

Inquiry into missing and murdered First Nations women and children
Senate Legal and Constitutional Affairs References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators,

Re: Inquiry into missing and murdered First Nations women and children

The **Partnership for Justice in Health (P4JH)** is grateful for the opportunity of responding to the Senate Inquiry into missing and murdered First Nations women and children. Our response seeks to address the terms of reference in their entirety.

By way of background, the 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. 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’.

Further information about the P4JH can be found [here](#).

Since colonisation, Aboriginal and Torres Strait Islander peoples have continued to experience racism, discrimination and social exclusion. Recognised and entrenched poor outcomes against key socio-economic indicators demonstrate the persistent denial of our human rights. As a result of racism, and the discriminatory behaviours that pervade our systems and society, we live traumatic and diminished lives.

With particular regard to this Inquiry, the over representation of missing and murdered First Nations women and children, provides further validation that the justice and health systems – the systems primarily designed to care and protect **all** Australian citizens, are failing Aboriginal and Torres Strait Islander people.

The accounts provided by survivors and the families of our women and children consistently show that:

- authorities fail to respond to our concerns
- calls for help are dismissed and ignored
- when reporting violence or persons missing, we are met with claims that the victim is ‘itinerant’ or has ‘gone walkabout’
- the concerns of our women, children and communities are not listened to or considered worthy of investigation.

In essence, whilst seeking help during the most vulnerable of times our peoples are subjected to negligence, further violence, trauma and harm. The absence of adequate health services, duty of care, and withholding of basic medical treatment exacerbates poor health outcomes and disabilities. Time

and time again, our people are criminalised or perceived as the problem while authorities working in our public institutions are not held to account for failing to do their jobs to care, protect and serve.

The ongoing lack of accountability, restitution and justice for Aboriginal and Torres Strait Islander survivors and their families works to instil a deep mistrust and undermines the integrity and role of the health and justice systems. Further, it demonstrates that the colonial paradigm of violence, coercion and control is still in operation and negatively impacting on the health and wellbeing of our peoples.

Across society the mainstream media further compounds the issues. It is often silent when it comes to reporting missing and murdered Aboriginal and Torres Strait Islander peoples, or when reporting does take place, our peoples are often framed through deficit narratives which place us as the problem, as deserving of violence, or immorally depicting violence as inherent to our cultures. There is rarely public outrage or outcry in response to the devastating experiences of our women and children.

Violence against Aboriginal and Torres Strait Islander women and children is not a new phenomenon and in moving forward, it is critical to understand that the burden does not lie with Aboriginal and Torres Strait Islander people to have confidence that the systems designed to care and protect uphold their rights to health and wellbeing. Instead, it lies with governments and their delegated authorities to show a demonstrated commitment to anti-racism and cultural safety, through the reform of practices and policies in all areas of operation.

We must honour the legacy of those who have been harmed, therefore, we call on all governments to work with Aboriginal and Torres Strait Islander leaders and communities to **act** against racism. The development and ongoing implementation of a coordinated, cohesive long-term approach to eliminating racism that centres our sovereignty and voices; provides a mechanism for truth telling and self-determination; and addresses the underlying interrelated causes that perpetuate violence against our women and children must be a national priority. To effectively impact change such an approach should include a focus on:

- the development of shared understandings about the ongoing harms of colonial racism and violence, and the different levels of racism ranging from interpersonal to systemic
- the provision of nationally accessible and culturally safe support mechanisms for survivors and their families to ensure they are unhindered by finances, disabilities, language barriers or education in accessing quality legal or other representation
- mechanisms to ensure authorities are held to account for the roles they play in neglect and harm
- the provision of compensation for the neglect and abuse experienced in systems
- the delivery of a national campaign on avenues for the redress of racism and neglect, firstly to empower survivors and secondly, to discourage potential perpetrators
- expanding the Aboriginal and Torres Strait Islander community-controlled service sector and ensuring the delivery of place-based, culturally safe and trauma-informed wrap around service models, to ensure that our women, children and families receive support when they need it
- growing the Aboriginal and Torres Strait Islander health and justice workforces
- early intervention and prevention, and
- ensuring mainstream services are working to embed culturally safe, anti-racist, strengths-based practices across all levels of their businesses.

Sustainable improvements in outcomes for First Nations women and children will not be achieved unless comprehensive ongoing action is taken to address racism. Racism is a barrier to our people

achieving equity and justice, accessing services and care, and it is also an underlying cause of the many inequalities our people experience.

Addressing the issues that our women and children experience will first and foremost require Governments to garner the courage to act against racism and to break the colonial paradigms of violence that pervade our service systems and society. As part of this, a commitment to truth about past and ongoing injustice must also be made. Achieving this will require Aboriginal and Torres Strait Islander leadership, voices and sovereignty to be placed at the forefront of any response.

In addition to our comments in this submission, we support the recommendations of the Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report (2020) and Implementation Framework (2022). We also support the submissions made by the Institute for Collaborative Race Research and our other member organisations.

The members of the P4JH are particularly well positioned to play a lead role in addressing racism and discrimination across the health and justice systems. Collectively we have:

- a comprehensive understanding of the evidence, issues and lived experiences
- shared responsibilities to families impacted by racism
- professional expertise and experience in redress, cultural safety, shared decision-making and self-determination
- influence, connections and extensive networks across Aboriginal and Torres Strait Islander communities and Governments, and
- a demonstrated track record in cross sectoral collaboration and delivering services in partnership.

Enquiries about this submission or how we could contribute further should be directed to the Secretariat for the Partnership for Justice in Health at secretariat@p4jh.org.au.

As the Partnership for Justice in Health, we are:

