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NATIONAL ABORIGINAL AND
TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

Submission to the United Nations Special Rapporteur on the Rights of Indigenous Peoples

Official Country Visit to Australia (2–13 November 2026)

Subject Line: Country Visit to Australia

Submitted by:

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1. Introduction

The National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) is the national peak body representing Aboriginal and Torres Strait Islander women across Australia. NATSIWA provides a collective national voice to ensure that the leadership, lived experience and policy priorities of Aboriginal and Torres Strait Islander women are centred in government decision-making.

NATSIWA is funded through the Australian Government's Gender Equality Strategy under the Office for Women and works to strengthen the participation, safety, wellbeing and leadership of Aboriginal and Torres Strait Islander women and girls. As a national alliance, NATSIWA engages with Aboriginal and Torres Strait Islander women across urban, regional, rural and remote communities to elevate community perspectives in national policy and reform processes.

NATSIWA works across policy reform, systemic advocacy and community engagement to address structural barriers faced by Aboriginal and Torres Strait Islander women in areas including safety, health, housing, employment, education and justice. Our work is grounded in the principles of self-determination, cultural authority and community-led solutions. Through engagement with community leaders, service providers, researchers and government stakeholders, NATSIWA contributes to national policy development across a range of portfolios including gender equality, domestic and family violence, social and emotional wellbeing, economic participation and Closing the Gap.

NATSIWA also plays an important role in strengthening national dialogue on the experiences and leadership of Aboriginal and Torres Strait Islander women, ensuring that policy responses are informed by culturally grounded knowledge, lived experience and community priorities. Aboriginal and Torres Strait Islander women hold cultural authority, community responsibility and intergenerational leadership roles. However, Aboriginal women experience persistent inequities across the social determinants of health due to the ongoing impacts of colonisation, systemic racism, and gender inequality. The average life expectancy for Aboriginal women is 75.6 years, almost 8 years lower than that of non-Indigenous women. In the Northern Territory the expectancy is even lower at 15.8 years – almost 14 years lower than non-Indigenous Australians.ⁱ Disadvantage in income, education, employment and housing accounts for approximately 35% of the overall health gap, a central focus of the Closing the Gap frameworkⁱⁱ.

Aboriginal women are the fastest growing prison population and are disproportionately affected by justice system involvement, with incarceration rates over 21 times higher than for non-Indigenous women,ⁱⁱⁱ These disparities are amplified by limited access to culturally safe services, underscoring the importance of Aboriginal-led, culturally safe approaches grounded in culture, connection to Country and self-determination.^{iv}

Aboriginal and Torres Strait Islander women are disproportionately affected by cumulative system contact, where experiences of violence, housing instability, child protection involvement and justice system engagement intersect and reinforce one another. This submission seeks to support the Special Rapporteur in examining the systemic human rights concerns impacting Aboriginal and Torres Strait Islander women and girls, and to inform recommendations to the Australian Government.

2. Self-Determination

Self-determination and Indigenous governance are essential to improving outcomes for Aboriginal and Torres Strait Islander women. Self-determination is the pathway to move beyond deficit narratives and allow Aboriginal and Torres Strait Islander women and girls to define themselves *“in their own image, determined by them.”*^v

Aboriginal and Torres Strait Islander women have the right to determine our social, cultural and economic futures. We must participate in decision making through representatives chosen by us and through free, prior and informed consent, design and deliver policies and legislation that affect our communities. We hold the knowledge, language, culture and lore that keep our communities safe and strong.

National governance arrangements consistently fail our women because mechanisms are structured from the top down, and exclude us, and our knowledge systems from decision making.

This reflects gaps in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), particularly the rights to self-determination and free, prior and informed consent.

Aboriginal and Torres Strait Islander women report:

- Consultation processes that do not transfer decision-making power
- Policies are made about Indigenous peoples without them
- Short-term and restrictive funding arrangements that undermine community governance, authority and control
- Governments rely on punitive interventionist systems rather than Aboriginal community-controlled programs and service delivery
- Limited representation of women in formal Indigenous governance negotiations
- Failure to operationalise free, prior, and informed consent
- Lack of accountability of governments to communities
- Decisions dominated by non-Indigenous institutions
- Self-determination must move beyond advisory structures and into structural reform.

Recommendations:

1. Establish legislative mechanisms to operationalise free, prior, and informed consent
2. Embed Aboriginal and Torres Strait Islander women in community through to national decision-making frameworks with proportional representation

3. Investment in governance upskilling, training, and programs to be delivered by Aboriginal women-led organisations such as NATSIWA
4. Provide long-term flexible and outcomes-based funding to Aboriginal women-led community-controlled organisations

3. Indigenous Women's Strength and Leadership

While Aboriginal women report experiences of adversity, crisis and trauma, there remains significant resilience, and courage. Navigating adversity develops new strengths and insights. These strengths don't exist in isolation. They are derived from connection to Country, culture, community, languages, spiritualities and traditions. All of which are the protective factors for our social and emotional wellbeing. Knowledge of culture and heritage is passed through matriarchal lines from time immemorial, which builds a strong sense of cultural identity and connectedness. ^v

Carrying these strengths, our leadership, both traditional and contemporary is fundamental to our self-determination, effective governance, and long-term systemic change. Our leadership is rooted in responsibility for family and community and is intergenerational and relational. Improved outcomes for our communities will not be achieved without Indigenous women being leaders and decision-makers, not just participants, consultees, consumers or service users.

We hold the cultural Lore, knowledge and authority and are the drivers of healing, peace and community safety. Our lived experiences, strengths and expertise must be central to policy design, governance and accountability.

We have been marginalised and silenced through patriarchal systems designed to displace and reject us from leadership roles. Governance structures continue to privilege men's voices. Where our women have achieved leadership, this is often appointed by government, not chosen by community, and is seen as tokenistic and advisory in nature.

We also experience intersectional discrimination and disadvantages. This is the combined effect of structural racism experienced as Indigenous peoples, and gender inequality experienced as women^{vi}. The unequal distribution of power, resources and opportunities generally enjoyed by men, leads to a disadvantage for women socially, attitudinally and compounded through the creation of social norms and practices. This affects our experience in governance and leadership spaces through:

- Lack of opportunity or recognition of our voices from community through to national levels of decision making
- Gender-based violence
- Burden of cultural load and caring duties for family and community
- Devaluing women's leadership capabilities
- Limitations on opportunities and investment in upskilling and supporting Aboriginal women's leadership development

Policies are routinely made about us without us. Decisions are dominated by non-Indigenous institutions with short-term funding arrangements that undermine community control, governance and decision making. The failings have gendered impacts because women are more likely to carry governance, care giving and community responsibilities while being excluded from formal power. Responding to Indigenous affairs in a gender-neutral approach perpetuates inequities instead of addressing them. Gender specific structural interventions are critical.

Recommendations

5. Adoption of gender-responsive Indigenous affairs framework
6. Strategic investment in community-controlled programs to deliver broad-based leadership capacity building, succession planning, and leadership skills development for Aboriginal and Torres Strait Islander women and girls
7. Establish a National Aboriginal and Torres Strait Islander Women's Leadership body with defined powers
8. Embed gender equality in Indigenous organisations – particularly boards of management to ensure structural leadership
9. Fund Aboriginal women-led organisations such as NATSIWA with long-term flexible funding arrangements to support governance, leadership, and self-determination of Indigenous women
10. Strengthen accountability for governments that exclude Indigenous women from governance
11. Commitment for representations at all levels of govt including international

4. Indigenous Women and Girls

4.1 Gender-Based Violence and Coercive Control

The experiences of Aboriginal peoples with coercive control cannot be separated from the broader history of colonisation, dispossession, and systemic discrimination. Historical trauma, including the Stolen Generations and the ongoing impacts of intergenerational trauma, has significantly influenced the social and familial dynamics within Aboriginal communities. This history has created environments where coercive control can manifest in complex and nuanced ways.

Cultural factors play a significant role in shaping the experiences of Aboriginal peoples with coercive control. Traditional cultural practices, community structures, and the importance of kinship can influence how coercive control is experienced and addressed. Additionally, there is often mistrust of mainstream legal and support services due to historical and ongoing discrimination, which can hinder the reporting and addressing of coercive control.^{vii}

Aboriginal and Torres Strait Islander women experience disproportionately high rates of family and domestic violence. Reforms addressing coercive control must be implemented with cultural safety safeguards to avoid unintended criminalisation of victim-survivors. Aboriginal and Torres Strait Islander women are approximately 34 times more likely to be hospitalised due to family violence than non-Indigenous women^{viii} Anecdotal evidence suggests that non-Indigenous men make up a significant proportion of perpetrators of violence against Aboriginal women. ^{ix}Aboriginal and Torres Strait Islander women report:

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- Fear of child removal when disclosing violence
- Over-policing and misidentification as primary aggressors in family violence incidences
- Inadequate access to culturally safe housing and legal services

Emerging research is highlighting that Aboriginal women are at an elevated risk of being misidentified by police and the justice system as primary aggressors in family violence incidences. Research shows that misidentification of Aboriginal women facilitates the criminalization, incarceration of and child removal from Aboriginal and Torres Strait Islander women. These systemic failings are profound and broad reaching, impacting significantly on the lives of our women and children^x and leads to consequences for access to legal and other support service.^{xi} Further, evidence shows that Indigenous women experience an abuse of process are disproportionately pleading guilty and abandoning claims of self-defence, after killing their abusive partner. These matters don't proceed to trial, where if successfully argued, self-defence arguments would have led to an acquittal.^{xii}

Recommendations:

12. Develop a national Aboriginal and Torres Strait Islander women-led safety and justice reform strategy
13. Expand holistic culturally safe crisis accommodation and legal services
14. Invest in national level research into the misidentification of Aboriginal and Torres Strait Islander women as primary aggressors in family violence incidents

4.2 Incarceration

Aboriginal and Torres Strait Islander women are the fastest growing prison population in Australia. Many are incarcerated for minor offences linked to poverty, trauma and violence. Incarceration rates of Aboriginal and Torres Strait Islander women are over 21 times higher than for non-Indigenous women and are almost 16 times more likely to be held in custody awaiting trial.

Aboriginal and Torres Strait Islander women represent approximately 33% of the female prison population while comprising around 3% of the total female population.^{xiii}

The United Nations has heard of the serious concerns regarding Australia's low age of criminal responsibility and rising incarceration rates.^{xiv} In Australia, children as young as ten years can be imprisoned. This does not align to the expert advice on child development, is inconsistent with most other countries and contrary to Australia's legal obligations under the Convention on the Rights of the Child.^{xv} Aboriginal and Torres Strait Islander children comprise approximately 63%^{xvi} of children in detention and are 20 times more likely to be in detention than non-Indigenous children. Almost 76% of those children had histories of contact with the child protection system. There is a clear association between the over-representation of Aboriginal and Torres Strait Islander children in youth justice systems, and over-representation in child protection^{xvii}.

Many children in detention have experienced family violence, child protection involvement, disability and trauma. This over-representation has been linked to deliberate and neglectful policy and practice (i.e. lowering the criminal responsibility to 10), and risk factors including

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colonisation, systemic racism, intergenerational trauma, entrenched disadvantage, and socio-economic inequities.

Recommendations:

15. Raise the age of criminal responsibility from 10 to at least 14
16. Invest in justice reinvestment initiatives led by Aboriginal women in affected communities that prioritise diversion, rehabilitation and community led programs delivered on Country
17. Bail reform for low level offending to ensure courts take into account the cultural, family and care giving responsibilities for Aboriginal and Torres Strait Islander women
18. Expansion of non-custodial options for Aboriginal and Torres Strait Islander women where offending is linked to coercive control, trauma and poverty
19. Invest in Aboriginal community-controlled health services to deliver custodial health services to incarcerated Aboriginal and Torres Strait Islander women

4.3 Economic Security and Employment

Barriers to economic participation and development for Aboriginal and Torres Strait Islander peoples include:

- institutionalised racism
- intergenerational disadvantage
- systematic undervaluation of traditional activity
- Geographic constraints,
- higher rates of disability
- inappropriate education and training
- lack of capital and investment,
- limited access to culturally safe opportunities

Aboriginal and Torres Strait Islander women experience higher unemployment, underemployment and insecure work. Employment targets under Closing the Gap do not sufficiently address gendered barriers, including caregiving responsibilities, community obligations and geographic isolation^{xviii}.

Recommendation:

20. Develop a gender-specific Aboriginal and Torres Strait Islander employment strategy co-designed with Indigenous women's organisations.

5. Child Welfare and Family Integrity

Aboriginal and Torres Strait Islander children remain persistently and significantly over-represented in out-of-home care. Women report that seeking assistance for violence or poverty often results in child protection intervention rather than support.

Aboriginal and Torres Strait Islander children are placed in out-of-home care (OOHC) at 12 times the rate of non-Indigenous children^{xix}

The over-representation of Aboriginal and Torres Strait Islander children in the child protection system is attributable to colonisation through dispossession of land, the displacement of families and communities, assimilation policies forced child removals, and loss of culture. Trauma and structural disadvantage are among the consequences of colonisation and systemic racism that continue to affect Aboriginal and Torres Strait Islander peoples. There are concerns that the contemporary rates of Aboriginal and Torres Strait Islander children being removed from their families and communities' parallels that of the Stolen Generations and ensuing traumatic impacts.

Nationally, the number of Aboriginal and Torres Strait Islander children aged 0–17 in OOHC escalated from nearly 18,000 (54 per 1,000 First Nations children) in June 2019 to around 19,800 (57 per 1,000) in June 2023.

In 2023, First Nations children aged 0–17 were 12.1 times as likely as non-Indigenous children aged 0–17 to be in OOHC, compared with 10.6 times as likely in 2019. In 2023 almost 20,000 Indigenous children were in OOHC, and 45% of those children had been in care for 5 years or more.^{xx} There are ongoing concerns regarding:

- Inconsistent application of the Aboriginal and Torres Strait Islander Child Placement Principle
- Lack of support for kinship carers, particularly grandmothers
- Trauma caused by repeated removals across generations

Recommendations:

21. Establish a national inquiry into child protection laws and processes affecting Aboriginal and Torres Strait Islander children
22. Invest in and prioritise early intervention and prevention
23. Invest in universal access to services, activities and programs with a whole-of-community focus
24. Establish independent oversight mechanisms to monitor compliance with cultural safety obligations in child protection systems
25. Increase funding for Indigenous-led family support and kinship care programs

10. Conclusion

Aboriginal and Torres Strait Islander women and girls continue to experience systemic and intersecting forms of inequality that are deeply embedded within Australia's legal, policy and institutional frameworks. These conditions are shaped by the ongoing impacts of colonisation and reflect persistent failures to uphold fundamental human rights, including the rights to safety, equality, culture, health, housing and self-determination.

Despite longstanding evidence, these issues remain inadequately addressed, in part due to the absence of a consistent, gendered and intersectional human rights analysis within national policy and international reporting processes.

The country visit to Australia presents a critical opportunity to ensure that the experiences, rights and leadership of Aboriginal and Torres Strait Islander women are meaningfully recognised within the Special Rapporteur's examination and findings.

NATSIWA respectfully calls on the Special Rapporteur to:

- Engage directly with Aboriginal and Torres Strait Islander women and women-led organisations, ensuring their voices, lived experiences and solutions inform all aspects of the visit and subsequent reporting
- Undertake a distinct gendered and intersectional analysis, recognising the compounded impacts of race, gender, disability, geography and socio-economic inequality
- Examine the intersection of systems, including family and domestic violence, child protection, policing, housing and incarceration, as interconnected drivers of harm
- Highlight the over-incarceration, misidentification and criminalisation of Aboriginal and Torres Strait Islander women as a critical and urgent human rights concern
- Recognise and elevate the issue of murdered and missing Aboriginal and Torres Strait Islander women and girls, including systemic gaps in data, accountability and national oversight
- Assess Australia's implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), particularly in relation to self-determination, participation in decision-making and free, prior and informed consent
- Recommend strengthened accountability mechanisms, including transparent monitoring and independent oversight of commitments impacting Aboriginal and Torres Strait Islander women
- Advocate for improved national data systems and recognition of Indigenous data sovereignty, ensuring that data reflects the lived realities of Aboriginal and Torres Strait Islander women

Aboriginal and Torres Strait Islander women are not only disproportionately impacted by systemic inequality—they are central to the solutions. Their leadership, knowledge and community-led responses must be recognised as essential to achieving meaningful and sustained change.

NATSIWA emphasises that the effectiveness of this country visit will be measured not only by the identification of issues, but by the strength, clarity and enforceability of the recommendations.

NATSIWA stands ready to support the Special Rapporteur in ensuring that the rights, safety and self-determination of Aboriginal and Torres Strait Islander women and girls are fully recognised and advanced within this process.

NATSIWA would be pleased to convene a group of Aboriginal and Torres Strait Islander Women leaders during Dr Albert Barume's Country visit as Special Rapporteur on the Rights of Indigenous Peoples in November 2026.

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Appendix A: Supporting visit recommendations

Submission issue	Section of submission issue is addressed	Suggested supporting site visit	Rationale for suggested site visit
Indigenous women's leadership, rights reform and self determination	2. Self determination	NATSIWA	Demonstrate approaches to Indigenous rights at national level, regional governance reform, community-controlled self-determination, legal and structural accountability.
	3. Indigenous Women's strength and leadership	KAWC (WA) NPY Women's Council (Central Australia)	Opportunities to elevate voices of grass roots Aboriginal and Torres Strait Islander women and girls to the international level
	4. Indigenous women and girls	VALS (Victoria)	Showcase grass-roots Aboriginal women's self-determined leadership Advocacy around incarcerated Aboriginal children.
		Waminda birthing on country (NSW)	Address the broader social and structural factors affecting Aboriginal women. Combines traditional knowledge and evidence-based healthcare to empower women to make informed decisions about their pregnancy and child health. Birthing On Country - Waminda
Gendered lens to Indigenous affairs	3. Indigenous women's strength and leadership	NPY Women's Council (Central Australia)	NPYWC is governed and directed by Aboriginal women across 26 desert communities in the cross-border regions of Western Australia, South Australia and the Northern Territory. Amplifies Aboriginal women's

		Dame Phylis Frost Centre VIC	Deaths in custody with coroner findings damning of lack of care and access to supports for Aboriginal women. Heather died after being denied parole. Her sister says the system 'gambled' on her life SBS NITV Finding into the passing of Veronica Nelson Coroners Court of Victoria Exclusive: Anna went to prison with addiction and t... National Indigenous Times VN-Inquest-Factsheet-January-2024.pdf
Age of criminal responsibility	4.2 Incarceration	VACCA (Victoria) Banksia Hill (WA)	A UN visit to examine age of criminal responsibility reform could include the ACT as a best-practice model. Age of criminal responsibility rises in ACT - Inside State Government Victoria's Aboriginal-led diversion programs and Western Australia as sites demonstrating the ongoing human rights impacts of criminalising Aboriginal children.
Systemic discrimination – Child Protection	5. Child welfare and family integrity	SNAICC (Victoria) AbSec (NSW) VACCA (Victoria)	Delivering programs such as family preservation and restoration, cultural strengthening, kinship care, family support, cultural healing, Family Led Decision Making, Cultural; parenting, intensive family support.