

SEEDS OF AFFINITY PATHWAYS FOR WOMEN INCORPORATED

**Inquiry into missing and
murdered First Nations
women and children.**

Submission to - Senate Legal
and Constitutional Affairs
Reference Committee.



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Executive Summary

The families, communities and allies of First Nations women and their children around the world have had enough of the systemic failures, the epidemic of Indigenous Femicide and the accompanying silences on this matter. This is a crisis and one of the largest Human Rights issues in the world. It is time to listen to the voices of First Nations people.

We are Seeds of Affinity – Pathways for Women Incorporated (Seeds)

We are a volunteer run non-for-profit (NFP) organisation created by and for women with lived prison experience. Seeds recognises and promotes equity, self-worth, and basic human rights of criminalised women. We stand by our statement, 'leave no women behind', thus, we raise our voices for those who have had their voices silenced.

First Nations women are the fastest-growing population within the criminal justice systemⁱ, with rates exceeding those of First Nations men and non-Indigenous womenⁱⁱ. The criminal justice system sets women up to fail, re-offend or 'disappear' once released from prison. So many women are released into homelessness, experience a scramble for meagre resources because services embedded within the community themselves are poorly resourced and are often unable to provide safe spaces and services for First Nations women. There is a high correlation between homelessness, family violence and incarcerationⁱⁱⁱ. This under-resourcing of vital organisations increases the risk of women returning to dangerous relationships, becoming transient or returning to prison. Investing in the community through the justice reinvestment model can provide opportunities that has the potential to transform the lives of First Nations women and their children.

Missing and murdered First Nations women and children

As of June 2021, there were 984,000 people within Australia who identified as a First Nations person, representing 3.8% of the population^{iv}. Literature identifies that not only do First Nations women and children consistently face barriers and systemic challenges but, are more likely to experience feelings of unsafety, experience acts of violence or be murdered in comparison to non-Indigenous people^v. First Nations women are 45 times more likely to experience violence, and 32 times more likely to be hospitalised due to family violence. Indigenous women are 27 times more likely than males to be hospitalised for assault^{vi} and 10 times more likely to die from assault in comparison to non-Indigenous Australian^{vii}, with research suggesting these statistics are rapidly increasing^{viii}. Furthermore, First Nations women are 45% more likely to experience domestic violence in comparison to non-Indigenous women^{ix}. Between the period of 2014-2018, the rate of deaths by assault for Indigenous Australians was 6.7 times higher than non-Indigenous Australians^x. There is no official record of how many First Nations women and children have been missing or murdered.

Racism and Colonialism: Systemic barriers to justice

The main difference in the investigation of First Nations women and children in comparison to non-First Nations women and children is how seriously the situation is taken. First Nations children make up less than 6% of Australia's youth population^{xi} but make up 20% of the missing children^{xii}, although First Nations children make up a large portion of missing children's cases, they rarely make the headlines on the news.

Racism is not just enacted by individuals in the community but is perpetrated by white colonialist patriarchal institutions, including the judicial, legislative and executive arms of government. In the media, the state is depicted as being the solution to the violence, however,

it is a perpetrator of historical and contemporary racial and gendered violence towards First Nations women and their children^{xiii}.

First Nations women face many barriers in obtaining formal documents such as identification. A large portion of First Nations people lives in rural areas, where limitations in accessing registration of birth, official birth certificates, and family lineage places First Nations people in an inequitable position^{xiv}. Many children were often not registered at birth in fear of removal policies and the intergenerational trauma of the Stolen Generation^{xv}. Thus, fully accurate records are not kept, further highlighting the inaccurate depiction of how many First Nations women and children that are really missing and murdered.

Lack of legislation and policies that protect First Nation's women from violence

The *United Nations Declaration on the Rights of Indigenous Peoples (2007)* (UNDRIP) identifies Indigenous people are equal to all others however, this is not reflected within Australian legislation, policies or practices. UNDRIP Article 7, outlines that Indigenous people have the right to not be subjected to violence^{xvi}. The current scope of Australia's legislative practices does not align with UNDRIP. The institutional legislation that governs Australia is lacking and nonspecific in relation to First Nations people. *The Racial Discrimination Act 1975* (Cth) identifies that it is unlawful to discriminate against an individual based on the colour of their skin. However, First Nations people face daily systemic racial discrimination from both the community and the executive arm. Research obtained identifies that Indigenous women are scared to disclose experiences of assault and violence due to relentless discrimination, fear of negative repercussions or consequences, and fear of not being believed by police. The institutions that 'protect' Australia are not provided with appropriate cultural awareness training, leading to the suppression of First Nations voices^{xvii}.

The combination of media and government framework initiatives portrays the idea that violence predominately is perpetrated by First Nations people within Indigenous communities. Examples of such frameworks include, Dhelk Dja– a partnership with Aboriginal communities to address family violence^{xviii} and The National Plan to End Violence against Women and Children 2022-2032^{xix}. This perception is incorrect, damaging and is a form of systemic racism. There is a lack of research into the systemic racism, prejudice, and bias First Nations people face as a result of Australia's legislative policies and frameworks.

The system is working exactly how it was intended

The 'acceptance' of violence towards First Nations women and children can be linked to the invasion and colonisation of Australia, segregation, forced assimilation and genocide^{xx}. Tactics were used to decrease the population through the removal of resources^{xxi}, the introduction of diseases^{xxii} and killing for entertainment. The 'normalised' violence towards First Nations women and children was first made apparent during the colonisation of Australia where Frontiers abused and raped First Nations women to assert their authority and dismantle the Indigenous identity^{xxiii}. Countries with a history of colonisation are 50 times more likely to have a prevalence of domestic violence towards women^{xxiv}. In conjunction to this abuse, First Nations people suffered from the Stolen Generation, approximately 100,000 children were removed over 5 generations^{xxv}, 75% were under the age of 8 and the majority were girls; these removals were systemic and legislated by governments.

There are a variety of social determinants at the foundation of the normalised violence and over-representation in Australia's criminal justice system suffered by First Nations women as a result of systemic colonial control. These determinants affect the health and wellbeing of

First Nations women and their children, some of these examples include: [socio-economic status and poverty](#), [accessing stable employment and income](#), [self-determination](#), [systemic racism](#), and the lack of support to complete education, currently western education [does not meet the culturally appropriate needs of First Nations children](#).

Prioritise First Nations women and their children

The policing, investigating and media reporting of missing and murdered First Nations women and children is racist. Westerncentric discourse which underpins societies' reactions and institutional responses is problematic and institutionalises discrimination, racism, and violence towards First Nations women. Not only in the way First Nations women and children are described in society but also the way power is used against them. Due to colonial discourse, First Nations women are labelled with negative connotations and are highly stigmatised, such as 'criminals', 'bad mothers', 'alcoholics', and 'drug addicts'. Neoliberal ideologies underpin westerncentric colonial discourse, the police see First Nations women as responsible for going missing and place the onus on the women for going 'walkabout'^{xxvi}. The same discourse that institutionalises systemic racism and abuse can directly correlate to the misuse of police powers discussed by [McQuire \(2022\)](#).

The same problematic discourse that is silencing the voices of First Nations women are placing their children in juvenile detention centres. Currently, Australia is refusing to raise the age of criminal responsibility. Half of the youth in detention across Australia identify as First Nations^{xxvii} and are incarcerated due to the westerncentric discourse that stigmatises and oppresses First Nations children, criminalising coping strategies and self-preserving behaviours developed to withstand the oppressive nature of Australia's society. Additionally, youth who are the victim of abuse and violence are typically dispersed into juvenile justice facilities^{xxviii}. Once First Nations children enter the criminal justice system it is almost impossible to exit, therefore Seeds of Affinity recommends that youth detention be abolished entirely and that the expenditure saved be diverted to adequately resource communities.

Ways forward!

Every case of a missing and murdered First Nations woman or child must be investigated and reviewed to identify the real underpinning influences, social determinants, and systemic failures. First Nations communities around Australia must be consulted as to what they deem appropriate as a method to honour and commemorate the voices the Australian systems have neglected.

Australia cannot be a safe environment for First Nations women and children without addressing racism, the continuing impacts of colonialism, and violence perpetrated by the State^{xxix}. The answers to creating a strong, connected Australia are in the community. Reinvesting the money from the criminal justice system into the community, makes strong foundations for improving opportunities and outcomes for the collective community, reducing violence and interactions with the criminal justice system. Fully and appropriately funded community organisations, can provide the support and resources that are not being provided by the State. Furthermore, through targeted investment in the community, communities can address social determinants of health and wellbeing along with systemic influences, thus decriminalising notions relating to health, social and economic concerns such as poverty and homelessness.

ⁱ Corpuz E (2022) Double Jeopardy: The Economic and Social Costs of Keeping Women Behind Bars. Closing the Wrong Gaps: Australia's rising incarceration rates. Committee for Economic Development of Australia (CEDA) pp. 12-26

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- iv Australian Bureau of Statistics (2021), Estimates of Aboriginal and Torres Strait Islander Australians, cat.no, < <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/jun-2021>
- v National Indigenous Australians Agency (2022), Tier 2-Determinants of health 2.10 Community Safety, National indigenous Australians Agency. Australian Government , viewed 26 October 2022.
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- vii National Family Violence Prevention Legal Services Forum (2021) Submission to Department of Social Services (Cth), Developing the next National Plan to reduce Violence against Women and their Children pp.4
- viii *ibid*
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^{xxviii} Walker, A 2015, *The Sexual Abuse to Prison Pipeline: The Girls' Story*. Human Rights Project for Girls, George Town Law Centre on Poverty and Inequality

^{xxix} See endnote xiii