**Australian Government Comments on the
CEDAW *General Recommendation No. 39 on the Rights of Indigenous Women and Girls.***

Australia acknowledges the Indigenous traditional owners and custodians of country in Australia and throughout the world. Australia acknowledges Indigenous peoples have continuing connection to land, waters and community. Australia also acknowledges Indigenous women and girls who contribute to the work of the CEDAW Committee, and whose rights will be protected by the General Recommendation.

Australia welcomes the opportunity to provide comment on the Committee on the Elimination of Discrimination Against Women (CEDAW) *General Recommendation No. 39 on the rights of Indigenous women and girls.* Australia commends CEDAW for addressing the specific challenges faced by Indigenous women and girls and approaching these issues with an intersectional lens. Australia recognises that Indigenous women and girls around the world experience discrimination and violence at a rate disproportionate to non-Indigenous women and is committed to working in partnership to change this situation for Aboriginal and Torres Strait Islander women and girls across Australia. Australia also acknowledges that the issues faced by Indigenous women and girls globally have been, in many cases, exacerbated by the COVID-19 pandemic.

Australia acknowledges that the CEDAW Committee considers the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) an authoritative guide to interpret obligations under CEDAW. The Australian Government supports the UNDRIP and shares the underlying commitment of the Declaration to provide lasting improvements for Indigenous peoples and their communities. Australia notes that the UNDRIP provides guidance on the rights of Indigenous peoples and having been adopted through the UN General Assembly, does not create any legally-binding obligations for member states.

The Australian Government is committed to the prioritisation of Aboriginal and Torres Strait Islander women’s voices, perspectives and leadership on the issues that affect them. The Aboriginal and Torres Strait Islander Social Justice Commissioner, Ms June Oscar AO, has led the development of the *Wiyi Yani U Thangani* (Women’s Voices) project. This project was guided by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The key aim of *Wiyi Yani U Thangani* is to elevate the voices of Aboriginal and Torres Strait Islander women and girls, promoting self-determination. The project promotes the right for women and girls to shape their own lives, including their economic, social, cultural and political futures. It also supports participation in all levels of decision making; respect for, and protection of, cultural traditions, values, intellectual property and indigenous languages; and the promotion of equality and non-discrimination. One woman who was part of Wiyi Yani U Thangani sums up why protecting the rights of Indigenous women and girls is so important. She said: *“We want to be able to participate, because we are a part of this country, but we still have to maintain who we are, we need be who we are and not lose ourselves in the process.”*

The Australian Government is also progressing action under the gender and sexuality cross-cutting measures of the Commonwealth Implementation Plan on Closing the Gap (CtG), including working with the Office of the Registrar for Indigenous Corporations to explore options to improve gender representation on the boards of Indigenous corporations registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006.* The Government is also exploring the development of Australian Public Service-wide culturally sensitive gender and sexuality training program to inform decision-makers and policy and program design.

In 2021, on the International Day for the Elimination of Violence against Women, the Australian Senate voted to hold an inquiry into missing and murdered Aboriginal and Torres Strait Islander women and children. The Legal and Constitutional Affairs References Committee will investigate and report on ‘the systemic causes of all forms of violence – including sexual violence – against First Nations women and children, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of First Nations women and children’[[1]](#footnote-1).

Additionally, the proposed draft for the *National Action Plan to end Violence Against Women and Children 2022 – 2032* (the National Plan)has been developed in consultation with the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence. The National Plan will be implemented through five-year action plans, including dedicated five-year Aboriginal and Torres Strait Islander Actions Plans. Work on these dedicated Aboriginal and Torres Strait Islander Action Plans will be led by the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence.

On 5 August 2021, the Australian Government announced a $378.6 million financial and wellbeing redress package for Stolen Generations survivors who, as children, were removed from their families or their communities whilst in the Northern Territory or the Australian Capital Territory prior to their respective self-government, or the Jervis Bay Territory. The Scheme will run from 1 March 2022 to 30 June 2026 and will offer all eligible applicants or families of eligible deceased survivors a one-off payment of up to $75,000, a one-off healing assistance payment of $7,000 and the opportunity to confidentially tell their story about the impact of their removal to a senior official within government, have it acknowledged and receive a face-to-face or written Direct Personal Response. Consultation with key Stolen Generations organisations is occurring, and an External Advisory Board has been established to ensure the Scheme is delivered in a trauma-informed and culturally sensitive manner. Support services will be available to provide free practical and emotional support, legal advice, and financial counselling.

The Australian Government recognises the opportunity to further elevate the intersectional challenges and compounding disadvantage faced by Indigenous women and girls with disability. To this end, we request the Committee please consider the following:

* Recommendation to include term ableism in section 27, page 10, i.e. ‘*These policies have exacerbated discrimination, racism, ableism…*’
* Recommendation to extend wording on page 11, section (a) from ‘*develop policies… guided by consultation with indigenous women*’ to ‘*develop policies… guided by consultation and co-designed with indigenous women and girls…*’
* Recommendation to introduce term ‘*self-determination*’ in relevant sections of text, noting its absence from the current draft and its importance to Indigenous Peoples and Peoples with Disability globally.
* Recommendation to expand on limited mention of disability throughout draft document; noting the prevalence of disability in many Indigenous communities and the intersectional barriers faced by Indigenous Peoples with disability, particularly women and girls with disability.
* Recommendation to expand section 21, page 9, on gender-based violence to include the specific experience of Indigenous women and girls with disability.
* Recommendation to introduce section on State parties recognising and supporting Indigenous models of care and notions of wellbeing, in addition to government policy and program responses.

Australia commends the work of CEDAW and remains committed to enhancing the lives of Aboriginal and Torres Strait Islander women.

1. <https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansards/25185/toc_pdf/Senate_2021_11_25_Official.pdf;fileType=application%2Fpdf> [↑](#footnote-ref-1)