



UN Special Rapporteur on violence against women  
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SWITZERLAND  
By Email: ohchr-vaw@un.org

## **Re: Report on violence against Indigenous women and girls**

The Office of the Children's Commissioner (OCC) in the Northern Territory, Australia, welcomes the opportunity to provide a submission to the Special Rapporteur on violence against Indigenous women and girls.

The OCC seeks to address the following items as set out in the terms of reference; manifestations of violence experienced by Indigenous women and girls, good practices and challenges on increasing Indigenous women and girls' access to effective mechanisms to prevent their exposure to violence, and good practices and challenges regarding the effective participation of women and girls that are at risk of violence.

The OCC is an independent oversight body with full functions set out in section 10 of the *Children's Commissioner's Act 2013* (NT). The OCC's mandate centres on community engagement and education on child rights, dealing with complaints regarding service provision and monitoring of child protection and youth detention. The jurisdiction of the OCC relates to 'vulnerable children and young people'.<sup>1</sup> The following submission will draw from the work of the Office under these functions and any additional relevant information resulting from continuous consultations with stakeholders, including children and young people, across the Northern Territory.

The Northern Territory is unique to other parts of Australia with the smallest and youngest population spread across a large land mass – 1% of Australia's population across an area one sixth of the nation.<sup>2</sup> Thirty percent of the Northern Territory population is Aboriginal, the largest proportion in all of Australia, made up of many different and distinct groups, each with their own culture, customs, language and lores. Forty percent of the Northern Territory population live in remote or very remote and 80% of this cohort are Aboriginal people.<sup>3</sup>

### Sexual violence and Indigenous women and girls reproductive and sexual health rights

In Australia, 91% of sexual assault victims are Aboriginal women and girls, with 51% of these victims under 19 years of age.<sup>4</sup> In the Northern Territory, the rate of sexual assaults is almost 50% higher than the next highest jurisdiction.<sup>5</sup>

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<sup>1</sup> *Children's Commissioner Act 2013* (NT) s 7.

<sup>2</sup> Northern Territory Government, Menzies School of Health and Research, *Story of our children and young people 2021* (2021) 11 <[https://cmc.nt.gov.au/\\_data/assets/pdf\\_file/0020/1061372/story-of-our-children-and-young-people-2021.pdf](https://cmc.nt.gov.au/_data/assets/pdf_file/0020/1061372/story-of-our-children-and-young-people-2021.pdf)>.

<sup>3</sup> Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander Remoteness in Australia* (2021) <<https://phidu.torrens.edu.au/current/graphs/atsi-sha/remoteness/nt/indigenous.html>>

<sup>4</sup> ABS (2016) 4510.0 Recorded Crime – Victims. 2013-15.

<sup>5</sup> Territory Families, *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Safe, respected and free from violence* (2017) 13 <[Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf \(nt.gov.au\)](#)>.





The Sexual Assault Referral Centre Service (SARC) operates in the Top End of the Northern Territory and consists of Aboriginal and non-Aboriginal staff within the Women's, Children and Youth division. Services provided through this organisation align with working toward a Northern Territory community free from violence, inclusive of counselling, training, clinical support and legal assistance. Since 2017, the numbers of clients to this service have doubled. Of the total SARC clients that are children, almost all are Aboriginal girls.<sup>6</sup> The average age of children referred to this centre as a result of experiencing sexual assault or violence is 10.5 years. More than half of these children are from remote locations within the Northern Territory.

The OCC reiterates the importance of services like SARC in both urban and remote locations and calls for additional place-based service provision (consisting of local and expert staff) that is consistently and adequately funded, community driven, culturally responsive and holistically founded upon child rights, health and wellbeing (physical, social, emotional and cultural).

Cultural connection intertwines with positive health and wellbeing outcomes, in turn shaping community behaviours and attitudes that can reduce the risk of violence against Aboriginal women and girls.<sup>7</sup> Isolation is a risk factor that can increase Aboriginal women and girls experience of violence. In some circumstances, relationships between Aboriginal women with men from another community/area can make them more vulnerable due to dispersion and isolation from home/birth communities.

There are wide disparities in the mental health outcomes between Indigenous families and non-Indigenous families. Aboriginal women have repeatedly advocated for birthing on country as a way to improve the mental health outcomes of mothers and babies.<sup>8</sup>

Developing workforce and capacity to adhere to a holistic application of mental health services, supported by legislation, requires whole of community commitment. Research and societal values dictate that legislation must recognise the clinical competence of traditional healing practices essential to the survival and prosperity of children in the Northern Territory:

*It is becoming increasingly evident that until cultural competence is able to be defined and certainly measured in the same manner as clinical competence, the reality of insisting upon 'minimum standards' of practice will not be realised within the Indigenous mental health field. Cultural competence will then unfortunately continue to exist as the 'poor cousin' to clinical competence.<sup>9</sup>*

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<sup>6</sup> Prudence Boylan, *Sexual Assault Referral Centre Service Report* (2020) 9.

<sup>7</sup> Australian Health Ministers' Advisory Council, *Birthing on Country Model and Framework, Guiding Principles for Developing a Birthing on Country Service Model and Evaluation Framework Phase 1* (2016) 4  
<<http://www.coaghealthcouncil.gov.au/Portals/0/Birthing%20on%20country%20Framework.pdf>>.

<sup>8</sup> Australian Health Ministers' Advisory Council, *Birthing on Country Model and Framework, Guiding Principles for Developing a Birthing on Country Service Model and Evaluation Framework Phase 1* (2016) 4  
<<http://www.coaghealthcouncil.gov.au/Portals/0/Birthing%20on%20country%20Framework.pdf>>

<sup>9</sup> T G Westerman, *Australian Psychologist Journal, Engaging Australian Aboriginal Youth in Mental Health Services* (2010)  
<<https://indigenoupsychservices.com.au/wp-content/uploads/2019/06/Engaging-Australian-Aboriginal-Youth-in-Mental-Health-Services-2010.pdf>>.





## Domestic and family violence

The Northern Territory has the highest rate of domestic violence in Australia, at a rate 18 times higher than other jurisdictions.<sup>10</sup> Aboriginal women in the Northern Territory are recorded as having the highest rates of victimisation in the world.<sup>11</sup> Many Aboriginal girls are not exempt from this with lived experience shaped by coercive and controlling behaviour enforced with violence, non-consensual sex and isolation combined with rigid gender identities, emotional and cultural inequalities.<sup>12</sup>

The OCC draws the attention of the Special Rapporteur to the Northern Territory Governments' report 'Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Safe, respected and free from violence' which outlines context and approaches to address violence against women and children in the Northern Territory.

Aboriginal girls' exposure to or experience of violence contributes to detrimental outcomes in their development and behaviour, physical and mental health, housing, educational attainment, social participation in adulthood and a future safeguarded from further victimisation.<sup>13</sup> Childhood is a vulnerable life period and reinforcing factors or intersectional drivers of violence make this an especially critical time for preventative and protective measures.

Challenges with access to effective mechanisms in order to prevent exposure to violence are exacerbated by living in rural and remote communities, which is where the majority of Aboriginal people live in the Northern Territory.

Stakeholders in the Northern Territory have advocated for sustainably funded, culturally safe and Indigenous-led initiatives to produce successful and sustainable change. More generally, the Northern Territory service landscape is limited and struggles to offer, especially to Aboriginal women and children, a wide range of suitable and effective services and interventions.

The lack of access to prevention and protection focused services remains a serious concern for Aboriginal children in the Northern Territory. Children and young people have told the OCC that seeing and knowing about violence in the community worries them.

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<sup>10</sup> Territory Families, *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Safe, respected and free from violence* (2017) 13 <[Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf \(nt.gov.au\)](#)>.

<sup>11</sup> Territory Families, *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Safe, respected and free from violence* (2017) 18 <[Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf \(nt.gov.au\)](#)>.

<sup>12</sup> Territory Families, *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Safe, respected and free from violence* (2017) 18 <[Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf \(nt.gov.au\)](#)>.

\* Dead in this context refers to boring, dull, unexciting.

<sup>13</sup> AIHW, *Australia's Children*, Children exposed to family violence (2020) <[Australia's children, Children exposed to family violence - Australian Institute of Health and Welfare \(aihw.gov.au\)](#)>.





*"Boring here, everything is dead\*...dogs everywhere, a lot of violence, people drinking, kids smoking and doing stuff at a very young age. Muddy houses, stealing, all that. A lot of old people do card gambling game – causes heaps of problems"* (Aboriginal girl, 13 years)

*"(It's) not safe because of the violence. In school it's safe. There's violence on the street in community."* (Aboriginal girl, 11yrs)

*"Change community, make it a good place and make everyone like each other"* (Aboriginal boy, 11 yrs)

*"Grog\* makes kids not come to school. Too much fighting is a problem. Parents are fighting, kids too much watching the violence"* (Aboriginal girl, 11 yrs)

Impact of intergenerational trauma, ongoing socio-economic inequality and institutional racism have contributed to diminished trust and uptake of non-Aboriginal focused policies and services from non-Aboriginal organisations. For these reasons, it remains critical to strengthen funding, capacity building and culturally appropriate program and policy design and evaluation with Aboriginal Community Controlled organisations (ACCOs).

Aboriginal girls' experience of violence is heightened in remote and rural parts of the Northern Territory. Service provision for Aboriginal girls experiencing violence must facilitate therapeutic responses that include working with the non-offending parent to strengthen attachment to the child, be trauma informed and evidence-based regardless of location.

Primary prevention of domestic and family violence with children is critical and evidence suggests school based programs are showing success.<sup>14</sup> Education settings are a pivotal protective environment, acting as a point where various agencies can intersect to observe and intervene where there may be a risk to a child's wellbeing.

Secondary prevention such as healthy and respectful relationships education is part of the Australian curriculum in schools, however consent education is not. A recent national campaign to include sexual consent in sex education was widely criticised for its confusing, indirect and unsuitable discussion about a serious issue for children and young people.

Student engagement and attendance is a serious concern in the Northern Territory, particularly for Aboriginal students, and has generated recent research, strategy development and consultation.<sup>15</sup> For schools to successfully capture student attention in order to deliver vital programs, further work is necessary to ensure schools are safe places for Aboriginal children, with embedded trauma-informed teaching ethos, quality assurance and relevant and culturally safe content. Primary prevention programs should seek to target disengaged students. Reinforcing factors such as alcohol or substance abuse, fear of child protection service intervention and fear of over/policing increase the likelihood of children and young people disengaging from a

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<sup>14</sup> M Campo, Australian Institute of Family Studies, *Children's exposure to domestic and family violence*, CFCA Paper No. 36 (2015) <<https://aifs.gov.au/cfca/publications/childrens-exposure-domestic-and-family-violence>>.

\*Grog is a term used to describe alcohol.

<sup>15</sup> Northern Territory Government, *Education Engagement Strategy 2022-2031* (2021)

<[https://education.nt.gov.au/\\_data/assets/pdf\\_file/0003/1058421/nt-education-engagement-strategy.pdf](https://education.nt.gov.au/_data/assets/pdf_file/0003/1058421/nt-education-engagement-strategy.pdf)>.





school environment where these programs operate. Therefore, while school-based programs are important, they must not be the sole primary prevention service for Aboriginal girls in the Northern Territory.

Child specific primary prevention programs must meet standards such as; accessible in language without sacrificing complexity of information, tailored to the child's age, meet needs of children with disability and those who live remotely. For programs to be effective and have maximum reach across the Northern Territory in both urban and remote settings, it is necessary to create space for the participation of children and young people in all domains of initiatives that involve or target them. This means gathering their ideas, feedback and solutions in project design, research, implementation and evaluation.

Good practice in the domestic and family violence prevention space is evidence-based, community driven and contextually relevant. The OCC supports the work of the Tangentyere (working together) Council in Central Australia, an ACCO dedicated to self-determination, service provision and community leadership.

The Tangentyere project 'Girls can, boys can' debunks gender and social norms through a targeted educative approach for Aboriginal children and communities.<sup>16</sup> A recent evaluation of this project conducted by Australia's National Research Organisation for Women's Safety (ANROWS) found:

- Need for greater funding and training for primary prevention and the domestic and family violence sector in the Northern Territory.
- Prevention measures in the Northern Territory must be accessible, explicit and challenge highly entrenched attitudes, such as the justification of violence, jealousy,<sup>17</sup> and the misconception that traditional Aboriginal cultures are inherently condone violence against women and children.
- The Northern Territory workforce, including schools, hospitals and police, requires comprehensive ongoing training programs on the drivers of violence against women and children, particularly how to identify, respond to and support domestic and family violence victims and survivors through trauma-informed responses.

In addition to the 'Girls can, boys can' project, Tangentyere's Family Violence Prevention Program is holistic, child and family centred and culturally appropriate. It aims to strengthen and heal family relationships, change community attitudes and provide support through the following domains:

- Men's behaviour change program
- Tangentyere women's family safety group
- Domestic violence specialist children's service
- Men's outreach, referral and assessment service
- STAND UP film and family violence training.<sup>18</sup>

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<sup>16</sup> Tangentyere Council, *Girls Can Boys Can project and resources* (2021) <<https://www.tangentyere.org.au/girls-can-boys-can>>.

<sup>17</sup> Territory Families, *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Safe, respected and free from violence* (2017) 30 <[Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf \(nt.gov.au\)](#)>.

<sup>18</sup> Tangentyere Council, *Tangentyere Family Violence Program* (2019) <<https://www.tangfamilyviolenceprevention.com.au/about-us>>.







Successful programs understand that violence towards women is gender-based and engages participants to challenge their attitudes and beliefs that reinforce inequality or gender norms in society.

### Community attitudes

The Northern Territory workforce and community requires greater understanding of domestic and family violence and the way it permeates through families affecting numerous health and social outcomes. Programs and policy initiatives seek to address and support this work but require dedicated investment, legislation and culturally responsive implementation to deliver appropriate and quality support given the vast environment and vulnerable population.<sup>19</sup>

There are positive program examples in the Northern Territory such as the aforementioned Tangentyere Council, and *We Al-Li* which offers culturally informed trauma training to individuals, families, communities and organisation staff.<sup>20</sup> Holistic wellness underpins healthy attitudes and, ultimately, is the key to happy and safe communities free from violence.

In conclusion, the OCC remains concerned about the serious detrimental impact of sexual, domestic and family violence Aboriginal women and girls experience in the Northern Territory. Effective measures to address this issue requires whole-of-community support and evaluation for programs and policy specific to the needs of the Northern Territory.

The OCC thanks the Special Rapporteur on violence against women, its causes and consequences for the opportunity to highlight the complexity and severity of gender based violence in a vulnerable part of Australia. The OCC looks forward to the emerging findings and recommendations from the final report in order to drive community and policy change, reduce discrimination and better promote the rights and safety of children in the Northern Territory.

Thank you for considering this submission. Please do not hesitate to contact Clare Patterson, Strategy Officer, via email at [occ@nt.gov.au](mailto:occ@nt.gov.au) if you have any queried regarding this matter.

Yours Sincerely

Nicole Hucks  
Acting Children's Commissioner  
31 January 2022

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<sup>19</sup> Northern Territory Government, *Aboriginal Justice Agreement* (2021) <[https://justice.nt.gov.au/\\_data/assets/pdf\\_file/0005/1034546/northern-territory-aboriginal-justice-agreement-2021-2027.pdf](https://justice.nt.gov.au/_data/assets/pdf_file/0005/1034546/northern-territory-aboriginal-justice-agreement-2021-2027.pdf)>; Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's voices)* project (2020) <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/wiyi-yani-u-thangani-womens>>.

<sup>20</sup> *We al-li, Services* (2011) <<https://wealli.com.au/about/our-philosophy/>>.

