerability of women and children to violence and can entrench the barriers that makes it difficult, if not impossible, to leave violent situations.

Figure 4 shows the ways in which multiple discriminations at a structural, institutional and interpersonal level intersect—beginning and colonisation and continuing today—undermining the many aspects of First Nations women and children’s identities:

## INTERSECTIONALITY: A SUMMARY OF OVERLAPPING OPPRESSIONS AND IDENTITY MARKERS



**Figure 4: Understanding intersectional discrimination and overlapping oppressions in the lives of Aboriginal and Torres Strait Islander women and girls, adapted from: *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*.<sup>24</sup>**

For example, the intersection of discriminations for First Nations women with a disability is experienced in the misinterpretation of symptoms due to racial stereotypes, where women exhibiting behaviours associated with their disability are assumed to be under the influence of drugs or alcohol.<sup>25</sup>

For LGBTIQ+SB people, stigma and exclusion compounds the experience of violence, sometimes with lasting impacts, which can lead to 'homelessness, which then places sistergirls at risk of non-voluntary sex work, sexual abuse, poor sexual and mental health, and issues with substance abuse.<sup>26</sup>

## Policy and legislative approaches need to be disentangled from punitive responses

*Indeed, there is now quite an extensive body of literature that clearly illustrates what has long been known at an Indigenous community level: that typical 'Western' responses to family violence like women's refuges, criminal justice responses and programs of a therapeutic nature have mostly been culturally inappropriate and ineffective. These approaches are largely based on Western models of intervention that have focused on the separate needs of victims and perpetrators, with a particular focus on a criminal justice response. The latter is an approach to violence that largely criminalises violence and relies on the institutionalisation of the offender to protect the victim. Indigenous community members have consistently criticised this approach as being irrelevant, discriminatory and a repeat of the kinds of violence inherent in policies and practises of colonisation.<sup>27</sup>*

Policing and the criminal justice system are part of the problem in First Nations family violence matters. Specifically, family violence can be perpetuated by poor and discriminatory system responses to First Nations people experiencing family violence, for example by police, child protection agencies and mainstream services.<sup>28</sup> The Victorian Royal Commission into Family Violence heard about the complex and compounding barriers to reporting violence and accessing support, including,

*'the poor police responses and discriminatory practices within police and child protection services, ...mistrust of mainstream legal and support services to understand and respect the needs, autonomy and wishes of Aboriginal victims/survivors, ...lack of cultural competency and indirect discrimination across the support sector, including for example discriminatory practices within police and child protection agencies, lack of culturally appropriate housing options, alienating and deterrent communication and client/patient approaches by medical, legal, community services and other professionals.'<sup>29</sup>*

Children are also frequently removed during criminal justice interventions around family violence which often means placing them in institutional care arrangements that further traumatise them and are often in fact not safe. The child protection system often results in 'a substantial disruption to a child's education and emotional development; their connection to language, culture and community; and their physical, mental and emotional wellbeing.'<sup>30</sup> Several studies have also pointed to the link between experiences of violence for First Nations children and increased incidences of family violence, incarceration, and poor social and emotional wellbeing throughout life.<sup>31</sup>

Recent announcements made by the Meeting of Attorneys-General<sup>32</sup> to develop national principles around a common understanding of coercive control and to explore criminalisation is the latest example of a system that prioritises criminal and punitive approaches over healing ones to respond to violence. This announcement was made despite concerns from many Aboriginal women about the disproportionate impact of criminalisation on First Nations peoples and evidence that the misidentification of First Nations women as the predominant aggressor in family violence situations continues.<sup>33</sup> Significant evidence of racism in policing and the justice system has not been addressed and will especially impact Indigenous women.<sup>34</sup>

## Improving responses to violence requires a whole of system approach spanning primary prevention through to tertiary responses

Policy built primarily on the assumption that all violence perpetrated in First Nations communities is by First Nations men echoes a colonial legacy of policies that ignore reports of violence experienced by First Nations women when it is not perpetrated by First Nations men. It also contributes to a First Nations led service system that is simultaneously underfunded and over-relied upon.

While research into family violence shows that primary prevention and early intervention is critical to breaking the cycle of violence, this is one of the least resourced areas in the service system. In remote areas, 'drive in and drive out' services are reliant on women's services on the ground, increasing the burden of responsibility on under resourced and overworked services to facilitate connection and enable primary prevention services to build rapport and achieve positive outcomes for community. A whole of system response also requires flexible funding that acknowledges the holistic nature of services and inter-connectedness of family violence prevention work.

There is also a chronic lack of recognition, value and support of the unpaid care work that First Nations women do in communities, including supporting victims of violence and filling the gaps that inadequate services and policy induced poverty (particularly through the welfare system) create. Much greater support and value needs to be placed on this care work, which is often informally given, but critical to addressing family violence.

There is also a clear role and responsibility for mainstream organisations to prevent and address violence. Non-First Nations organisations need to better educate themselves around First Nations family violence responses and be better in providing safe spaces for First Nations people. Often the health system is the first and only point of contact with professionals for First Nations women experiencing violence. However, we also know that mainstream primary health care providers do not adequately respond to First Nations women experiencing violence.<sup>35</sup> There are examples of misdiagnosis or minimisation of First Nations women's health conditions where medical interaction may be so culturally unsafe as to heighten women's health conditions or even lead to preventable deaths.<sup>36</sup>

*The reality is that Aboriginal women and children make choices about which services they wish to access on the basis of safety, accessibility and the guarantee of confidentiality. If an Aboriginal woman's abusive partner or his family work at a particular Aboriginal organisation, for instance, she may feel that her safety may be compromised by attending the service. Equally, an Aboriginal woman may feel "shamed up" by the violence she has experienced and may not want anybody in her family or community knowing.<sup>37</sup>*

## Healing models and recovery services focused on First Nations culture are required to prevent violence

*Victim-survivors, know this truth firsthand. We have been and are still living with it. It is our lived experiences and your lived experiences, that hold the solutions. We have the answers to confront what is wrong and to create what is right. Women and girls of all ages and backgrounds spoke directly, very fiercely, throughout the Wiyi Yani U Thangani engagements in 2018 and beyond. For the right to self-determination, and to have the dedicated forums and mechanisms to guarantee their participation, in forming the systems that shape our lives.<sup>38</sup> **June Oscar AO, Forum opening remarks***

More evidence is needed to help understand what works to prevent violence. Significant knowledge gaps exist in relation to effective interventions for perpetrators of sexual violence, and for LGBTIQ+SB people. However, the voices of First Nations experts are clear in that the solutions to family violence lie in culturally appropriate strategies that support safety and healing, and prevention and accountability of offenders. Punitive responses focussed on the criminal justice system alone do not work and in fact can endanger women and children.

Unlike non-First Nations responses to women's safety which tend to focus on gender equality, as well as individualising responses by separating out young people, women and men to respond to or prevent family, domestic and sexual violence, First Nations responses look holistically at the impacts of colonisation on families, communities and individuals.<sup>39</sup>

Caution must be exercised however to ensure local and culturally contextualised healing and trauma-informed approaches does not minimise the role of gender inequality, racism and poverty in exacerbating levels of violence experienced by First Nations women.

## Priority areas—for further consultation

The following priority areas were highlighted at the Forum and build on the substantial work of First Nations academics, advocates, peak bodies and service providers.

They are set out across three sections: one, the overarching priorities that underpin the way forward and any future action; two, structural changes to enable an effective system that can respond to the needs of First Nations women and children; and three, key reforms across the service system to support prevention of and responses to violence.

The third section provides more detail on priorities for inclusion in the standalone National Plan but are not intended as action items but to point to key areas for further consultation.

### Overarching priorities

Throughout all discussions at the Forum, participants highlighted the importance of:

- **First Nations self-determination** to guarantee that First Nations women and LGBTIQ+SB people lead in the development and delivery of the standalone National Plan, and inform program, policy and legislative decisions that impact their lives, consistent with human rights, especially UNDRIP.
- Elevating, embracing and designing specific engagement processes to include the voices and honours the sovereignty and leadership of **First Nations women, regardless of their gender identity, sexuality or sexual identity, and families in all their diversity** including old people, Stolen Generations, people living remotely, those with, and caring for people with disabilities, those in incarceration, and children in the juvenile detention or child protection system.
- **Centring the voices of First Nations children** in the development of the standalone National Plan, especially girls who are at increased risk of sexual abuse, to ensure specific child-centred actions, and to support community-controlled organisations and other mainstream services to work effectively with children and families impacted by violence.
- Grounding the plan in a **human-rights based approach** that recognises Australia's obligations to the United Nations Conventions and Treaties it has ratified and endorsed.
- Ensuring the plan takes a **holistic culturally informed family-oriented approach, including LGBTIQ+SB families**, that prioritises the safety of women and children, while ensuring men are also included as part of the solutions, and that evidence-based perpetrator responses are developed and accessible. However, the emphasis on family-oriented models should not put women in danger and put any pressure on them to remain in violent relationships.

- Recognising and addressing all forms of **intersectional discrimination** as major drivers of violence, including but not limited to racism, sexism, ableism, homophobia and transphobia. In addition, poverty and social inequality are contributing factors, with a lack of public housing and financial services placing women and children at greater risk of violence.
- Understanding and addressing **individual, systemic and institutional racism**, how all forms of racial discrimination and racial violence is present within Australian society, the justice system, policies and legislation, and the particularly harmful effects it has on First Nations women and children in everyday life and when interacting with services, the public and when seeking help.

## System enablers

Forum participants emphasised these priorities as key to achieving the objective of ending violence against First Nations women and families including:

- **Sustained and targeted long-term investment** by all levels of Australian governments across the family and domestic violence sector and into women and family-oriented community-controlled organisations and women's centres.
- Designing and strengthening **governance arrangements and mechanisms** to ensure **accountability** of governments at all levels, policymakers and stakeholders and for First Nations women and organisations to have clear and accessible pathways to self-determination in decision-making processes.
- Investing in First Nations **data sovereignty and data governance** as a key tenet of self-determination and ensuring significant improvements to **data collection and research** to form a comprehensive understanding of violence, what works to prevent violence, and to be able to measure and track progress toward ending all forms of violence experienced by women, children, and families.
- **Rigorous evaluation processes** and criteria to be developed to guarantee that funding is directed to community-controlled and evidence-based approaches responding to or preventing violence.
- **Cultural safety as a pre-requisite** for all people delivering services to First Nations women and families experiencing violence.
- **Large-scale systems change** to shift responses to violence from uncaring and punitive to caring and enabling, ensures cultural safety, centres self-determination, sovereignty and First Nations knowledges and cultures. Women are being incarcerated as a result of violence, children are removed from families and communities, and the lack of recognition of violence as a serious public health issue that demands urgent attention limits our ability to respond appropriately.

## Service system priorities

Although not exhaustive or in any particular order, the Forum highlighted the following as key to improving prevention of and responses to violence:

- Meaningful and culturally-safe **legislative reform** that acknowledges the complexities and impact of the criminal justice system on First Nations women and children—including coercive control laws, the underreporting of violence by women, the rates of child removal and criminalisation of victim-survivors—and the need for harmonisation of family violence definitions and legislation across jurisdictions, and the importance of alternative pathways to justice.<sup>40</sup>

First Nations women describe their interactions with the justice system as one that exacerbates the impacts of violence and compounds the trauma they experience. Fundamentally, the justice system should protect women and children, but instead it re-traumatises women, removes their children and too often criminalises them for the violence they have endured.<sup>41</sup> Reforms are needed at all stages of contact, from police, courts, corrections, community corrections (parole and probation), both in relation to reporting violence but also to prevent First Nations women from becoming perpetrators due to a lack of protection. Indigenous women who are under protected or not protected at all by the system may cause harm to the person who is being violent towards them as their only means of escape.<sup>42</sup>

- Enabling women's **economic independence** through education, employment, and economic development, and improving their financial security through guaranteeing social security payments above the poverty line, enhancing crisis-payments when escaping violence, removing welfare conditionalities, addressing the root causes of poverty and valuing and supporting unpaid care.

Poverty and the lack of economic security for many First Nations people, particularly women, compounds the conditions for family violence, intensifies the impacts of harm and makes unresolved trauma extremely difficult to recover from.<sup>43</sup> This is further exacerbated for women who carry out most of the unpaid care work for families, children, people with disabilities and those experiencing trauma. Moreover, the inadequacy and punitive nature of Australia's social security system deepens First Nations poverty and economic insecurity which makes it hard for victim-survivors to leave violent situations.<sup>44</sup>

- Urgent and immediate action to guarantee **secure housing** for women and their families, including crisis, transitional and long-term housing, and to end homelessness-related deaths.

First Nations women describe overcrowding, housing insecurity and homelessness as major contributors to violence and exacerbators of the impacts of trauma, and further increasing punitive interventions from the legal and child protection system. There are long waiting lists for crisis, medium and long-term accommodation options in states and territories, as well as a lack of affordable and culturally appropriate public housing. The severe lack of all forms of secure housing leaves First Nations women and their children without a safe place to live and thrive, heightening their vulnerability to homelessness, which further increases the likelihood of violence.

Indigenous women are reporting being turned away from refuges and safe houses that are already at capacity when they are needing a safe place to stay. They then rely on family and friends to provide safe harbour or have no other alternative but to return to an unsafe home.<sup>45</sup> The impact of eligibility criteria on seeking support is also a factor, with reports that some refuges are unwilling to accept male children over the age of 10, inhibiting First Nations women from seeking help and being able to escape violence.<sup>46</sup>

- **Holistic preventative measures** grounded in culture and community, with education around respectful relationships.

First Nations women emphasised the importance of addressing the contexts and environments from which harmful and violent behaviours come in order to prevent them. The system must be looked at holistically—from health to housing and infrastructure, education and employment—to revitalise and embed First Nations knowledges and practices, from the start of life. This also includes increasing and investing in education around respectful relationships, grounded in First Nations culture and knowledges that have sustained healthy ways of being since time immemorial.

- **Transformation of child protection systems** to place First Nations communities and families at the centre of decision-making, and remove the threat of child-removal across all service providers responding to violence, to ensure women can seek safety without the fear that children will be removed.

The current system, including mandatory reporting legislation, preferences escalating intervention over preventative, diversionary, and supportive measures. Women describe experiencing discriminatory decision-making from authorities who punish and blame First Nations women for the harm and violence they experience instead of supporting women to safely care for their children in homes free from violence.<sup>47</sup> As such, there is a significant underreporting by First Nations women of incidents of violence because of the fear that their children will be removed if they do seek help.

- **Meaningful investment in community-driven solutions** to deliver safety for First Nations women and children that extend beyond police and prison systems.

First Nations communities, especially women, have an extensive history of driving community-led interventions and solutions. Sustainable investments must be made into resourcing and supporting communities to lead, design, implement and evaluate the solutions they know work instead of investments into additional punitive measures such as policing and prison systems. Communities must be resourced with funding that corresponds to needs on the ground, and with flexibility to be directed across immediate responses and long-term, preventative and holistic approaches.

- Prioritisation of a whole of family approach with **programs designed with and for First Nations men**, including safe and alternative accommodation and treatment programs.

First Nations women recognise the role of men and the importance of addressing men's behaviours. Women are clear that when it comes to ending violence, we must also include and invest in the healing needs of men. Alongside investment into men's programs, there must be ongoing evaluation to ensure that the program's design and logic are effective, and that the engagement of men in these programs are producing the desired outcomes in the short, medium and long-term. Men's programs, however, must exist alongside efforts to address all forms of inequality and poverty. It is also vital to note that not all perpetrators of violence against First Nations women are First Nations men and we must address the behaviours and conditions for violence against First Nations women by non-Indigenous men and broader society.

- **Extensive reform to the criminal justice system, including policing practices** to reduce the criminalisation of women experiencing violence and the mandatory reporting requirement that see the high rates of child removal.

The criminal justice system and police, as first responders to incidents of violence, have a significant impact on the (un)safety of First Nations women and children. First Nations women described a fundamental mistrust and fear of the police as well as police inaction and discriminatory decision-making. There is a need for extensive reforms to the police force, including human rights, trauma-informed, cultural and gender-responsive training to better respond to violence against women and the impact of child removal.

- Increased coverage of **holistic integrated and comprehensive healing models** and recovery services **focused on First Nations culture** that include mental health services for both men and women.

Women described healing processes as key to overcoming traumas and changing behaviours through the restoration of individual and collective identity and social and cultural strengths. Women want to see a continuum of culturally-safe and responsive services, from interventions and wrap-around supports, before, during and beyond crisis to all centre in healing and recovery. This includes investing in women's health services, respite and vicarious trauma supports and counselling for women and other community members leading trauma recovery and healing work. There must be widespread coverage of these supports, including in regional, remote and very remote areas including the Torres Strait.

- Understanding and addressing the connection between violence and **drug and alcohol addiction**.

For years, First Nations women have emphasised the connection between violence and drug and alcohol misuse. This was most recently evidenced with the lifting of alcohol restrictions in the Northern Territory which saw Alice Springs Police report 54 incidents of domestic violence within 48 hours of the ban being lifted.<sup>48</sup> Women want to see a significant and urgent investment in culturally-safe and trauma-informed drug and alcohol rehabilitation centres and hubs for both men and women, that centres connection to culture and Country. Particularly for women as primary carers, rehabilitation models must be child and family-focused and provide maternal wrap-around supports to improve the mental health of women and children and prevent poor pregnancy outcomes such as FASD.<sup>49</sup>

- Ensuring policy and practice keeps pace with the use of **technology**.

Although there has been less research into the experience of online abuse for First Nations women, there is some evidence that points to high rates of technology facilitated abuse directed at Aboriginal and Torres Strait Islander women from regional and remote areas. Low digital literacy rates, social networks that make it easier for a perpetrator to target women, and lack of culturally appropriate and accessible services all contribute to First Nations women in remote areas being at increased risk of experiencing technology facilitated abuse.<sup>50</sup>

- Address discriminatory **media reporting** of First Nations women.

Women have spoken extensively about how the mainstream media has a significant role in reinforcing damaging and false racialised gendered stereotype. First Nations women are not seen as legitimate victims, rather as people unworthy of care or concern.<sup>51</sup> Racial stereotypes can gain legitimacy in the mainstream consciousness when they are reinforced through an authoritative combination of legal mechanisms, government policy, news coverage and media reporting. These attitudes seep into the public mind and make acceptable the increased racial profiling of, and judgemental and abusive behaviour toward, First Nations women by bystanders, the police and those delivering services. The ability of women to seek help and be believed, is also undermined and threatened by pervasive negative reporting in the media.

## Next Steps—Recommendations for designing and delivering effective plans to end violence against First Nations women and children

Participants at the Forum stressed that the development and implementation of national plans to address family violence and violence against First Nations women and children must be sustainable to achieve the goal of ending violence. This requires transformational and bold action.

The following recommendations set out an approach for government to effectively progress the design and implementation of the standalone National Plan, which prioritises the self-determination of First Nations women and children in all their diversity.

The recommendations are divided into two levels. The first level considers the processes required to design an effective Plan. The second level considers the structural reforms necessary to support the design and delivery of the standalone National Plan.

The recommendations respond to the priority areas noted above, in particular the overarching themes and the system enablers. They are not intended to form the contents of the standalone National Plan, as the Plan's focus areas must be identified throughout a self-determined, transparent and inclusive design approach led by First Nations women and children. For this reason, the recommendations do not include the service system reform priorities noted above, as this is not an exhaustive list. However, enacting these recommendations will enable effective service system reforms throughout the implementation of the Plan.

As such, these recommendations speak to the commitment, design and delivery of a long-term standalone National Plan that is adequately resourced commensurate with the needs of women, children and families. The design and delivery of such a Plan, should necessarily be a staged approach, where actions can happen consecutively, and where necessary in parallel, to effectively respond to immediate, short/middle term and longer-term needs.

Responding to and implementing these recommendations also requires a deeply considered human-rights and strength-based, trauma and healing-informed approach. It is paramount that First Nations women and children participating in the design and delivery of the plans are not (re)traumatised. The design approach should embed great sensitivity and mindfulness of the fact that many First Nations women and children are victim-survivors, and all have experience of, or are impacted by, intergenerational and contemporary traumas.

Ultimately, the voices at the Forum, the findings presented in this Report and its recommendations, present a significant opportunity for all Australian governments to form caring, trusting and respectful partnerships with First Nations women and children victim-survivors. Partnerships that embrace the strengths and knowledges of First Nations women and children are capable of creating the unique solutions grounded in community and place, which can end violence.

## Recommendations for designing an effective standalone National Plan, and to be applied to the development of the current Action Plan

The Australian Government must ensure:

- 1. First Nations women and children in all their diversity lead in the development of a self-determined standalone National Plan. This should involve the establishment of governance mechanisms, such as advisory councils, to incorporate diverse First Nations voices throughout the design of the standalone National Plan, including victim-survivors and family violence specialist practitioners and experts, ensuring representation of:**
  - a. LGBTIQ+SB people**
  - b. Children**
  - c. Those with disability**
  - d. Carers for children, those with disability, elders and mental health needs**
  - e. Women and children with experiences of incarceration and detention**
  - f. Regional and remote communities.**

Government must work together with First Nations women from the outset and at all stages of the standalone National Plan—from engagement through to evaluation—prioritising the leadership, expertise and solutions of First Nations women, community-controlled organisations and programs, and specialist experts.

- 2. The convening of a dedicated taskforce of First Nations women representative of a broad range of lived experiences and subject-matter expertise, including victim-survivors, those with disability and those who identify as LGBTIQ+SB, to develop a framework for engagement, design and delivery of the standalone National Plan. As a starting point this should incorporate, but not be limited to, principles of:**
  - a. Cultural security and intelligence**
  - b. Trauma and healing awareness and practice**
  - c. Inclusivity and transparency**
  - d. Respect for diversity**
  - e. Recognition of women and children’s strengths and knowledges as the foundation of forming approaches to address end violence**
  - f. Willingness to embrace and invest in unique place-based solutions**
  - g. Women and children centred approaches in the design of service systems.**

Participants at the Forum were clear on the need for greater representation of First Nations women in the design of the plans. Government must establish a mechanism that adequately reflects First Nations women and children in all their diversity and lived experiences and knowledges. Representation on the taskforce should be designated through a transparent process.

Government should also consider an approach that includes rotation and a means to address specific issues. In practice, appointments to the taskforce should be time-limited and supported by working groups tasked with consultation on specific issues.

**3. Investment in co-designing the standalone National Plan that is culturally and contextually appropriate, including resourcing allocated to face-to-face national consultation. This must include a range of culturally-secure and trauma and healing-informed safe engagement methods to meet and talk with First Nations peoples in urban, rural, remote and very remote areas.**

Government must work closely with and alongside First Nations women to design a specific engagement approach to develop a standalone National Plan that speaks to the needs of First Nations women and children, regardless of their gender identity, sex identity and sexuality, and families in all their diversity. Aboriginal and Torres Strait Islander societies are not homogenous. Within each nation there exists a multitude of groups and clans with unique languages, cultural practices and connections to lands and waters.

All those engaged with throughout the designing of the plan must be offered culturally safe and secure healing supports and access to counselling and therapeutic services.

**4. Establishment of transparent, interdepartmental governance to oversee the plans, with clearly articulated lines of accountability to government departments and Ministers for achieving the objectives and targets.**

The drivers of violence against First Nations women and children are complex and multi-faceted. Forum participants spoke to the intersection of issues that must be addressed to adequately respond to violence in First Nations communities, including but not limited to housing, criminal justice, responses to children, health and gendered drivers. Operating within traditional portfolio boundaries and a siloed response system will not be sufficient to progress the aim of ending violence.

With advice from the taskforce established under *Recommendation 2*, governance must be transparent, with publicly available information that demonstrates accountability for measurable targets.

**5. Alignment of all national First Nations plans to end violence with existing relevant Commonwealth plans and the principles, articles, targets and goals of:**

- a. Human Rights treaties and declarations ratified and endorsed by Australia**
- b. The Wiyi Yani U Thangani Report (2020) and Implementation Framework (2021)**
- c. The Closing the Gap National Agreement, with a particular emphasis on the four priority reform areas.**

**Alongside alignment, develop mechanisms to build effectively on previous recommendations and to continuously track progress of, and ensure accountability for, implementing recommendations and actions across all relevant frameworks to end violence against First Nations women and children.**

Plans should align, but not be limited by what already exists, so that they reinforce one another, providing for the whole of government response that is required to effect systemic change. Decades of reform, plans and inquiries have demonstrated that no one plan will be sufficient to address all the factors that need to be considered to end violence against First Nations women and children.

In practice, this should include reporting mechanisms that interact and show the relationship between targets and objectives across the various plans, consideration of the newly established role of the Family, Domestic and Sexual Violence Commissioner and conducting a review of existing targets and objectives across the various plans to determine the baseline, as well as an evaluation of their integration both in practice and as a process to achieve stated objectives.

## Recommendations for structural reform to enable the effective delivery of both the standalone National Plan and the current Action Plan under development

The Australian Government must ensure:

### **6. Plans are underpinned by a commitment to long-term, sustained investment, that emphasises holistic and community-led preventative measures and models.**

Services on the ground need to receive both long-term and flexibility of funding to be responsive to need and address issues. In commencing development of the standalone National Plan, government must commit to adequate investment to ensure that First Nations women, children, those with disability and LGBTIQ+SB people are engaged and reflected in all of their diversity. It is critical that diverse groups of First Nations peoples are an immediate part of the development of the standalone National Plan and are not an afterthought.

It is critical that there is an immediate focus on how to invest in a preventative long-term approach that can end violence.

### **7. A 'First Nations Women and children's safety policy think tank' is established and resourced to undertake and connect research on violence against First Nations women and children and for findings to inform policy, community action and program investment.**

There is a need for a dedicated First Nations framework for measurement, evaluation and data collection based on Indigenous ways of being doing and knowing. Evaluation methodologies commonly adopted by government fail to comprehensively understand the full range of factors important to First Nations peoples, including connection to Country and community, self-determination and empowerment.

**8. A review of current data collection on family violence and violence against First Nations women and children, and the development of a strategic approach to gather meaningful data on family violence, determined by First Nations women.**

The governance mechanisms established under *Recommendation 4* should also extend to the collection, use and analysis of First Nations data. This is to ensure that First Nations people are the custodians of First Nations data, but also that it can be input into strategic policy in a way that is meaningful and effective. Forum participants spoke to the limitations of existing data sources to understand the scope of the problem and what works to prevent violence, as well as the inadequacy of indicators under Target 13 that only consider physical violence and does not consider other forms of violence.

In practice, this would require a commitment to expansion of National data collection, including the Personal Safety Survey, to ensure greater representation of First Nations women, children, those with disability and LGBTIQ+SB people.

**9. Plans consider the interrelationship between state, territory and Commonwealth governments to promote policy and legislative reforms where there are shared responsibilities.**

In addition to addressing the systemic drivers of violence, such as race, gender and the impacts of colonisation (a process both historical and ongoing), the standalone National Plan must promote policy and legislative reforms across state, territory and Commonwealth governments that reinforce and contribute to violence experienced by First Nations women, children, those with disability and LGBTIQ+SB people. Of critical importance for attention is the criminal justice system, implementation of recommendations to harmonise family and domestic violence definitions and laws, child removal and Child Protection practices, and incarceration of First Nations women.

## Acknowledgements

There are a large number of people to thank who contributed to the Forum. The collective of advisors and panellists provided critical support and advice in the development of the Forum program and outcomes, including this Report. Associate Professor Elise Klein provided valuable research support, Kristal Kinsela facilitated the Forum, and Social Deck delivered the technical support to ensure the Forum happened successfully online.

Special recognition of panellists who spoke at the Forum and those who have provided ongoing insight and expertise in the lead up and following the event:

- Antoinette Braybrook, Djirra and Change the Record
- Ashlee Donohue, Author and advocate
- Catherine Liddle, SNAICC
- Cheryl Axleby, Change the Record
- Emily Carter, Marninwarntikura Women's Resource Centre
- Associate Professor, Dr Hannah McGlade, Curtin University
- June Reimer, First Peoples Disability Network
- Scientia Associate Professor, Dr Kyllie Cripps, UNSW Sydney
- Professor Marcia Langton AO, The University of Melbourne
- Associate Professor, Dr Marlene Longbottom, University of Wollongong
- Peta MacGillivray, UNSW Sydney
- Phynea Clarke, National Family Violence Prevention and Legal Service Forum
- Shirleen Campbell, Tangentyere Women's Family Safety Group
- Wynetta Dewis, National Family Violence Prevention and Legal Service Forum

Thanks to all the Forum speakers including special guests, Ms Jody Broun the CEO of the National Indigenous Australians Agency (NIAA), the Minister for Indigenous Australians, the Hon Linda Burney MP, and the Minister for Social Services, the Hon Amanda Rishworth MP. Thank you to the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence and their Chair, Sandra Creamer for their presentation. Finally, special thanks to the United Nations Special Rapporteur on violence against women, its causes and consequences, Reem Alsalem, for her presentation to Forum participants and her report on violence against indigenous women and girls.

# Appendix

## Draft Architecture Framework for the Aboriginal and Torres Strait Islander Action Plan.

Please note this is a living document which is in draft form and is subject to change as the Aboriginal and Torres Strait Islander Action Plan is developed throughout 2023.

This draft Architecture Framework was presented by Sandra Creamer, the Chair of the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence, at the opening of the Policy Forum.



# Draft Architecture Framework for the Aboriginal and Torres Strait Islander Action Plan

**VISION:** *Our people no matter where they live, are culturally safe and strong, and live free from violence*

## PRINCIPLES

### Voice / self-determination / agency

Shared decision-making in genuine partnership with government. Community-led solutions.

### Therapeutic healing

Solutions are community-led, trauma-aware, healing-informed, and culturally safe.

### Reforming institutions and systems

Address systemic bias and structural racism. Build capacity in the workforce.

### Restoring, reclaiming and rebalancing culture

Cultural connections are restored, revitalised and built into services. Cultural responses are used to address harmful behaviours  
Ensure transparent, interdepartmental governance with clear lines of accountability to government departments and Ministers.

### Evidence and data eco-systems Understand our stories

A local, culturally-informed data and evidence eco-system is created specific to Target 13.CrG.

## Addressing immediate needs

### Justice and equity

Investment in strengthening behavioural change/leadership/cultural connection programs.

### Funding and investment

Build our knowledge of ALL funding and expenditure across governments and use it to re-form relevant key components.

### Building the First Nations data and evidence base

Local, culturally-informed evidence is collected and used to develop solutions. Local stories are understood. Governments and mainstream agencies at all levels share data to enable community-controlled organisations to make data-informed decisions. A data and evidence eco-system is created specific to Target 13. Build Indigenous research capacity through practical measures.

### Sector capacity

Building the capacity of both the community-controlled and non-Indigenous wellbeing workforces, with targeted focus on the needs of all groups in community.

### Leadership and oversight

Establish an Aboriginal and Torres Strait Islander family violence peak body – to oversee the Action Plan, development of the standalone National Plan, and implementation of Target 13 of the National Agreement on Closing the Gap.  
Establish a separate Aboriginal and Torres Strait Islander Commissioner for Wellbeing – with suitable legislative and administrative powers.

**Target 13 of the National Agreement on Closing the Gap:** By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50%, as progress towards zero.

## The National Plan to End Violence against Women and Children 2022–2032 and standalone First Nations National Plan

The National Plan to End Violence against Women and Children 2022–2032 was released in October 2022 and is Australia’s strategy to address domestic, family and sexual violence and has the overarching vision of ending gender-based violence in one generation.<sup>52</sup>

The National Plan will be implemented through two 5-year Action Plans. These will detail specific Commonwealth, state and territory government actions and investment to implement the objectives across each of the four domains: prevention, early intervention, response, and recovery and healing. In the longer-term, a standalone First Nations National Plan will be developed to address the unacceptably high rates of violence Aboriginal and Torres Strait Islander women and children experience. This violence happens alongside the multiple, intersecting and layered forms of discrimination and disadvantage affecting the safety of Aboriginal and Torres Strait Islander families and communities. A deliverable under this National Plan is a dedicated action plan for Aboriginal and Torres Strait Islander family safety, which will provide the foundations for the future standalone First Nations National Plan.

The Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence (Advisory Council) is leading the development of the dedicated Aboriginal and Torres Strait Islander Action Plan. The Advisory Council will work with Aboriginal and Torres Strait Islander leaders, Elders, communities, community-led organisations and governments to build effective pathways, services and responses for both victim-survivors and perpetrators of family violence.

The Advisory Council will be undertaking initial consultation on a draft Action Plan from late 2022 before it is finalised for commencement from July 2023.

The Australian Government has also committed to delivering a standalone First Nations National Plan. In order to address the complex and sensitive factors driving violence against Aboriginal and Torres Strait Islander women, children and communities, both the Aboriginal and Torres Strait Islander Action Plan and the standalone First Nations National Plan will explore solutions linked to the principles of truth telling and self-determination. They will also highlight the need to transform current prevention, early intervention, response, recovery and healing efforts so that they: – counter systemic racism – promote culturally safe practices and holistic approaches that respond to deeply held historical trauma and improve the wellbeing of Aboriginal and Torres Strait Islander peoples. These principles, along with continued work to establish meaningful partnerships between Aboriginal and Torres Strait Islander leaders, communities and those sectors involved in the broader family violence system, are required if Australia is to achieve the Closing the Gap Target 13.

# Wiyi Yani U Thangani



Australian  
Human Rights  
Commission

## WOMEN'S SAFETY POLICY FORUM

PROGRAM | MONDAY 12 SEPTEMBER 2022

### Forum Program

- 10:30am Forum Open, Acknowledgement of Country and Opening Remarks  
June Oscar AO, Aboriginal and Torres Strait Islander Social Justice Commissioner  
Hon Linda Burney, Minister for Indigenous Australians
- 
- 10:45am Special Rapporteur on violence against women, its causes and consequences: Report on violence against Indigenous women and girls  
Reem Alsalem, United Nations Special Rapporteur on violence against women and girls
- 
- 11:00am Presentation and Group Discussion: Draft Action Plan  
Aboriginal and Torres Strait Islander Advisory Council on family, domestic & sexual violence
- 
- 12:30pm Panel and Group Discussion: First Nations National Plan to End Violence Against Women and Children – priorities and vision for the way forward  
June Oscar AO, Aboriginal and Torres Strait Islander Social Justice Commissioner  
Hon Amanda Rishworth, Minister for Social Services
- Panel:**  
Associate Professor, Dr Hannah McGlade, Curtin University  
Associate Professor, Dr Kyllie Cripps, UNSW Sydney  
Associate Professor, Dr Marlene Longbottom, University of Wollongong  
Professor Marcia Langton, The University of Melbourne  
Wynetta Dewis, Chair, National Family Violence Prevention and Legal Service Forum  
Phynea Clarke, Deputy Chair, National Family Violence Prevention and Legal Service Forum
- 
- 2:30pm Panel and Group Discussion: Addressing the continuum of violence from prevention, crisis and recovery
- Panel:**  
Shirleen Campbell, Tangentyere Women's Family Safety Group  
Cheryl Axleby, Co-Chair, Change the Record  
Antoinette Braybrook, Co-Chair, Change the Record  
Catherine Liddle, SNAICC  
Emily Carter, Marninwarntikura Women's Resource Centre  
Peta MacGillivray, UNSW Sydney  
Ashlee Donohue, Author and Advocate  
June Riemer, First Peoples Disability Network
- 
- 4:00pm Closing Remarks  
Jody Broun, CEO, National Indigenous Australians Agency  
June Oscar AO, Aboriginal and Torres Strait Islander Social Justice Commissioner
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## Endnotes

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- <sup>1</sup> Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Asexual, Non-Binary, Sistergirl and Brotherboy. This definition also recognises that Sistergirls and Brotherboys might be non-binary, female or male, and Brotherboys experience of discrimination before and after transitioning.
- <sup>2</sup> The true extent of violence experienced by First Nations women, children and LGBTIQ+SB people is difficult to determine due to under-reporting, variability of statistics across states and territories, and National data snapshots that exclude First Nations experiences. What the data available does demonstrate however, is that First Nations women and children experience a disproportionate rate of violence compared to the remaining population.
- <sup>3</sup> Catherine Liddle, SNAICC, Women's Safety Policy Forum (12 September 2022).
- <sup>4</sup> In 2021 Government established a 13-member Aboriginal and Torres Strait Islander Advisory Council to inform the development of the next National Plan to end family, domestic and sexual violence and support the implementation of the Closing the Gap Target 13.
- <sup>5</sup> More information on the development of the National Plan and First Nations Action Plan is at the Appendix
- <sup>6</sup> Dr Hannah McGlade, Curtin University, Women's Safety Policy Forum (12 September 2022).
- <sup>7</sup> *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).
- <sup>8</sup> *United Nations Declaration on the Rights of Indigenous Peoples*: resolution / adopted by the General Assembly, 2 October 2007, UN Doc A/RES/61/295.
- <sup>9</sup> Special Rapporteur on violence against women, its causes and consequences, *Violence against indigenous women and girls*, Human Rights Council A/HRC/50/26 (2022) <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/323/90/PDF/G2232390.pdf?OpenElement>>.
- <sup>10</sup> Ibid, 24.
- <sup>11</sup> Ibid, 91.
- <sup>12</sup> Ibid, 75.
- <sup>13</sup> Ibid, 82.
- <sup>14</sup> Hannah McGlade (2012), 'Chapter 4: A decade of government reports and inquiries', in *Our Greatest Challenge, Aboriginal children and human rights* (2011) p. 96–127.
- <sup>15</sup> Kyllie Cripps, UNSW Sydney, Women's Safety Policy Forum (12 September 2022).
- <sup>16</sup> Carlson, B., Day, M., & Farrelly, T 'What works? Exploring the literature on Aboriginal and Torres Strait Islander healing programs that respond to family violence' (Research report, ANROWS, 2021).
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- <sup>19</sup> Indigenous Femicide and the Killing State, *Case study on Deathscapes (2016-2020), Mapping Race and Violence in Settler States* <<https://www.deathscapes.org/case-studies/>>.
- <sup>20</sup> Jill Guthrie, Katherine Thurber, Raymond Lovett, Matthew Gray, Emily Banks, Anna Olsen, Bianca Calabria, Naomi Priest, Phyll Dance, Joanne Thandrayen, Emily Colonna, Rubijayne Cohen, Makayla-May Brinckley, Shavaun Wells, Minette Salmon, Kate Doery, Naveena Mowva, Terry Dunbar, Victoria Hovane: *The answers were there before white man come in': stories of strength and resilience for responding to violence in Aboriginal and Torres Strait Islander communities – Family and Community Safety for Aboriginal and Torres Strait Islander Peoples Study* (Report, 2020).
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- <sup>23</sup> Our Watch (2018) *Changing the picture*, Executive Summary, (Report, 2015).
- <sup>24</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a* (June 2019) <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)> 103.
- <sup>25</sup> Australian Human Rights Commission, *Wiyi Yani U Thangani (Women’s Voices): Securing our Rights, Securing our Future*, (2020) Part Three, Chapter 10, p 318.
- <sup>26</sup> Riggs, D. W., & Toone, K. Indigenous sisters’ experiences of family and community (2017) *Australian Social Work*, 70(2), 229-240, p. 235.
- <sup>27</sup> Kyllie Cripps, Hannah McGlade, ‘Indigenous family violence and sexual abuse: Considering pathways forward’, (2008) *Journal of Family Studies*, 14(2-3), p. 243.
- <sup>28</sup> National Family Violence Prevention Legal Services, *Developing the next National Plan to reduce violence against Women and their Children*, (Submission to the Department of Social Services, July 2021).
- <sup>29</sup> Aboriginal Family Violence Prevention and Legal Service Victoria, *Submission to the Victorian Royal Commission into Family Violence*, (Submission, 2015)
- <sup>30</sup> Australian Human Rights Commission, *Wiyi Yani U Thangani (Women’s Voices): Securing our Rights, Securing our Future*, (2020) Part Three, Chapter 6, p. 254.
- <sup>31</sup> Ibid, 6.
- <sup>32</sup> On 12 August 2022, the Meeting of Attorneys-General (now referred to as the Standing Council of Attorneys-General) agreed to release a Consultation Draft of the National Principles. The National Principles have not yet been finalised or endorsed by the Australian Government and state and territory governments, <<https://consultations.ag.gov.au/families-and-marriage/coercive-control/>>.
- <sup>33</sup> Northern Integrated Family Violence Services Partnership, *Misidentification of Predominant Aggressors*, (Web Page, 2022) <<https://www.nifvs.org.au/2022/01/25/misidentification-of-predominant-aggressor-continues/>>.

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- <sup>34</sup> See evidence delivered at the Inquiry into Queensland Police Service responses to domestic and family violence. At the time of writing, the Inquiry had not concluded.
- <sup>35</sup> Natasha Walker, Tamara Mackean, Marlene Longbottom, Julieann Coombes, Keziah Bennett-Brook, Kathleen Clapham, Rebecca Ivers, Maree Hackett, Julie Redfern, et al, 'Responses to the primary health care needs of Aboriginal and Torres Strait Islander women experiencing violence: A scoping review of policy and practice guidelines' (2021) 32 (2) *Health Promotion Journal of Australia*, p. 40–53.
- <sup>36</sup> For example see: <<https://www.abc.net.au/news/2021-05-20/coronial-inquest-child-aboriginal-teenager-death/100154488>>.
- <sup>37</sup> Kyllie Cripps, 'Boosting Indigenous only Services alone Won't End Aboriginal Family Violence', *the Conversation* (April 5 2016), <<https://theconversation.com/boosting-indigenous-only-services-alone-wont-end-aboriginal-family-violence-56923>>.
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- <sup>41</sup> Hannah McGlade and Stella Tarrant, "'Say her name" – Naming Aboriginal women in the justice system' in Suvendrini Perera, Joseph Pugliese (ed), *Mapping Deathscapes* (Routledge, 2021) chapter 5, 106.
- <sup>42</sup> Marlene Longbottom, 'Commission of inquiry into Queensland Police Service responses to domestic and family violence', (Submission, 2022).
- <sup>43</sup> Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing our Future*, (2020) Part Two, Chapter 5, p. 2017.
- <sup>44</sup> Elise Klein, 'Unpaid care, welfare conditionality and expropriation', (2021), 28(4) *Gender Work Organ*, p 1475-1489.
- <sup>45</sup> Kyllie Cripps, and Daphne Habibis, *Improving housing and service responses to domestic and family violence for Indigenous individuals and families*' (AHURI, Final Report, NO 320, August 2019).
- <sup>46</sup> State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16), p. 458.
- <sup>47</sup> National Family Violence Prevention Legal Services, 'National Family Violence Prevention Legal Services Forum submission to the Australian Human Rights Commission Wiyi Yani U Thangani (Women's Voices)', (Submission, December 7, 2018).
- <sup>48</sup> Christopher Walsh, 'Outrageous and irresponsible': Fyles Government downplays effect of alcohol on DV cases in NT', *NT Independent* (Online, 26 July 2022).
- <sup>49</sup> Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing our Future*, (2020), Part Two, Chapter 5, p. 225.
- <sup>50</sup> Flynn, A., Hindes, S., & Powell, A, 'Technology-facilitated abuse: Interviews with victims and survivors and perpetrators' (Research report, ANROWS, 2022).

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- <sup>51</sup> Kyllie Cripps, 'Media constructions of Indigenous women in sexual assault cases: reflections from Australia and Canada', (2021) 33, *Current Issues in Criminal Justice*, p. 300–321.
- <sup>52</sup> Department of Social Services Cth, 'The National Plan to End Violence against Women and Children 2022–2032' (Report, 2022).

## Further Information

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