



Inquiry into the Application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators,

Re: Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia, on behalf of the Partnerships for Health in Justice

The **Partnership for Justice in Health (P4JH)** is an alliance of self-determining Aboriginal and Torres Strait Islander academics, legal experts, and national peak health and justice organisations committed to working together to improve Aboriginal and Torres Strait Islander health and justice outcomes. As a collective, we work to address racism at individual, institutional and systemic levels, specifically focusing on the health and justice systems.

We formed in 2017 in response to the ongoing impacts of racism to Aboriginal and Torres Strait Islander people in the Australian health system, particularly following the death of Wiradjuri woman Naomi Williams and her unborn child at Tumut Hospital in NSW. Since this time, we have worked and grown together, building a shared understanding. From this place of knowing, articulating and addressing the impacts of racism, we stand together and call for national action.

Thirty years after the Royal Commission into Aboriginal Deaths in Custody, recommendations and actions from this and a plethora of subsequent reviews, inquiries, reports, evaluations, and strategies, lay dormant and the harmful and destructive impacts of racism on Aboriginal and Torres Strait Islander health and wellbeing endures. We believe the stakes are too high to wait any longer for substantive and effective action from Australian governments, as such we formed the P4JH to initiate and influence systemic change.

The P4JH welcomes the opportunity to provide a response to the Senate Inquiry into the Application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in Australia. As leaders operating at the interface of the health and justice systems, we are committed to harnessing our leadership, influence, and networks towards realising our vision:

‘Aboriginal and Torres Strait Islander People enjoy health and wellbeing that is free of racism in the health and justice systems’.

Our vision aligns with the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), with our work being grounded in justice and a shared commitment to ensuring fundamental freedoms and human rights that allow self-determination, participation in decision-making, respect for and protection of culture, equality and non-discrimination, to be embedded in the Australian health and justice systems.

The UNDRIP sets out a framework of minimum human rights standards for the survival, dignity and wellbeing of Indigenous peoples, including that Indigenous peoples and individuals are free and equal to all other peoples and have the right to be free from any kind of discrimination. It is in support and solidarity with this foundational right and the central right of self-



determination, we call on the Australian Parliament to adopt and embed the UNDRIP into Australian law, regulations, policies, and administrative practices.

Domestic and international public health evidence shows that self-determination is not merely a political optional extra, but rather, an essential pre-requisite and enabler of achieving health equity. Further, we will not close the gap in health outcomes if we do not address racism in public discourse, secondary and tertiary curricula, but most critically, among health professionals (workforce), professions (accreditation and regulation), and health institutions (workplaces, such as hospitals and GP clinics).

While the Australian Government has committed to working towards the implementation of UNDRIP, it is yet to fully action this commitment and take steps to embed these principles effectively into Australian law and practice. Historically, the major barrier to UNDRIP's full and effective implementation appears to have been a lack of political will to acknowledge the rights of Indigenous people, exemplified by the decision of the Australian federal government in 2007 to vote against the Declaration.

We urge Senators and the Parliament to reconsider this position.

While implementation of the UNDRIP should be consistent with the National Agreement on Closing the Gap and other policy drivers, it should have value over and above all. We urge the Parliament to work with Aboriginal and Torres Strait Islander peoples to implement UNDRIP and work with Aboriginal and Torres Strait Islander peoples and communities to allow meaningful participation and genuine shared decision making in processes for policy and law-making.

Government must take decisive action to eliminate racism from all systems including the health, child safety, police and justice systems, and recognise that self-determined, strengths-based, and community-driven models, work best. The UNDRIP provides a framework to do this, and to advance and protect the rights of Aboriginal and Torres Strait Islander peoples.

The UNDRIP is a tool to achieve self-determination and allows Indigenous peoples to exercise their right to autonomy through choice, participation and control, to determine and decide how their lives are governed. Aboriginal and Torres Strait Islander peoples are best placed to make decisions for themselves, their families and communities. True self-determination would ensure that localised solutions are implemented to address the unique cultural context and intersectional issues, such as the issue of racism in the health and justice system.

Members of the P4JH have significant expertise in legal, health, academic and justice sectors and we would welcome any further discussions about how we could contribute towards the successful implementation of the UNDRIP.

Enquiries about this submission should be directed to:

Secretariat for the Partnership for Justice in Health

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Who we are:

As the Partnership for Justice in Health, we are:

