

**Submission to the Australian Government consultation on
Australia's draft ninth periodic report under Article 18 of the
Convention on the Elimination of All Forms of Discrimination
against Women (CEDAW)**



Artwork Title: Guunu-maana (Heal)- Heal Spirit, Heal Country, by Angela Webb

The George Institute for Global Health

September 2024



Acknowledgement of Country:

The George Institute for Global Health ('The George Institute') acknowledges the traditional owners of the lands on which we work, and in particular the Gadigal people of the Eora Nation on which our Sydney office is situated. We pay our respects to Elders past and present. We value and respect the ongoing connection of Aboriginal and Torres Strait Islander peoples to Country and seek to work in partnership with communities to deliver better health outcomes.

Introduction

The George Institute welcomes the opportunity to provide feedback on Australia's ninth periodic report to the Committee on the Elimination of Discrimination Against Women ('the Committee'). The George Institute is a leading medical research institute based in Sydney, with centres in China, India and the UK. Our mission is to improve the health of millions of people worldwide, by challenging the status quo and using innovative approaches to prevent and treat non-communicable diseases.

About Guunu-maana:

The Guunu-maana (Heal) Aboriginal and Torres Strait Islander Health Program at The George Institute drives meaningful and ethical research and advocacy to transform the health and wellbeing of First Nations peoples and communities. Guunu-maana is led through Aboriginal and Torres Strait Islander ways of knowing, being and doing to generate evidence that privileges Indigenous knowledges and translates to actions that empower peoples and communities.

The responses in this submission are focused on the Government's consultation questions, in response to the List of Issues¹ documented by the CEDAW Committee. They are drafted based on the research conducted by the Guunu-Maana team.

Responses to Australian Government consultation questions:

Question 4b: Recognition of First Nations People in the Constitution

We believe that the response to this question should be expanded to reflect the deep and ongoing negative impacts on Aboriginal and Torres Strait Islander peoples and communities, during and post referendum. The referendum process, which asked Australians to approve an alteration to the Constitution to recognise the First Peoples of Australia, had negative impacts² on Aboriginal and Torres Strait Islander health and wellbeing. We believe the Government should have done and be doing more to acknowledge and address these negative impacts upon Aboriginal and Torres Strait Islander communities.

Constitutional recognition is aligned with the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), of which Australia is a signatory. Although the UNDRIP is a non-binding international declaration, it sets a standard for governments to recognise and protect Indigenous

¹ CEDAW/C/AUS/QPR/9

² See: <https://www.abc.net.au/news/2023-10-16/why-the-voice-failed/102978962>

rights, including the rights of Indigenous women and girls. The CEDAW Committee sees UNDRIP as an authoritative framework for interpreting Australia's obligations under CEDAW.

UNDRIP explicitly calls for the right of Indigenous peoples to self-determination, including control over their own institutions, governance, and cultural practices. The CEDAW Committee stated that the absence of constitutional recognition deprived Indigenous women of their rights.³ Articles 1 and 2 of CEDAW obligates Australia to ensure the right of self-determination of Indigenous women and girls, which is further articulated in General Recommendation 39 on Indigenous Women and Girls.

Constitutional recognition would have both symbolically and practically supported Aboriginal and Torres Strait Islander peoples' rights to self-determination. Proposed reforms like the "Voice to Parliament" could have enabled greater participation in national decision-making processes that impact Aboriginal and Torres Strait Islander communities, including women and girls, and align with the UNDRIP's principles, including Articles 21 and 22 which speak to the unique rights of Indigenous women. Constitutional recognition would also have promoted the protection and respect for Indigenous cultures within the legal and political framework of Australia, promoting greater awareness and respect for Indigenous heritage, languages, and practices.

In its ninth periodic report, the Australian Government has stated its commitment to listening to Aboriginal and Torres Strait Islander peoples and advancing reconciliation. We strongly believe that supporting reconciliation alone is not enough to allow Aboriginal and Torres Strait Islander peoples to claim their rights. Reconciliation often focuses on symbolic gestures and broad goodwill without addressing the deep, structural inequities and injustices (land rights, health inequities, legal injustices) that Aboriginal and Torres Strait Islander peoples face. Moreover, reconciliation operates within a framework that maintains the dominance of colonial legal and political systems. As a country we must continue structural reform of these systems that recognises Indigenous sovereignty, self-determination, and embedding Indigenous voices and knowledge systems into policy, as outlined in the UNDRIP and General Recommendation 39 of the CEDAW Committee.

Australia is not only a signatory to the UNDRIP but to multiple human rights treaties that have not been fully implemented into domestic law. We support the CEDAW Committee's recommendation for Australia to adopt a Human Rights Charter⁴ which would provide a clear and unifying codification of rights in Australia's legal framework, including a focus on the rights of Aboriginal and Torres Strait Islander peoples and communities.

Question 8: Stereotypes and harmful practices- Overcoming discriminatory stereotypes

We believe that First Nations Women and girls should be specifically included in Question 8 which addresses overcoming discriminatory stereotypes.

First Nations women face multiple layers of discrimination in relation to gender, Indigeneity, and compounded by historical trauma and other socio-cultural inequities in the face of ongoing colonial impacts. First Nations women are often framed in deficit by media, policy makers and the broader community, and are not respected or valued for the important roles they play as leaders, activists, and knowledge holders within Aboriginal and Torres Strait Islander communities and broader Australian society.

Discriminatory stereotypes about First Nations women often have roots in racist and sexist colonial narratives that dehumanised and marginalised Indigenous women. The Government should further

³ CEDAW/C/AUS/CO/8

⁴ CEDAW/C/AUS/CO/8

engage in truth-telling processes that recognise the ongoing role of colonisation in the marginalisation of First Nations women. We support the work of the Wiyi Yani Yu Thangani project⁵ with a vision for First Nations gender justice and equality in Australia. Specifically, we support the First Nations human rights approach, and the work of the First Nations Gender Justice Institute⁶ to implement and monitor the National Framework for Action for First Nations gender justice.

The Australian Government must also address the overrepresentation of First Nations children in out-of-home care, which is deeply linked to stereotypes about Indigenous mothers and parenting practices. Despite the commitment under the National Agreement on Closing the Gap to reduce the rate of First Nations children in out-of-home care by 45% by 2031, the rate of over-representation continues to grow.⁷ We note the recent commitment⁸ from Allies for Children⁹, to let Aboriginal Community-Controlled Organisations (ACCOs) take the lead with Indigenous children in out-of-home care. This policy change has been led by the peak body for Aboriginal and Torres Strait Islander children, SNAICC, which has consistently demonstrated that Aboriginal-controlled out-of-home care offers the best outcomes for children and families. The Government's ninth periodic report should include a commitment to meaningfully partner in this systemic policy change of the child protection system to ensure Aboriginal and Torres Strait Islander peoples' and families' rights to participation and self-determination are realised. This includes providing adequate funding to ACCOs to deliver on evidence-based community-led solutions.¹⁰

The George Institute has partnered to launch a national Centre for Sex and Gender Equity in Health and Medicine.¹¹ The Centre seeks to address the underlying, binary sex and gender bias in health and medicine that leads to poorer health outcomes and importantly includes a stream that will be focussed on Aboriginal and Torres Strait Islander understandings of sex and gender and identifying research gaps.

The Government should work with media organisations to develop guidelines that promote the fair and accurate representation of First Nations women. This includes combatting negative stereotypes in news coverage and promoting stories that reflect the diversity and achievements of Aboriginal and Torres Strait Islander women.

The Australian Government should take steps to fully implement CEDAW into laws, policies and practice, with a focus on the rights of Indigenous women. This includes:

- Ensuring that First Nations women have the right to participate fully and equally in public life (Articles 7, 8, 9 and 14 of CEDAW).
- Protecting First Nations women's right to maintain and strengthen distinctive spiritual, cultural, and political ties with their lands and communities (Articles 13 and 14 of CEDAW).

⁵ See: <http://wiyiyaniuthangani.humanrights.gov.au>

⁶ See: <http://wiyiyaniuthangani.humanrights.gov.au/first-nations-gender-justice-institute>

⁷ See: SNAICC Family Matters Report 2023

⁸ See: <https://www.theguardian.com/australia-news/2024/sep/25/indigenous-children-out-of-home-care-aboriginal-control>

⁹ An umbrella organisation which includes Act for Kids, Barnardos Australia, Life Without Barriers, OzChild, Mackillop Family Services, Key Assets and the Benevolent Society

¹⁰ See: SNAICC Family Matters Report 2023

¹¹ <https://www.georgeinstitute.org.au/media-releases/world-class-centre-tackles-sex-and-gender-inequities-in-health-and-medicine>

Question 11: Climate change and disaster risk-reduction

The Australian Government's response to this question does not include the perspective of First Nations knowledges and communities in responding to climate change. The CEDAW Committee has been clear about States' responsibilities to ensure that Indigenous women and girls have equal opportunities to meaningfully participate in decision-making related to the environment, disaster-risk reduction and climate change.¹² The Australian Government has committed to co-designing policy in the National Climate and Health Strategy, recognising that First Nations communities' knowledge and experience must be central to policymaking on climate and health.

First Nations peoples have a deep understanding of Country, including ecosystems and land management that has been practiced for thousands of years. Specifically, Aboriginal women are seen as custodians of traditional ecological knowledge, passed down through generations. This knowledge includes plant and animal care, water management, and fire practices, all of which are crucial for maintaining environmental balance and sustainability. Aboriginal and Torres Strait Islander women also play a vital role in the transmission of Dreaming stories, songlines, and ceremonies, which teach younger generations about environmental stewardship and the interconnectedness of all life.

Partnering with Indigenous communities is essential to manage land and water sustainably, respecting First Nations people's understanding of seasonal cycles, ecosystems, and wildlife conservation. In future policies, the Government should integrate Indigenous knowledges and leadership into climate and disaster risk management plans, including fire management, water conservation and biodiversity protection.

Indigenous communities, particularly those in remote and rural areas, are disproportionately affected by climate change and the effects are compounded when considering the impacts upon First Nations women and girls.¹³ Climate change poses a threat to culturally significant landscapes, ecosystems, and sacred sites. The Government should prioritise the protection of these areas in collaboration with Indigenous custodians, acknowledging their cultural and spiritual importance.

The Australian government should also support the development and implementation of First Nations-led climate action plans that address the specific risks and exposures faced by Indigenous communities. These plans should be community-driven and grounded in Indigenous cultural values as well as promote the leadership role that Aboriginal and Torres Strait Islander women play in environmental advocacy and climate change mitigation efforts.

There is an opportunity to champion the inclusion of Indigenous knowledge and leadership in international climate forums, aligning with UNDRIP and CEDAW General Recommendation 39. Australia can advocate for stronger protections for Indigenous peoples globally in climate negotiations and showcase the excellence of Aboriginal and Torres Strait Islander practices. Some examples of what is already working well in this space include:

- Indigenous ranger groups¹⁴ across Australia play a key role in land and sea management, using traditional knowledge in combination with modern environmental management techniques to care for Country.

¹² See: CEDAW/C/GC/39

¹³ See: CEDAW/C/GC/39

¹⁴ See: <https://www.niaa.gov.au/our-work/environment-and-land/indigenous-rangers>

- Programs that incorporate traditional burning practices¹⁵ that involve the controlled burning of small areas of land to prevent larger, more destructive wildfires. This method, practiced for thousands of years has been reintroduced and adapted to reduce greenhouse gas emissions.
- The Murray Lower Darling Rivers Indigenous Nations (MLDRIN)¹⁶ is a coalition of Indigenous Nations across the Murray-Darling Basin. It focuses on restoring and managing water systems in culturally and environmentally sustainable ways. MLDRIN has been involved in shaping water governance in the Murray-Darling Basin, promoting sustainable water use practices that consider both environmental and cultural needs in the face of climate variability.

Question 19c: Culturally appropriate, gender-sensitive and non-discriminatory health-care services, and training for Indigenous health professions

We welcome the Government’s commitment to support and grow the First Nations health workforce and to eliminate racism in mainstream health settings.

We are leading a body of work¹⁷ on addressing institutional racism in Australia’s health care system. Through an NHMRC funded project, we are looking to reform the development and delivery of hospital care for Aboriginal and Torres Strait Islander peoples by addressing implicit bias and institutional racism within Australian hospitals. An important aspect of the work is the centring of Indigenous ways of knowing, being and doing and combining multiple theories, including decolonisation, cultural safety, quality care and implementation science, to determine how Local Health Networks and Districts (LHN&D) in Australia can cultivate anti-racist hospitals.

Another body of work led by the Guunu-maana team is called ‘Safe Pathways’¹⁸ which has developed a model of care integrated in the burns clinic at the Children’s Hospital at Westmead to enhance burn care for Aboriginal and Torres Strait Islander children and their families. The Safe Pathways project has included a training module for non-Indigenous healthcare workers, delivered over a 12-month training program to build cultural capabilities.

Another relevant piece of work that the Guunu-maana team is leading is titled ‘Community Coordinated Burn Care’¹⁹. In partnership with Aboriginal Community Controlled Health Services (ACCHOs), the NSW Statewide Burn Injury Service and The Children’s Hospital at Westmead, we are implementing a burn care, first aid and aftercare training program throughout ACCHOs in NSW. We will create communication channels to support collaboration between ACCHOs and The Children’s Hospital at Westmead to support the capacity of services to provide co-ordinated burn care for Aboriginal and Torres Strait Islander children with a burn injury.

¹⁵ See: <https://www.rfs.nsw.gov.au/news-and-media/ministerial-media-releases/bolstering-traditional-practices-to-ramp-up-bushfire-resilience>

¹⁶ See: <https://mldr.in.org>

¹⁷ See: <https://www.georgeinstitute.org.au/news/new-funding-to-address-institutional-racism-in-australias-healthcare-system>

¹⁸ See: <https://www.georgeinstitute.org/projects/safe-pathways-discharge-planning-for-aboriginal-and-torres-strait-islander-children>

¹⁹ See: <https://www.georgeinstitute.org.au/projects/community-coordinated-burn-care>

Question 19d: National strategic framework for the mental health and social and emotional well-being of Aboriginal and Torres Strait Islander peoples including steps taken to address intergenerational trauma in culturally appropriate ways:

The Government's draft ninth periodic report recognises the impact of historical trauma on the social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples. Despite this growing recognition, there is a need to better understand specifically the experiences of grandmothers, women, and their children accessing healthcare. There is a knowledge gap around what assessments are currently in place that effectively address intergenerational trauma and how these assessments inform processes to successfully support access to health services for Aboriginal and Torres Strait Islander women and girls.

Generations of grandmothers, their daughters, and their children within these communities carry the weight of a complex history marked by colonisation, dispossession, and policies that sought to dismantle culture. Many grandmothers, women, and their children's apprehensions and fears are rooted in historical injustices, impacting the willingness to obtain healthcare in Australian hospitals. Our research seeks to address this gap by delving into unique perspectives, shedding light on the intricacies of generational trauma, and informing targeted interventions to enhance the healthcare experiences for Aboriginal and Torres Strait Islander grandmothers, women, and their children.

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