

2022 Wiyi Yani U Thangani First Nations Women's Safety Policy Forum

Delegates Statement

"We have committed to delivering a dedicated National Plan for First Nations people to end violence against women and family violence ...

As a government, we are absolutely committed to putting the voices and aspirations of First Nations women and girls at the centre of plans to improve family safety."

**Minister for Indigenous Australians,
The Hon Linda Burney**

Statement

First Nations women, children and families have the right to be free from all forms of violence including family, domestic and sexual violence, racial violence, and institutional discrimination, wherever we live, from urban to remote and very remote Australia.

Our right to safety is foundational to many human rights frameworks ratified and endorsed by Australia, including 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*, the *Convention on the Rights of the Child (CRC)*, and significantly for First Nations peoples, the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*. We, the delegates, also acknowledge the recent significant report of the United Nations Special Rapporteur on Violence Against Women, Reem Alsalem, which addressed the serious issue of violence towards Indigenous women globally.

Despite this, across Australia, First Nations women, children and gender diverse people suffer disproportionate levels of violence, harm, and trauma. First Nations women are 32 times more likely to be hospitalised and 11 times more likely to die from assault than non-Indigenous women in Australia.ⁱ Family violence is a significant contributing factor to the incarceration of First Nations women, and the over-representation of First Nations children in child protection systems and is the leading reason for their removal from our families.ⁱⁱ These statistics are appalling and yet we know there is a significant lack of data which fails to show the true extent of violence.

We know this unacceptable level of violence, that has taken too many lives, does not come from our Indigenous cultures which hold our women's Law and have sustained healthy and safe existences for tens of thousands of years. This violence, originating at colonisation, is a result of systemic exclusion, inequalities and all intersecting discriminations including racism and sexism. Delegates of the Wiyi Yani U Thangani First Nations Women's Safety Policy Forum (the Forum) said, 'enough is enough'.

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.

Forum delegates stressed that First Nations women have always been central to providing care and doing remarkable, and often unrecognised work, to keep family and kin safe. Women are at the forefront of social change, establishing and running holistic organisations grounded in culture and community, to respond to immediate harms whilst enabling healing and implementing violence prevention measures. When First Nations women are invested in, children thrive, economies grow, communities are cohesive, and harms and violence are minimised. This is documented throughout the [Wiyi Yani U Thangani \(Women's Voices\) Report \(2020\)](#) and reinforced by Forum delegates.

The Australian Government must ensure that the proposed stand-alone First Nations National Plan to end violence against women and children (National Plan) is truly self-determined and that First Nations women and children are front and centre of its design and delivery.

This approach must also be applied to the Aboriginal and Torres Strait Islander Action Plan currently being developed by the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence, within the mainstream National Plan to End Violence against Women and Children. Delegates were clear that the current Action Plan under development must act as a strong foundation to develop the longer-term stand-alone First Nations National Plan.

The [Closing the Gap National Agreement](#) and the [Wiyi Yani U Thangani \(Women's Voices\) Report \(2020\)](#) and [Implementation Framework \(2021\)](#), supported by evidence from many other important inquiries and research, set the context, principles and targets to develop the stand-alone National Plan. In particular, the [four Priority Reforms](#) under Closing the Gap can drive the development and implementation of the stand-alone Plan through an inclusive, transparent, and self-determining process.

But within these frameworks, our women and children's lived experiences, knowledges and specialist expertise must continue to be included in the design process that will shape the way ahead. The stand-alone National Plan needs to elevate and embrace our voices equally, in all their diversity, addressing the specific needs of children, people with disability and those who care for people with disabilities, people who are gender diverse and who identify as Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual and Sistergirls (LGBTQIA+SG), people experiencing mental health distress, and women and children who are, and have been, incarcerated.

Getting this right, now, is critical to how the First Nations Voice to Parliament will respond to our women and children's unique needs and aspirations across all our vibrant nations.

The current Action Plan and the proposed dedicated National Plan are opportunities to be inclusive and for First Nations women and children to be present at every step of design. These plans can

deliver future-focused long-term investment into effective, proven measures and support the formation of systems grounded in our culture of interconnected care, love and safety.

Background and purpose of this Statement

This Delegate Statement reflects the voices of the Forum participants and has been drafted by delegates who participated in the Forum panels. The Forum took place online across a full day on the 12 September 2022. Over 150 participants came 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.

Discussions at the Forum have built on the substantial evidence, work and lived experience of First Nations women and advocates.

The Forum is also a response to recommendations made at the Australian Government's September 2021 Women's Safety Summit, for First Nations peoples to lead in the design and implementation of responses to violence, and for the development of a separate First Nations plan.

Delivered by the Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar AO, and hosted by the Australian Human Rights Commission, the Forum was not part of a consultation process. Rather it was designed to be open a space of dialogue dedicated to the voices of First Nations women to begin considering what the future process of a stand-alone plan should look like.

The Forum and the resulting Outcomes Report (currently under development) is primarily intended to inform the longer-term formation of the Australian Government's proposed stand-alone First Nations National Plan to end violence against women and children. The Forum is also significant in considering the many approaches required to achieve target 13 of the Closing the Gap National Agreement.

This Delegate Statement is a high-level summary of the key themes raised at the Forum. It does not capture the full extent and depth of the conversations. It will be followed by an Outcomes Report, to be delivered to the Australian Government, which will set out the themes in greater detail along with a series of actions.

The Forum also enabled feedback to the current process of developing the Aboriginal and Torres Strait Islander Action Plan under the National Plan to End Violence against Women and Children 2022-2032, led by the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence. Forum attendees expressed the need to be included in the consultation process on this Action Plan. They look forward to being able to contribute to the development of the Action Plan and see this as consistent with the principles of self-determination. The Australian Human Rights Commission is not involved in developing this Action Plan.

Delegates' major themes and priorities for the stand-alone National Plan

The Forum enabled recommendations and priorities for future action to be discussed in line with the Australian Government's commitment to develop a stand-alone First Nations National Plan.

The Forum included panel discussions followed by breakout discussions between delegates, focusing on the priorities and vision for the way forward, addressing violence from prevention to recovery through the lens of First Nations women and families in all their diversity. Panellists and delegates explored the root causes and drivers of violence and highlighted critical issues that must be elevated and prioritised within the development of the National Plan. The priorities stated below are in no way the full and complete themes and issues to be included in the National Plan—they are the beginning of a process to inform government as they develop the National Plan.

The overarching themes of all discussions demonstrated the importance of:

- **First Nations self-determination** to guarantee that First Nations women lead in the development and delivery of a stand-alone plan, and inform the 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 of **First Nations women, gender diverse people, and our families in all their diversity** including our old people, our Stolen Generations, people living remotely, those with, and caring for people with disabilities, LGBTQIA+SG people, those in incarceration, and children in the juvenile detention or child protection system.
- **Centring the voices of First Nations children**, especially girls who are at increased risk of sexual abuse in the development of the stand-alone plan 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 treaties it has ratified and endorsed.
- Ensuring the plan takes a **holistic culturally informed family-oriented approach** to understand the drivers of violence and how all people are affected by violence and ensuring that men are not excluded, that they are included as part of the solutions, and that evidence-based perpetrator responses are developed and accessible.
- Recognising all forms of **intersectional discrimination** as major drivers of violence, including but not limited to racism, sexism, ableism, homophobia and transphobia.
- Understanding and addressing the violence caused by individual, **systemic and institutional racism**, how racism is present within policies and legislation, and the particular effects it has on First Nations women and children in everyday life and when interacting with services, the public and when seeking help.

Delegates also elevated the role of **system enablers** in 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 orientated 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 participate in decision-making processes.
- Investing in First Nations **data sovereignty** 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.
- Meaningful **legislative reform**, acknowledging the impact of the criminal justice system on First Nations women and children, the introduction of coercive control laws, the importance of harmonising family violence definitions and legislation across all jurisdictions, the interactions between women reporting and child removal, the increasing rates of incarceration of First Nations women, and alternative pathways to justice.
- **Large-scale systems change** to shift responses to violence from uncaring and punitive to caring and enabling, that centre our First Nations knowledges and cultures.

To improve **prevention of and responses to violence** across the service system, delegates prioritised:

- 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 and addressing the causes of poverty.
- 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.
- **Holistic preventative measures** grounded in culture and community, with education around respectful relationships.

- Removing 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.
- **Transformation of child protection systems** to place First Nations communities and families at the centre of decision-making.
- **Meaningful investment** in community-driven solutions to deliver safety for First Nations women and children that extend beyond police and prison systems.
- **Programs designed by and for First Nations men**, including safe and alternative accommodation for men.
- **Extensive reform to policing practice in order to** reduce the criminalisation of women experiencing violence and the mandatory reporting requirement that see the high rates 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.
- Understanding and addressing the connection between violence and **drug and alcohol misuse**.
- Ensuring policy and practice keeps pace with the use of **technology**.

Signatories of the Delegate Statement

- Associate Professor, Hannah McGlade, Curtin University
- Associate Professor, Dr Kyllie Cripps, UNSW Sydney
- Associate Professor, Dr Marlene Longbottom, University of Wollongong
- Antoinette Braybrook, Co-Chair, Change the Record and CEO of Djirra
- Ashlee Donohue, Author and Advocate
- Cheryl Axleby, Co-Chair, Change the Record
- Catherine Liddle, CEO, SNAICC – National Voice for Our Children
- Emily Carter, CEO, Marninwarntikura Women's Resource Centre
- June Oscar AO, Aboriginal and Torres Strait Islander Social Justice Commissioner
- June Riemer, Deputy CEO, First Peoples Disability Network
- Peta MacGillivray, Researcher and PhD Candidate, UNSW Sydney
- Phynea Clarke, Deputy Chair, National Family Violence Prevention and Legal Service Forum
- Professor Marcia Langton, The University of Melbourne
- Wynetta Dewis, Chair, National Family Violence Prevention and Legal Service Forum
- Shirleen Campbell, Co Co-ordinator, Tangentyere Council