



## Senate Legal and Constitutional Affairs References Committee Inquiry into the Application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia

June 2022

Djurra<sup>1</sup> welcomes the opportunity to respond to this Inquiry and calls for the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) into Australian law. In doing so, we refer to and endorse the submission from Change the Record in its calls for:

- An audit of existing federal laws, policies and agencies;
- An implementation plan for the incorporation of UNDRIP into law and policy that reflects the principles of self-determination and consent; and
- Appropriate funding for agencies and Aboriginal and Torres Strait Islander organisations to enable the process.

Djurra is an Aboriginal Community Controlled Organisation with over 20 years' experience accompanying Aboriginal and Torres Strait Islander women, and their children, on their individual journeys. We find solutions through Aboriginal and Torres Strait Islander women sharing their stories, journeys, and experiences. Djurra celebrates women's strength and resilience. We are committed to a future without family violence.

Djurra is an active member of the National Family Violence Prevention and Legal Services (NFVPLS) Forum, the peak body for Aboriginal and Torres Strait Islander people who are experiencing or at risk of family violence. Djurra's CEO Antoinette Braybrook held elected roles as Chair and Co-Chair of the NFVPLS Forum for over ten years. Antoinette is also Co-Chair of Change the Record, Australia's only national First Nations led justice coalition of legal, health and family violence prevention experts.

Djurra has held consultative status with the Economic and Social Council (ECOSOC) of the United Nations since 2013. In 2019, Djurra's CEO made four interventions at the 41st session of the United Nations Humans Rights Council in Geneva, bringing to the world's attention Australian government policies that marginalise Aboriginal people. These interventions called on governments to urgently address:

- Overincarceration of Aboriginal and Torres Strait Islander women;
- High rates of violence against Aboriginal and Torres Strait Islander women;
- High removal rates of Aboriginal and Torres Strait Islander children; and
- Abolish the punitive ParentsNext program.

The context in which we call for UNDRIP to be fully incorporated into Australian law is the substantial failure of state, territory and federal governments to end the significant disadvantage inflicted on Aboriginal and Torres Strait Islander people by a country that has not meaningfully addressed its legacy of colonialism, racism, and substantial human rights abuses, which continue to this day.

Violence against First Nations women is a national crisis. An Aboriginal and Torres Strait Islander woman today is:

- **32 times** more likely hospitalised because of family violence<sup>2</sup>; and
- **10 times** more likely die from violent assault<sup>3</sup>

than other women in Australia.

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<sup>1</sup> Djurra is the Woiwurrung word for the reed used by Wurundjeri women for basket weaving. Traditionally, when women gathered to weave, important talks took place and problems were solved. The word Djurra symbolises our connection with Aboriginal women today, coming together to share stories, support each other and find solutions.



Aboriginal and Torres Strait Islander women continue to be disproportionately impacted by harsh government laws and policies, from inadequate social security to punitive criminal justice and child protection measures.

First Nations women represent the fastest growing prison population in the country. In Victoria, Aboriginal and Torres Strait Islander women represent 0.8% of the female population<sup>4</sup> and 10% of the female prison population.<sup>5</sup> Our people are the most incarcerated in the world. Since the Royal Commission into Aboriginal Deaths in Custody in 1991 at least 500 more of our people have died in custody. Australia is one of the few countries in the world that still locks away children as young as 10 years old.

In our interventions to the UN in Geneva in 2019, Djirra highlighted the impact ParentsNext was having on Aboriginal and Torres Strait Islander mothers, especially those escaping family violence; in particular how it pushed them deeper into poverty and sometimes left them for weeks without money to feed their kids or get them to school.

Self-determination is fundamental to the rights of First Nations peoples. We should be leading on all matters that affect us – we have the solutions. Yet Australian governments still fail to properly include Aboriginal organisations when designing relevant laws, as was the case recently in Victoria, when key organisations including Djirra were excluded from developing an Aboriginal Statement of Recognition to be included in the *Children, Youth and Families Act 2005*.

Further, the women and children Djirra support would benefit from the recognition in the Declaration of the right of communities and families ‘to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child’, and the protections against forcible removal of children from their people, and of women and children against all forms of violence and discrimination.

We call on the Australian government to commit to fully implementing the UNDRIP, as an essential step towards ensuring the rights of Aboriginal and Torres Strait Islander peoples.

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<sup>2</sup> Australian Institute of Health and Welfare (2019), ‘Family, domestic and sexual violence in Australia: continuing the national story 2019’, p ix.

<sup>3</sup> Australian Human Rights Commission (December 2020), ‘Wiyi Yani U Thangani (Women’s Voices): Securing Our Rights, Securing Our Future Report’, p 4.

<sup>4</sup> Australian Bureau of Statistics (2016), ‘2016 Census QuickStats; Victoria’.

<sup>5</sup> Corrections Victoria (2021), ‘Monthly Prisoner and Offender Statistics 2021-2022’.