

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

Agenda Item: Violence Against Women

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

Introduction

Violence against Indigenous women and girls is a human rights issue. The Social Justice Commissioner recognises the importance of Article 22 (2) of the *UN Declaration on the Rights of Indigenous Peoples* in affirming the rights and specific needs of Indigenous women and children, including the full protection and guarantees for Indigenous women and girls against all forms of violence and discrimination.

I welcome the Permanent Forum on Indigenous Issues' *International Expert Group Report on combatting violence against Indigenous women and girls*¹ and reaffirm the importance of the following conclusions and recommendations:

- Indigenous communities and leaders have an important role in advocating for the prevention of violence against women;
- Governments have an important role in:
 - Recognising and supporting Indigenous women's initiatives to address violence against women;
 - Resourcing community based initiatives, and particularly women's community-based, anti-violence strategies;
 - Establishing and making available age appropriate facilities to support Indigenous women, including provision of legal aid, psychological and social protection and witness protection;
 - Developing a robust monitoring and evaluation framework to measure the impact of policies and programs targeted at eradication of violence against Indigenous women and girls.

In Australia, Aboriginal and Torres Strait Islander women are 45 times more likely than non-Indigenous women to be victims of domestic violence.² The homicide rates of Aboriginal and Torres Strait Islander women are between 9 and 23 times higher at different times in the life cycle than they are for non-Indigenous women.³ Sixty-nine

percent of Aboriginal women live in rural, regional or remote areas of Australia⁴ where there are limited culturally appropriate services available.

The Australian Government launched the *National Plan to Reduce Violence against Women and their Children 2010-2020* on 15 February 2011. The plan adopts a holistic view to addressing domestic violence and sexual assault by committing governments to work together with community organisations, businesses and researchers, with a strong focus on prevention.

The third national outcome of the National Plan is to strengthen Indigenous communities through: fostering the leadership of Indigenous women; building community capacity at the local level; and improving access to appropriate services. The National Plan builds on the Australian Government's Closing the Gap framework and the Indigenous Family Safety Program. However, the National Plan does not currently make provision for any independent monitoring and evaluation of the impact of the Plan.⁵

In its 2010 concluding observations on Australia, the Committee on the Elimination of Discrimination against Women identified violence against Indigenous women as a critical area of concern.⁶ The Committee recommended the Government implement specific strategies within the National Plan to address violence against Aboriginal and Torres Straits Islander women, including funding culturally appropriate Indigenous women's legal services in urban, rural and remote areas of Australia.⁷ The Committee also recommended the timely implementation and funding of the National Plan, including a mechanism for independent monitoring.⁸

The UN Special Rapporteur on Violence against Women conducted a Study Tour in Australia in April 2012. Some of the issues raised by NGOs, community organisations and individuals in discussions during the tour included:

- The importance of avoiding a one-size-fits-all approach to programs and service delivery in Aboriginal and Torres Strait Islander communities. But rather recognising the diverse needs of Aboriginal and Torres Strait Islander communities and implementing specific responses tailored to local contexts, which includes, initiatives that are led by the community or taken in conjunction with the community;
- The importance of supporting Aboriginal and Torres Strait Islander women's capacity to lead initiatives within their communities;
- The importance of providing support to Aboriginal and Torres Strait Islander men's programs that focus on healing, awareness raising and prevention; and strengthening the capacity for male advocacy on eliminating violence against women.
- The importance of a holistic approach that is coordinated across different government programs.

- The importance of Government fulfilling its due diligence obligations to prevent, investigate, punish and provide redress for acts of violence against Aboriginal and Torres Strait Islander women.

Attached in Appendix1 is the Indigenous Women's Declaration from the 57th Session of the Commission on the Status of Women.

Recommendations

As the Social Justice Commissioner, I recommend:

1. That the World Conference on Indigenous peoples urges states to provide a holistic response to violence against Indigenous women and girls;
2. That the World Conference on Indigenous peoples urges states to provide specific, community-based programs and services for Indigenous women and girls, in urban, rural and remote areas, including:
 - a. culturally appropriate prevention programs;
 - b. accessible and culturally appropriate counselling, shelters, refuges, accommodation, health care, legal services and other support services;
3. That the World Conference on Indigenous peoples urges states to provide programs for Indigenous men on healing, awareness raising and prevention;
4. That the World Conference on Indigenous peoples urges states to engage with Indigenous communities to inform the development and implementation of government policies, programs and services;
5. That the World Conference on Indigenous peoples urges states to ensure the independent monitoring and evaluation of the impact of government policies and programs.

Appendix 1

FIFTY SEVENTH MEETING OF THE COMMISSION ON THE STATUS OF WOMEN

From 4 to 15 March 2013, United Nations, New York

DECLARATION OF THE INDIGENOUS WOMEN OF CSW57

Reaffirming the Beijing Declaration and Platform for Action Beijing, the Beijing Declaration of Indigenous Women, the twenty-third special session of the General Assembly and declarations adopted by the Commission during the tenth and fifteenth anniversaries of the Fourth World Women,

Recalling the United Nations Declaration on the Rights of Indigenous Peoples, Article 22 paragraph 2, which states that States shall take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination,

Recalling that the Commission on the Status of Women plays a key role in monitoring, reviewing and evaluating the progress made and challenges encountered in implementing the Beijing Platform for Action at all levels, and in our regions, and the intergovernmental regional and sub-regional organizations to advance women, to ensure compliance with the commitments that governments adopt at the Commission on the Status of Women,

Considering the recommendations made in the report of the meeting of the international group of experts: combating violence against Indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples, where they emphasized the inadequate statistical data on the extent of violence against Indigenous women and girls that are so important for the development and implementation of evidence-based policy, legislative reform and judicial training,

Stressing the need for an intercultural and situational analysis to address violence against Indigenous women, whereas studies on various aspects of identity and systems of patriarchal and colonial domination have interacted.

WE URGE ALL STATES TO:

1. Promote public policies and inter-cultural approaches to the full and effective participation of women and young people including in political processes, to eradicate and prevent violence. This includes institutionalized mechanisms in each country, specific areas or departments responsible for designing policies, programs and legislation, taking into account the multisectoral nature of the problem of women, girls and young people, aimed primarily at providing information, tools and trained professionals in the sectors responsible for justice, education, health and employment.
2. Review education systems at all levels to review and include an education based on the recognition of diversity and cultural differences, as a basis for respect between diverse and complex societies, recognized as equal in rights. The

educational content should contribute to state multiculturalism, self-esteem, dignity and respect for differences as fundamental values to eradicate violence and racism.

3. Establish funds and governmental agencies for research qualified to supply culturally appropriate tools and methodologies to deal with the forms and consequences of violence against women, girls and young people, including national budgets and fiscal policies aimed at the justice system to reduce or eliminate violence against Indigenous women and girls.

4. Consider and take actions to repair the negative impact that pollution, environmental destruction and development, including the extractive industries has on the lives of Indigenous women, as a form of violence from the perspective of collective rights.

5. Create mechanisms for accessibility to justice for Indigenous women, through training and awareness of staff and to reduce incarceration of Indigenous women and their contact with the criminal justice system, and administer justice in matters of individual and collective rights of Indigenous Peoples and women, with a focus on multiculturalism and gender.

6. Include the variable ethnic and cultural identification in all instruments that gather quantitative and qualitative information from census surveys of all kinds, in order to overcome the lack of specific and disaggregated information relating to women, children and young people to establish the necessary policies, programs and legislation.

7. Develop national action plans which include research components focusing on intercultural violence by identifying systematic, coordinated, multi-sectoral and holistic, sustainable measures to address the underlying poverty, discrimination, overincarceration and sexism.

8. Develop mechanisms of accountability to monitor government programs to combat violence against women and girls, which identifies the damage caused by discrimination and racism and promote appropriate recommendations to remedy these facts.

9. Ensure the active participation of Indigenous women in all consultation processes during the phases of development, implementation and evaluation of all programs, policy and legislation related to responses for victims of violence to government programs and strategic policy, and for anti-violence including a holistic approach for the primary prevention of violence which ensures that the underlying causes are addressed effectively.

Declared by:

Aboriginal Family Violence Prevention Legal Service of Victoria
Adivasi Women's Network, India
Asia Indigenous Peoples Pact (AIPP)
Asia Indigenous Women's Network
Chirapaq Centro de Culturas Indigenas del Peru Perú
Conservación, Investigación y Aprovechamiento de los Recursos Naturales
(CIARENA)
Consejo Regional Indigena de Risaralda Colombia
Continental Network of Indigenous Women of the Americas (ECMIA)

Coporwa – La Communauté des Potiers du Rwanda
Il'laramatak Community Concerns
Indigenous Women's Forum for Northeast India, India
Indígenos Youth Network
Indigenous Youth Network of Ayacucho - Ñuqanchik
International Forum of Indigenous Women (FIMI)
La Alianza de Mujeres Indígenas de Centroamérica y México
La organization Wangki Tangi
Naga Women's Union, India
Mudgin-gal Aboriginal Corporation
National Aboriginal and Torres Strait Islander Women's Alliance
National Congress of Australia's First Peoples
Native Women's Association of Canada
Partners of Community Organization (PACOS), Malaysia
The Sami Parliament

¹ Permanent Forum on Indigenous Issues, *Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples: Report of the international expert group meeting* (2012) UN Doc E/C.19/2012/6.

² Australian Bureau of Statistics, *Personal Safety, Australia, 2005* (reissue), Catalogue No. 4906.0 (2006), p30. At [http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4906.02005%20\(Reissue\)?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4906.02005%20(Reissue)?OpenDocument) (viewed 6 February 2012).

³ Australian Bureau of Statistics, n2, p 10.

⁴ Australian Bureau of Statistics, '2006 Census(a), Indigenous population – Remoteness Areas(b)' in *4705.0 - Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006* (2007). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4705.0> (viewed 1 February 2012).

⁵ Department of Families, Housing, Community Services and Indigenous Affairs, *National Plan to reduce violence against women and their children* (2011). At <http://www.fahcsia.gov.au/sa/women/progserv/violence/nationalplan/Pages/default.aspx> (viewed 1 February 2012).

⁶ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Australia* (2010), p8. At <http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm> (viewed 1 February 2011)

⁷ Committee on the Elimination of Discrimination against Women, above, para 41.

⁸ Committee on the Elimination of Discrimination against Women, n6, para 29.