



Tania Wilkinson Brown Consultancy

Email: tania.brown3@outlook.com

Mobile Phone: 0418 163 545

Website: <https://www.twbconsultancy.com>

Submission to inform the Special Rapporteur's report on violence against Indigenous women and girls, to be presented at the 50th session of the Human Rights Council.

As an Indigenous woman from Australia my expertise is from a lived experience perspective and from my work within Aboriginal health of over 30 years.

Family, domestic and sexual violence has a profound effect on the health and wellbeing of Indigenous families, communities and individuals.

Available statistics show that:

- Aboriginal and Torres Strait Islander women are five times as likely to experience physical violence, and three times as likely to experience sexual violence, than other Australian women in the previous year.
- Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised due to family violence related assaults than other Australian women.
- According to the Australian Productivity Commission, Aboriginal and Torres Strait Islander women are twice as likely to die as an outcome of family violence compared to other Australian women.
- Family violence is a major contributor to children being removed from their families. Aboriginal and Torres Strait Islander children are over nine times as likely to be on care and protection orders and ten times more likely to be in out of home care than non-Aboriginal and Torres Strait Islander children.
- Without intervention, the cost of violence perpetrated against Aboriginal and Torres Strait Islander women, is estimated to be \$2.2 billion in 2021-22, including costs associated with pain, suffering, premature death and health costs.
- Family violence is a greatly underreported crime.
- Aboriginal and Torres Strait Islander women have lower reporting rates than non-Aboriginal and Torres Strait Islander women and are known to face specific and additional barriers to reporting.
- Aboriginal and Torres Strait Islander women are five times more likely to be victims of homicide than other Australian women. More than half (55%) of these homicides are related to family violence. (1)

Family violence has many causes within Indigenous communities than in non-Indigenous communities.

Colonisation severely disrupted Aboriginal society and economy—epidemic disease caused an immediate loss of life, and the occupation of land by settlers and the restriction of Aboriginal people to 'reserves' disrupted their ability to support themselves. Over time, this combination of factors had such an impact that by the 1930s only an estimated 80,000 Indigenous people remained in Australia (Smith 1980).

There is a current lack of data on the effectiveness of Indigenous-specific family violence prevention programs and some of the barriers for this is that government funding has not included funds to evaluate programs, evaluating family violence from a cultural context is very difficult and yet the effectiveness of Indigenous-specific family violence prevention programs and their success from a clinical perspective is based on community involvement, service delivery and access to services, policy development that is co-designed with Aboriginal communities.

The evidence has shown when the Australian government and mainstream services apply a simplistic approach to policy design for Indigenous-specific family violence prevention programs without consultation with Aboriginal peoples and or communities that this method has very little affect in reducing the rates of domestic and sexual abuse that Aboriginal women and children are subject to.

Throughout Australia we have many Indigenous support organisations that provide a holistic and culturally safe services for Indigenous victims and survivors of family, domestic and sexual violence. And for many years Indigenous peoples and communities have called for our governments and their representatives to listen to the voices of our Indigenous elders, leaders and people with lived experience of domestic violence to work with them to reduce or eliminate violence within Indigenous communities.

In an effort to reduce violence against women and children an initiative by the Council of Australian Governments (COAG) designed The National Plan to Reduce Violence against Women and their Children 2010 – 2022 the national plan showed Australia's commitment to upholding the human rights of Australian women through the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration to End Violence Against Women and the Beijing Declaration and Platform for Action.

Evaluation on the last National Plan has not been released but many believe the priorities did very little to reduce violence against women and children. Hence why a National ten-year Plan is now open for public consultation, the plan has been broken up into two five-year action plans and two five-year Aboriginal and Torres Strait Islander action plans. [two five-year Aboriginal and Torres Strait Islander action plans](#). In a positive measure the inclusion of men and boys and the important role they play in engaging and challenging views that condone gender-based violence and supporting men and boys to call out harassment or disrespect towards women.

The new National Plan (draft) has also adopted a four-pillar approach to help focus and organize the next decade of effort and measure outcomes. (2)

- 1. Prevention**
- 2. Early intervention**
- 3. Response**
- 4. Recovery**

Dedicated Aboriginal and Torres Strait Islander Action Plan

A dedicated Aboriginal and Torres Strait Islander Action Plan will set the foundation for healing-informed, strength-based approaches that are culturally based and community-led. It will build on the commitments made through the **National Agreement on Closing the Gap** (3), particularly in relation to the four reform priorities and specifically Target 13 which states:

Outcome: Aboriginal and Torres Strait Islander families and households are safe.

Target: 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 Aboriginal and Torres Strait Islander Action Plan National Plan will reflect the importance of the principle of self-determination of Aboriginal and Torres Strait Islander peoples. It will also highlight the need for transformation of current prevention, early intervention, response and recovery efforts to counter systemic racism, promote culturally-safe practices, as well as holistic approaches that respond to deeply held historical trauma and improve the wellbeing of Aboriginal and Torres Strait Islander peoples.

“We have to be very cognisant that there is no quick fix to the experiences that we have in our communities and so I think that the solutions that are available in the non-Indigenous community are not the solutions that are necessarily going to work for us. Too often I think the solutions are often thought of that they will work for us and that is often a big mistake that hurts our community.”

- Advocate, Monash Consultation Report, 2021

The family law system

Since the first National Plan was developed, the Australian Government has undertaken a series of reforms to the family law system to help families separate in a safe, child-centered, supportive, accessible and timely way. The aim of these reforms has been to provide better coordination and awareness of family safety issues in Australia’s family law system, and the piloting of programs within the courts to recognise and respond to family, domestic and sexual violence like the Lighthouse Project.

While states and territories share responsibility for family and domestic violence, only the Commonwealth is responsible for the family law system.

Recommendations:

- **Improve the availability of alcohol rehabilitation services, including culturally appropriate services for Indigenous communities.**
- **That Member States take a lead role in the provision of affordable housing solutions to meet long-term needs for those made homeless by domestic and family violence.**
- **That Member States recognizes the importance of the provision and availability of supportive housing models to assist victims of domestic and family violence to find safety for themselves and their children.**
- **That Member States consider focusing on work that reinforces the value of school-based education across all age groups on respectful relationships and responses to domestic and family violence.**
- **That Member States lead and coordinate work to facilitate data collection pursuant to the National and International Data Collection and Reporting Frameworks.**
- **That Member States supports victims of domestic and family violence having access to appropriate leave provisions which assist them to maintain employment and financial security while attending necessary appointments such as court appearances and seeking legal advice.**

References:

- (1) Reporting on Family Violence in Aboriginal & Torres Strait Islander Communities (Australian Institute of Health & Welfare) <https://www.aihw.gov.au/>
- (2) Draft National Plan to end Violence against Women & Children 2022-2032 <https://engage.dss.gov.au/>
- (3) National Closing the Gap Priorities <https://www.closingthegap.gov.au/>