

© Australian Human Rights Commission 2024.

The Australian Human Rights Commission encourages the dissemination and exchange of information presented in this publication. All material presented in this publication is licensed under the Creative Commons Attribution 4.0 International Licence, with the exception of photographs and images; logos, any branding or trademarks; content or material provided by third parties; and where otherwise indicated. To view a copy of this licence, visit creativecommons.org/licenses/by/4.0/legalcode



In essence, you are free to copy, communicate and adapt the publication, as long as you attribute the Australian Human Rights Commission and abide by the other licence terms.

This document can be cited as: Australian Human Rights Commission, *The National Anti-Racism Framework: A roadmap to eliminating racism in Australia* (Report, November 2024)

Acknowledgement of Country

The Australian Human Rights Commission ('the Commission') acknowledges the Traditional Custodians of the land, sea, waterways, and sky throughout Australia and pays respect to First Nations Elders past and present. The Commission also recognises the ongoing strength and leadership of Aboriginal and Torres Strait Islander peoples in leading anti-racism efforts since colonisation.

Further information

This publication can be found in electronic format on the Australian Human Rights Commission's website: humanrights.gov.au/our-work/publications

Illustrations by Bree Buttenshaw for Saltwater People (2024)

Design and layout: Claudia Williams, Australian Human Rights Commission

For more information about the Australian Human Rights Commission or copyright in this publication:

Australian Human Rights Commission
GPO Box 5218, SYDNEY NSW 2001

Telephone: (02) 9284 9600

Email: communications@humanrights.gov.au

Website: humanrights.gov.au

Follow us on social media:



ISBN: 978-1-921449-03-1



The National Anti-Racism Framework:

A roadmap to eliminating
racism in Australia

November 2024



Contents

Acknowledgements.....	6
Notes on Terminology and Content.....	7
Commissioner’s Foreword.....	8
Executive Summary	10
Recommendations	14
Overarching Recommendations.....	15
Monitoring, Evaluation, and Learning.....	16
Legal Protections and Reforms	16
Workplaces and Employment	18
Education and Public Awareness	19
Justice	16
Media and the Arts.....	17
Health.....	17
Data	18
Background	24
Methodology.....	25
Thematic Findings.....	22
Racial Literacy.....	26
Cultural Safety.....	28
Justice	29
Legal Protections.....	30
Data	32
Monitoring, Evaluation, and Learning.....	34
Key Terms	36
Appendix I	39
Appendix II.....	40

Acknowledgements

The Commission acknowledges the vast emotional and intellectual labour of community members, particularly those with lived experiences of racism, who shared their vision for a National Anti-Racism Framework that takes a transformative approach to addressing racism in Australia.

The Commission acknowledges and thanks the following organisations and individuals:

- First Nations Collective Consulting and the Federation of Ethnic Communities' Councils of Australia for conducting thorough, nationwide consultations with First Nations communities and other negatively racialised communities respectively to provide a stronger evidence base for anti-racism action
- Members of the National Anti-Racism Framework Multicultural Advisory Group and Commonwealth Advisory Group for their generous advice and support in ensuring the Framework reflects community needs
- Research team at Deakin University for their consideration of legal reforms related to online hate and racism
- Research team at Griffith University for their research on anti-Asian racism and responses to address it
- Various data experts who provided key advice on the Commission's anti-racism data project
- Dr Debbie Bargallie and Professor Alana Lentin for their expert advice on anti-racism
- PwC Indigenous Consulting (now Yamagigu Consulting) and the Jumbunna Institute for Indigenous Education and Research for their scoping research on government anti-racism programs and policies
- Social Policy Group for their scoping research on mis- and disinformation
- Media Diversity Australia for their work on race reporting in the media
- Research team at the University of Technology Sydney School of Public Health for their research on racism in health settings
- Various other experts who provided generous advice on the development of the Framework.

The National Anti-Racism Framework was prepared by the Commission's Race Discrimination Team.

Notes on Terminology and Content

The Commission recognises that labels or terminology can be both empowering and limiting for individuals and communities.

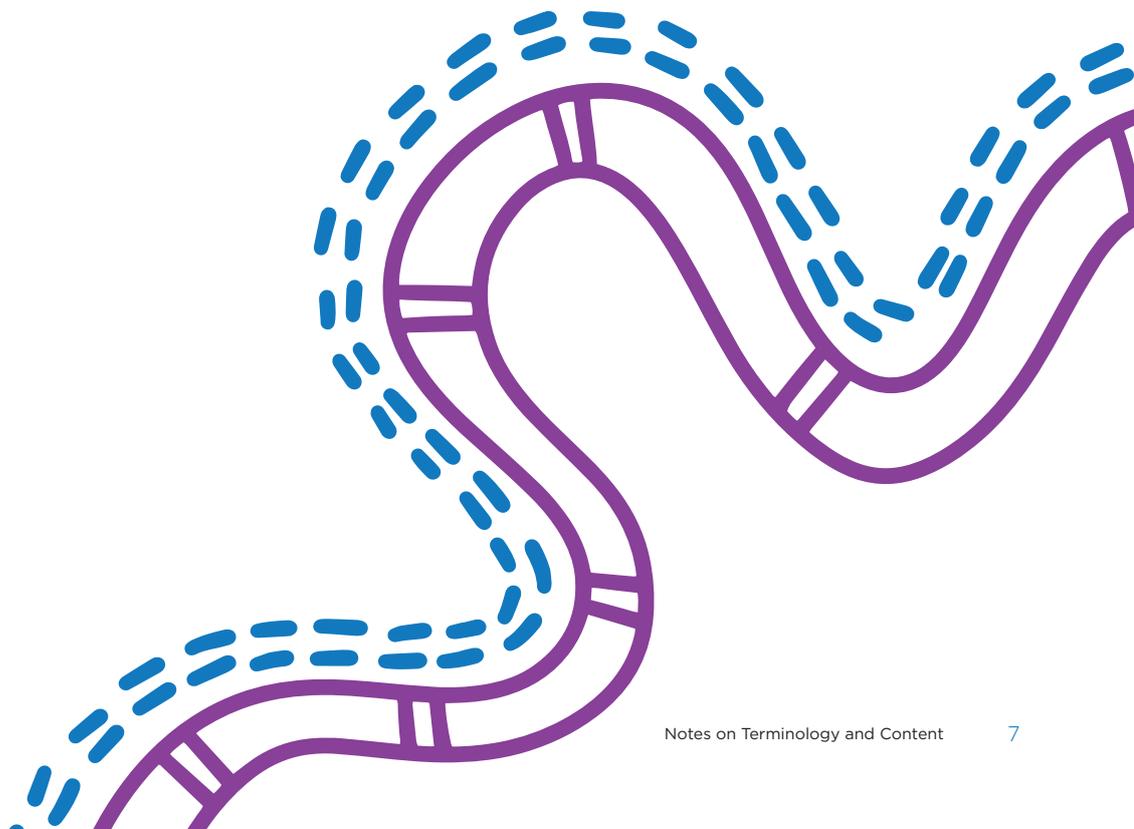
The terms First Nations, Indigenous, and Aboriginal and Torres Strait Islander peoples are used interchangeably in this Report. The Commission acknowledges that definitions of these terms vary and that community members may not identify with these terms.

The Commission uses 'negatively racialised' to refer to communities that experience the harms and traumas of racialisation. The Commission does not use 'negatively racialised' to define or identify individuals or communities. Rather, it is used to highlight how racism operates by racialising various groups of people negatively to maintain the dominance of groups racialised as white, and how people who are negatively racialised experience inequity due to false and disproved biological beliefs in race.

Occasionally, the Commission has also used the term 'multicultural' to describe the diverse range of communities of non-Indigenous people who experience racism, as it is generally adopted by governments, sectors, and some community members. The Commission acknowledges, however, that many individuals and communities may not identify with the term.

The Commission supports the rights of all individuals to express their identities on their own terms.

This Report contains descriptions of experiences of racism that could be distressing and traumatic for some people, particularly people with lived experience of racism. If needed, you may want to seek support from formal support services [here](#).



Commissioner's Foreword

Stan Grant wrote, 'Racism isn't killing the Australian dream. The Australian dream was founded on racism.'

It is beyond clear that racism has been entrenched in the systems, structures, and institutions of Australia since colonisation. It is pervasive and causes real harm to people every single day. But it is a concerning reality that racism is treated by many in Australia as an anomaly, an aberration, or something to be outright dismissed or denied. This is despite a weight of evidence dating from 1788 from people with lived experience of racism that clearly shows us otherwise. The National Anti-Racism Framework is an historic opportunity to confront this racism, and to build a better society for all of us. It is bold in its scope and broad in its recommendations. The Framework's recommendations affect all parts of our society. They are based on years of research, evidence, and community consultations and are necessary to confront a problem as widespread and systemic as racism.

The significant work recently done by the Race Discrimination Team at the Australian Human Rights Commission in collaboration with anti-racism leaders and practitioners, peak and community organisations, service providers, government departments and agencies, experts and community members, and initiated by my predecessor Commissioner Tan, has given the Commission a more thorough understanding of just how ingrained racism is in our systems and institutions.

That work involved significant consultation with communities that experience racism. I acknowledge that talking about your own experiences of racism can be traumatising, forcing you to re-live the harm. I also recognise that many communities have been asked to re-share their experiences in different consultation processes across the years but see little change. I therefore extend my deep gratitude to all Aboriginal and Torres Strait Islander people who have contributed to the creation of this Framework. I acknowledge all other people with lived experience of racism who also came forward and shared their experiences and thank them for their courage, vulnerability, and trust. Without your stories, the

development of this Framework would not have been possible.

We are at a critical juncture in the journey to reduce racism in Australia. In the last few years, the global #BlackLivesMatter movement brought renewed attention to the systemic oppression that persists in the criminal justice system, including Aboriginal deaths in custody in Australia. The COVID-19 pandemic saw an increase in racism and xenophobia towards Asian Australians. Last year, the Voice Referendum mainstreamed a shocking level of racism for the duration of the campaign and has continued to impact First Nations communities. More recently, increased antisemitism, anti-Palestinian racism, anti-Arab racism, and Islamophobia has had devastating effects on communities. Our next step in the journey must be one that results in a fairer and more equitable society that allows us all to be our whole selves with dignity.

Racism has profoundly detrimental effects on people's lives. It leads to worse health outcomes, poorer educational outcomes, over representation in the justice system, negative representation in the media, and consistent roadblocks in employment. The systemic racism that persists today shows the limits of diversity, equity, and inclusion policies that prioritise cultural 'diversity' and 'inclusion' of differences over a direct and stronger engagement with race and racism.

Our work has revealed that current approaches to anti-racism are ad-hoc, disjointed, and often ineffective. In some senses, that is hardly surprising in a society where a person calling out racism often endures more negative repercussions than the perpetrator.

To understand our findings on systemic racism, we need to acknowledge that although race has no scientific or biological basis, it continues to have a real effect in shaping people's lives. Our systems are built to maintain white privilege. Those who are white can successfully navigate, access, and lead systems and institutions without having to shed their language, culture, religion, and other parts of themselves.

We cannot effectively address racism and the harmful impacts it has without acknowledging its existence and then taking powerful action to confront it.

Firstly, we must recognise that Aboriginal and Torres Strait Islander peoples, as the First Peoples of this continent, have a distinct experience of racial injustice that arises out of their status as colonised peoples with unceded sovereignty, and a denial of their self-determination. It is why, fundamentally, the National Anti-Racism Framework must be First Nations-centred. There can be no racial justice in this country without racial justice for First Nations peoples. The Framework recognises the ongoing impacts of colonisation on First Nations peoples and is committed to being guided by their strength, knowledge, and leadership throughout all anti-racism action. This action has been happening for centuries and has allowed us to present this Framework. Truth-telling of historical and ongoing injustices against First Nations peoples is essential.

Anti-racism initiatives, policies, and programs must recognise the distinct needs of communities. Australia's history defies a homogenous narrative: Indonesian Muslim traders engaged with the Yolngu people as early as 1700; Jews and Africans arrived with the First Fleet; migrants from Egypt, Iran, Turkey, and South Asia arrived in the 1830s; and Chinese migration surged in the 1850s. Yet, the fallacy of homogeneity still informs how our systems and institutions operate, and fails to reflect this rich, true identity of the peoples of this nation.

The Framework also recognises that racism operates alongside other systems of oppression that perpetuate inequality – ableism, sexism, class, ageism, homophobia, and transphobia. These are all interconnected, which means we must all work collectively to build better systems for all. As Gangulu academic, activist, and artist Dr Lilla Watson discerned, recognising our inequities are bound up in each other's means that we can work collectively to dismantle systems of oppression, including racism, and create a society where we all live in dignity. The recommendations in this Framework contain ideas that can be used to benefit everyone who suffers disadvantage. I also appreciate that the work done by the Commission and collaborators does not encapsulate the lived experiences of all negatively racialised communities and that we should use our positions of privilege to always do more.

To understand how systems, structures, and institutions are racist, we need to build our racial literacy. At a basic level, racial literacy is about equipping people with the tools, confidence, and capabilities to understand and challenge racism. If we only understand racism in its interpersonal forms, it's easy to say that we aren't part of the problem because we aren't saying or doing racist things to other people. However, when we understand structural racism, we know that we also have a responsibility as individuals to actively dismantle the implicit racism in the systems and institutions we are part of. We should embed cultural safety for First Nations people as a foundational approach to address inequities in health, education, justice, and workplace settings. We must reshape our approach to collecting data about racism to ensure it is intentionally used to benefit communities that experience racism.

The National Anti-Racism Framework provides a roadmap for government, civil society, and business to bring about meaningful systemic change. A united commitment will lay the foundations for a future where everyone can thrive free from the damaging impacts of racism. I implore everyone that reads this Framework, but particularly those in positions of leadership, to continue this journey and see it through. Utilise whatever opportunities and capacity you have, to work towards changing our systems for the better. Although governments must 'lead' this work through resourcing and political will, it is First Nations and other negatively racialised communities who should be supported to lead anti-racism action for their communities.

Together, we can reach the destination at the end of this road – a society where all of us have equity, dignity, and respect, irrespective of our race, religion, and culture. Challenging the status quo is not an easy task. We have the strength to do it. The time to do it is now.



Giridharan Sivaraman

Race Discrimination
Commissioner

Executive Summary

Following an extensive process of community and sector consultations over recent years, the Australian Human Rights Commission (**'the Commission'**) has been supported by the Australian Government to produce a National Anti-Racism Framework (**'the Framework'**) to serve as a central reference point for a whole of society approach to eliminating racism. The Framework acts a roadmap for governments, non-government organisations, businesses, and civil society organisations to take anti-racist action across sectors.

The Commission heard consistently from First Nations and other negatively racialised people that systemic and structural racism is deeply embedded throughout Australia and requires an urgent, national response. The Report identifies key priority areas in need of reform and provides recommendations for transformative change to eliminate racism across Australia.

The **63 recommendations** are a call to action for reform across Australia's systems and structures, including in the justice and legal system, health, education, workplaces, media and the arts, and data. The Commission intends for the Framework to be a living document that grows as communities' experiences of racism evolve.

Overarching recommendations

- The Commission calls on the Australian Government to lead a national response to eliminating racism that begins with truth-telling for First Nations peoples and embeds their right to self-determination.
- As a priority, the Australian Government must develop two Implementation Plans for the Framework, one of which is specific to First Nations peoples and their unique experiences of racism. These Implementation Plans must cover anti-racism action across all sectors, including health, media, arts, the justice system, and data.
- The Commission recommends the Framework be grounded in an understanding of racism that is intersectional, community-centric, and embeds truth-telling. It should recognise the similarities and differences between forms of racism that affect different communities. This approach should inform all anti-racism action under the Framework.
- The development of a nationally recognised definition of First Nations Cultural Safety, with minimum standards, for application across sectors is also recommended.

National Anti-Racism Framework

National plan

covering all levels of government and community partnerships

10 year duration

with 5 year implementation plans

National understandings

of racism and cultural safety for First Nations communities to guide all actions

PRINCIPLES

The National Anti-Racism Framework should:

- acknowledge the **systemic and structural nature** of racism, including the historical and **ongoing impacts** of settler colonisation on First Nations people
- be intersectional, community-centric, and recognise racism as a **complex and shifting phenomenon**

- **embed truth-telling and self-determination** for First Nations peoples
- be adequately, appropriately and sustainably **resourced**
- include mechanisms for **co-design and participation** of First Nations peoples and other negatively racialised communities

- set **measurable targets**
- identify how the Framework **interacts** with other national frameworks, agreements and plans
- include **public reporting** at regular intervals

NATIONAL ANTI-RACISM TASKFORCE

- **oversees and advises** on the implementation of the National Anti-Racism Framework
- **co-chaired** by the Race Discrimination Commissioner and a Secretary (representing the Australian Government's Secretaries Board)
- with **senior government membership** from across federal, state and territory jurisdictions, and relevant peak organisations

National Anti-Racism Framework **First Nations** Implementation Plan

National Anti-Racism Framework Implementation Plan

KEY PRIORITY AREAS

Legal protections and reform

Workplaces and employment

Education and public awareness

Justice

Media and the arts

Health

Data

MONITORING, EVALUATION AND LEARNING FRAMEWORK (MEL FRAMEWORK)

- AHRC to **co-design** MEL framework with communities that experience racism
- **complement accountability mechanisms** under the National Agreement on Closing the Gap
- **independently conduct evaluations** informed by First Nations and other negatively racialised communities

First Nations peoples

First Nations peoples and non-Indigenous people have consistently told the Commission that the experiences of First Nations peoples must be central to all anti-racism policies, initiatives, and programs.

First Nations communities have called on governments to commit to transformative changes that address entrenched inequalities, including:

- incorporating provisions in the United Nations Declaration on the Rights of Indigenous Peoples into all relevant domestic laws;
- First Nations-focused anti-racism content in school curricula;
- formalised partnerships between Australian governments and First Nations community-controlled organisations; and
- strategies to address racism experienced by First Nations people in workplaces.

Legal protections and reform

Communities have highlighted to the Commission that the Racial Discrimination Act 1975 needs reform to address systemic and structural racism in Australia.

A major recommended reform includes the introduction of a positive duty under the *Racial Discrimination Act 1975*, which would require businesses and organisations to have policies and procedures in place to prevent racism. This recommendation is similar to recent reforms to the *Sex Discrimination Act 1984* and also as proposed by the Disability Royal Commission for introduction into the *Disability Discrimination Act 1992*. Other recommendations include reviewing Australia's employment, migration, citizenship, and counterterrorism laws for their potential discriminatory application and effect on different communities; the introduction of a national *Human Rights Act*; and introducing stronger legal protections against online hate.

Police and justice

The Commission acknowledges that racism, especially racism targeting First Nations peoples, is pervasive across the systems and processes that underpin the justice system, including in all stages of the legal system.

Australian governments must take immediate action to implement systemic reforms as a matter of priority. Recommendations include establishing an independent body to oversee the prevention of First Nations people's deaths in custody; ensuring all places and the duration of detention comply with international human rights standards; conducting an independent external audit of justice systems across the country to identify and address structural racism; increasing support for community-controlled legal and support services; investing in approaches to diversion and rehabilitation for people in contact with the justice system; and implementing anti-racism training for police and other workers in the justice system.

The Framework also calls for more effective action by all Australian governments to address far-right extremism and white supremacy, both in the online and offline world.

Education

Places of learning – from early childhood through to tertiary institutions – were identified as key settings for preventative education about racism.

Recommendations include introducing nationally consistent anti-racism content in school curricula, and embedding knowledge, scholarship, and texts by First Nations and other negatively racialised communities in curricula and education materials. Ongoing funding for national education campaigns about preventing racism is also recommended.

Culturally safe mechanisms for students and staff to report racism, as well as a holistic cultural safety review of education provision in primary and secondary schools, are recommended. The development and implementation of cultural safety reforms must be informed by consultations with children and young people throughout the review.



Health

Communities stressed the importance of tackling racism in the health sector, as well as addressing the harmful impacts that racism inflicts on the health of First Nations and other negatively racialised individuals and communities.

Communities called for embedding cultural safety and anti-racism in health practices as a priority solution. Recommendations also include mandating cultural safety education for all healthcare providers, as well as providing adequate resources to healthcare providers, particularly community-controlled providers, to integrate trauma-informed and traditional healing practices into mainstream healthcare systems and to develop targeted programs and interpretation services.

Co-design with First Nations peoples, and people from other negatively racialised communities, in public health and social policy discussions is also recommended as a priority action.

Workplaces

Workplaces were identified to the Commission as vital settings for addressing racism.

Key recommendations include developing and implementing: internal workplace anti-racism strategies for all employers; mandatory cultural safety and anti-racism training for all workers including parliamentarians; behavioural codes of conduct for all parliamentarians and their staff; national standards for reporting racism in workplaces; and strategies for recruiting and retaining staff from First Nations and other negatively racialised backgrounds, particularly in leadership and senior roles.

Media and the arts

Media and arts organisations were highlighted as having significant impacts on how racism manifests and how it can be addressed.

The Framework calls for stronger regulation of how the media reports on First Nations and other negatively racialised communities, as well as how digital media allows users to report and remove racist content. Other recommendations include improving approaches to telling stories about and for communities that experience racism, and funding community media. Media outlets must also audit their content and workforce to prevent racism and ensure workforce representation targets are being met.

Data

The Commission has found that data on racism in Australia is limited, inconsistent across jurisdictions, and often ad-hoc.

Recommendations call for a national, comprehensive approach to collecting data for anti-racism purposes that embeds Indigenous Data Sovereignty and Indigenous Data Governance and a human rights-based approach. The Commission recommends the development of a National Anti-Racism Data Plan, in which communities with lived experience of racism are meaningfully engaged in co-designing a national approach to data about race and racism. This includes the development of new population and administrative data standards on Indigenous status and ethnicity, strengthening data about different forms of racism, and initiatives to address personal and structural barriers to reporting racism.

Monitoring, evaluation and learning

The Framework highlights the importance of sufficient funding for a comprehensive and community-led approach to monitoring and evaluating the effectiveness of the Framework's implementation.

Relevant learnings from a strong mechanism must be incorporated into the ongoing implementation process to ensure the Framework is making a positive change in communities' experiences of racism.

Recommendations

Aboriginal and Torres Strait Islander peoples and other negatively racialised communities have long been leading anti-racism action in Australia. The development of the recommendations has been significantly informed by their ongoing leadership, advice, and insights shared through community consultations and submissions, and guidance from anti-racism practitioners across sectors, along with various pieces of research.

The guiding principles and approaches below allow us to understand racism through a systemic, intersectional, nuanced, and community centred lens, with First Nations sovereignty and truth-telling at its core. These principles are the foundations on which to build robust systems for anti-racist action and transformative change in the long term.

- **Self-determination:** recognition of Aboriginal and Torres Strait Islander peoples' right to self-determination, and unique experiences of racism and settler colonialism
- **Intersectionality:** a nuanced approach to anti-racism that addresses the unique and varying needs of all communities
- **Shared decision-making:** co-design in the development, implementation, and evaluation of tailored anti-racism initiatives, policies, and programs under the Framework, that sees communities leading anti-racism action
- **Human rights:** a human rights-based approach that is informed by the principles of participation, accountability, non-discrimination and equality, empowerment and legality and guided by Australia's obligations under the *International Convention for the Elimination of Racial Discrimination* to adopt immediate and effective measures to eliminate racism
- **Cultural safety:** First Nations cultural safety and a trauma-informed approach
- **Shared responsibility:** recognition and active minimisation of the colonial load that communities with lived experience of racism,

particularly First Nations people, bear when leading and supporting anti-racism action¹

- **Strong accountability:** monitoring, evaluation, and learning processes that are informed by communities with lived experience of racism, remain responsive to their evolving experiences throughout the lifecycle of anti-racism initiatives, and result in systems change

Notes on understanding the recommendations

The Commission reiterates its call for recommendations to be implemented from *Bringing Them Home*, *Wiyi Yani U Thangani*, *Help Way Earlier*, *Free and Equal*, and the Social Justice and Native Title reports. Additionally, Australian governments must maintain and action their commitments to truth-telling and treaty processes, as well as the Closing the Gap Agreement.

Government commitment to anti-racism action must be demonstrated and supported by ongoing and adequate investments into anti-racism action, including the existing and new initiatives outlined in the Framework. Inadequate or ad hoc funding of anti-racism action reinforces systemic racism and inequity, and the adequacy of funding is best determined by First Nations and other negatively racialised communities, who have a long history in developing best practice solutions.

When the recommendations refer to the 'Australian Government', this indicates the Commonwealth Government. References to 'Australian governments' indicate the shared responsibility of the Commonwealth and state and territory governments, including commitment to work with local governments where appropriate.

Overarching Recommendations

1. The Australian Government commit to this National Anti-Racism Framework to eliminate racism in Australia.

The National Anti-Racism Framework should set out national commitments over a 10-year period, with two 5-year implementation plans created for each of the implementation plans identified below.

The National Anti-Racism Framework should:

- acknowledge the systemic and structural nature of racism, including the historical and ongoing impacts of settler colonisation on First Nations peoples
- be intersectional, community-centric, and recognise racism as a complex and shifting phenomenon
- embed truth-telling and self-determination for First Nations peoples
- be adequately, appropriately, and sustainably funded
- include mechanisms for co-design and participation of First Nations peoples and other negatively racialised communities in the Framework's operation
- set measurable targets as informed by the needs of First Nations and other negatively racialised communities
- identify how the Framework interacts with other national frameworks, agreements, and plans, particularly those that address intersecting forms of discrimination
- include a monitoring, evaluation, and learning framework with public reporting at regular intervals.

2. The Australian Government establish a National Anti-Racism Taskforce, to be co-chaired by the Race Discrimination Commissioner and a Secretary (representing the Australian Government's Secretaries Board), with senior government membership from across federal, state and territory jurisdictions, and relevant peak organisations, to oversee and advise on the implementation of the National Anti-Racism Framework. Australian governments fund and work in partnership with the National Anti-Racism Taskforce to develop and implement:

- a. National Anti-Racism Framework First Nations Implementation Plan and
- b. National Anti-Racism Framework Implementation Plan.

3. Australian governments, in partnership with the Coalition of Peaks, develop a nationally recognised definition of First Nations cultural safety, with minimum standards, for application across sectors, including health.

4. Australian governments fully implement their commitments under the *National Agreement on Closing the Gap*, including to work in genuine partnership with, and adequately fund, Aboriginal and Torres Strait Islander peoples and organisations to participate in shared decision making across government portfolios.

5. Australian governments prioritise their commitment to building the Aboriginal and Torres Strait Islander community-controlled sector and provide ongoing and adequate funding for the sector and organisations to deliver culturally safe services, particularly for rural and remote communities.

6. Australian governments provide adequate funding to local governments to establish or improve local anti-racism initiatives and programs informed by the Framework.

Recommendations

Monitoring, Evaluation, and Learning

7. The Australian Government fund the Australian Human Rights Commission to co-design, with communities that experience racism, a Monitoring, Evaluation, and Learning Framework ('MEL Framework') that operates for the lifespan of the National Anti-Racism Framework. This MEL Framework should complement accountability mechanisms under the *National Agreement on Closing the Gap*. An independent organisation should then be procured, with guidance from the Race Discrimination Commissioner and the Aboriginal and Torres Strait Islander Social Justice Commissioner, to undertake the monitoring, evaluation, and learning with insight from First Nations and other negatively racialised communities.

Legal Protections and Reforms

8. The Australian Parliament enact a national Human Rights Act incorporating findings from the Australian Human Rights Commission's 2023 report *Free and equal: Revitalising Australia's commitment to human rights*.

9. The Australian Government comprehensively incorporate the United Nations Declaration on the Rights of Indigenous Peoples into domestic law, including:

- a. taking steps to implement the UNDRIP into law, policy, and practice
- b. working in partnership with Aboriginal and Torres Strait Islander peoples to create a National Action Plan to implement the UNDRIP
- c. independently auditing existing laws, policies, and practice for compliance with the UNDRIP.

10. The Racial Discrimination Act 1975 be amended to include a positive duty, to eliminate racial discrimination,

- a. by an employer, business or undertaking
- b. in the provision of goods and services, with a particular focus on health, education, retail and hospitality, sport, housing, and financial settings
- c. in the access to places and facilities
- d. in the provision of land, housing and other accommodation.



Recommendations

11. The Racial Discrimination Act 1975 be amended to provide powers to the Australian Human Rights Commission to assess compliance with the positive duty in recommendation 10 and for enforcement. This includes providing the Australian Human Rights Commission with the power and funding to:

- a. undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply
- b. enter into agreements/enforceable undertakings with the organisation
- c. apply to the Court for an order requiring compliance with the duty.

12. Australian governments introduce effective legal protections against online hate, with particular attention given to regulation and enforcement against, and liability of, digital platforms. These protections should be informed by consultation with First Nations and other negatively racialised communities.

13. The Australian Government take immediate steps to ensure that migration and citizenship laws comply with international human rights law, with particular attention given to inequities experienced by negatively racialised people seeking asylum, and refugees and migrants.

14. The Australian Government consider options for legal reform that are not already addressed with or under recommendations 10-11 on the introduction of a positive duty to eliminate racism, including but not limited to:

- a. addressing systemic and institutional racism experienced by First Nations and other negatively racialised people
- b. addressing religious-based discrimination
- c. addressing intersectional experiences of racism
- d. eliminating racism as is required under Australia's obligations under the International Convention for the Elimination of Racial Discrimination.

15. The Australian Government review the effectiveness of current protections against exploitation in employment and migration legislation, and develop further strategies to address unlawful arrangements experienced by migrants in precarious work, particularly those on temporary visas including people seeking asylum and international students.

16. The Australian Government establish an independent review of counter-terrorism laws, policies, and practices to investigate potential discriminatory application and effect on different communities and to recommend ways to address it.

17. The Australian Government investigate options for legal protections against caste discrimination, including potential reform of existing legislation.

Recommendations

Workplaces and Employment

18. All employers ensure that senior leadership have responsibility for organisational change on intersecting forms of discrimination, including racism, and that it is not solely placed on Aboriginal and Torres Strait Islander and other negatively racialised employees.

19. Medium and large employers in all sectors develop internal workplace anti-racism strategies. Strategies must include measures for preventing and responding to racism in the workplace, as an interim measure until recommendation 10 is implemented.

20. Employers, including governments, commit to the development and implementation of ongoing, mandatory workplace anti-racism training, resources, and educational materials with anti-racism organisations or practitioners.

21. Medium and large employers in all sectors develop an internal cultural safety framework for First Nations staff. This should complement their internal anti-racism strategies for all staff including non-Indigenous staff who experience racism.

22. Medium and large employers in all sectors develop, implement, monitor, and evaluate strategies for hiring, promotion, and retention of staff identifying as First Nations and from other negatively racialised backgrounds to increase representation in the workforce, particularly in leadership and senior roles.

23. Australian governments incorporate cultural safety codes of practice into workplace health and safety legislation.

24. Australian governments establish a cross-sector First Nations Workforce Development Strategy that incorporates data sharing agreements and accountability mechanisms.

25. Australian governments fund the Australian Human Rights Commission to convene a national council of state and territory anti-discrimination and human rights bodies, work, health, and safety agencies, and relevant peak organisations to develop nationally consistent standards for employers and employees to report experiences of racism and racial discrimination in the workplace.

26. The Independent Parliamentary Standards Commission develop behavioural codes of conduct for all Australian Parliamentarians and staff that take a zero-tolerance approach to racism with appropriate sanctions. Australian Parliamentarians and their staff be required to complete regular anti-racism training that addresses workplace behaviour and prevents racism in all public communications.



Recommendations

Education and Public Awareness

27. Australian governments fund a holistic cultural safety and anti-racism review of existing policies and practices that affect staff and students in primary and secondary schools, through consultation with children and young people. The findings must inform the development and implementation of cultural safety and anti-racism reforms.

28. Australian governments commission and fund comprehensive mandatory professional development for primary and secondary school staff (including leadership staff members) to build schools' capacity to identify, prevent, and manage incidents of racism and develop the skills, tools, and capability to have discussions about racism and its effects in contemporary Australia.

29. Australian governments and education providers (early childhood to tertiary) co-design and incorporate into curricula nationally consistent anti-racism resources and educational materials for staff and students that focus on recognising and rejecting racism:

- a. in partnership with Aboriginal and Torres Strait Islander organisations and practitioners, including material about the historical and ongoing impacts of settler colonisation. This should be supplemented by local, place-based materials
- b. in partnership with non-Indigenous anti-racism experts from negatively racialised communities, including material about Australia's migration histories, contemporary forms of racism, and ongoing impacts of discriminatory policies.

30. Australian governments and education providers (early childhood to tertiary) implement curricula reform:

- a. in partnership with Aboriginal and Torres Strait Islander organisations and practitioners to embed First Nations knowledges, scholarship, and texts across all disciplines
- b. on the advice of other negatively racialised organisations and practitioners to better integrate knowledges, scholarship, and texts authored by non-Indigenous negatively racialised people.

31. Australian governments and education providers (early childhood to tertiary) co-design with community experts, a nationally consistent, effective, comprehensive, and culturally safe mechanism for students, staff, families, and communities to safely and without fear of repercussions, report experiences of racism across educational settings and improve accountability, support, and redress services.

32. Australian governments provide ongoing funding to the Australian Human Rights Commission to develop and maintain its public awareness and education campaigns and materials to improve racial literacy and understandings of intersecting forms of discrimination, in partnership with community-led organisations.

33. Australian governments fund public awareness and education on anti-racism for the community sporting sector, in partnership with the Australian Sports Commission.

34. Australian governments increase funding for research to address gaps in existing research and contribute to the evidence base on the efficacy of anti-racism initiatives and interventions in education settings, including systemic reforms.

Recommendations

Justice

35. Australian governments raise the minimum age of criminal responsibility to 14 years in all jurisdictions, without exception.

36. The Australian Government establish an independent mechanism to monitor and report on the status of the implementation of the Royal Commission into Aboriginal Deaths in Custody. This role should be overseen by the Aboriginal and Torres Strait Islander Social Justice Commissioner, with adequate funding from the Australian Government.

37. All Australian governments expedite putting into place national preventive mechanisms for all places of detention, consistent with Australia's obligations under the Optional Protocol to the Convention against Torture, the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights.

38. Australian governments conduct an external audit that investigates systemic racism, including police misconduct and negligence, and develop holistic reforms to institutional practices across all stages of the justice process from initial contact with law enforcement through to post-prison release.

39. Australian governments fund existing, or develop new, community-specific approaches to diversion and rehabilitation for people in contact with the justice system, including community-based approaches to sentencing, alternatives to custody and court processes, and restorative and transformative justice solutions.

40. Australian governments explore and fund community-informed and early intervention solutions beyond civil and criminal penalties to address far-right extremism and white supremacy in communities, particularly as they intersect with other forms of discrimination. These solutions must include centring community wellbeing, providing redress for the harms experienced by targeted individuals and communities, and a focus on atrocity-prevention.

41. Australian governments provide ongoing funding to legal and support services, including community-controlled services, to provide culturally safe and trauma-informed access to justice for First Nations and other negatively racialised people.

42. Australian governments increase funding to community-controlled agencies that support First Nations children and families in order to reduce child protection interventions.

43. Australian governments review the adequacy and effectiveness of any anti-racism and cultural safety training within the justice system, including for police, legal aid providers, first responders, support services, and the courts, and implement mandatory and ongoing anti-racism and First Nations cultural safety training for leadership and staff.

44. Australian governments, alongside police, relevant complaints-handling mechanisms, and non-government organisations, implement co-ordinated strategies to address personal and structural barriers to reporting experiences of racism.

Recommendations

45. Australian governments support comprehensive, community-led data collection consistent with the principles of Indigenous Data Sovereignty on interactions with the justice system, including arrests, outcomes of justice, and the experiences of individuals within court processes. This is to be completed alongside work to implement **recommendation 59** on a National Anti-Racism Data Plan.

Media and the Arts

46. Media organisations adopt guidelines that are grounded in an anti-racist approach to reporting about First Nations and other negatively racialised communities, such as Media Diversity Australia’s Race Reporting Handbook.

47. The Australian Government strengthen regulation of media organisations on reporting related to First Nations and other negatively racialised communities, informed by the Australian Human Rights Commission’s forthcoming research on media regulation and standards.

48. Australian governments and media organisations provide ongoing funding for community media outlets, including for First Nations-controlled media outlets.

49. Digital platforms develop stronger, transparent protocols to allow users to report and remove racist content, including mis- and disinformation. These protocols should be informed by the Commission’s forthcoming research on interventions to address mis- and disinformation and online hate.

50. Australian governments, media and arts organisations, and other private sector organisations fund campaigns, initiatives, and projects that are community-led and take a strengths-based approach to storytelling about First Nations and other negatively racialised communities.

51. Media and arts organisations conduct regular audits of content to assess biases and gaps in the representation of diverse voices, and to collect and publish metrics on workplace representation of First Nations and other negatively racialised communities. This must include an assessment of whether media and arts organisations are meeting content targets and targets to improve the representation of First Nations and other negatively racialised staff.

52. The Australian Government establish a research fund to better understand experiences of racism and effective anti-racism strategies to create a more accessible, diverse, equitable, and representative media and arts landscape in Australia.



Recommendations

Health

53. Australian governments identify racism as an urgent national health priority with significant impacts on the physical and mental wellbeing of First Nations and other negatively racialised communities. Solutions should prioritise partnership and shared decision making with at-risk communities, including people with disability and older persons.

54. Australian governments mandate comprehensive cultural safety and anti-racism education throughout all health curricula, and within all workforce practice standards and regulation requirements.

55. Australian governments fund healthcare providers to partner with First Nations peoples on the integration of traditional healing practices that acknowledge historical trauma into mainstream healthcare systems.

56. Australian governments provide adequate funding to develop targeted programs to address health issues disproportionately affecting at risk-groups within First Nations and other negatively racialised communities, particularly in rural and remote communities.

57. Australian governments provide adequate funding for interpreter services to be provided as standard within services, including Aboriginal and Torres Strait Islander language interpreters. This funding must also cover training on effective interpreter use and the recruitment of interpreters to meet evolving language needs.

Data

58. The Australian Government fund a body comprising First Nations experts on Indigenous Data Sovereignty to partner with First Nations communities to embed Indigenous Data Sovereignty and Indigenous Data Governance on a national and state and territory level.

59. The Australian Government adopt and fund a National Anti-Racism Data Plan ('**the Plan**'). This Plan must outline a national approach to collecting, using, and managing data on experiences, reports, and impacts of racism across states and territories and local jurisdictions. To achieve this, the Australian Government resource the Race Discrimination Commissioner to:

- a. establish an advisory group comprising anti-racism data experts or practitioners from First Nations and other negatively racialised communities, and representatives from government agencies to oversee the Plan
- b. inform and develop the substance of the Plan on the advice of the advisory group
- c. lead consultations with communities, academics, and data experts to inform the priorities, outcomes, and other details of the Plan
- d. ensure findings and outcomes from recommendations 58 and 60-63 are incorporated into the Plan.

60. The Australian Government and relevant non-government organisations commit to collecting data about experiences of racism, including systemic and structural racism, in ongoing national surveys. The Australian Government provide appropriate funding where necessary to relevant agencies and non-government organisations to collect this data.

Recommendations

61. Australian governments fund the Australian Human Rights Commission, anti-discrimination and human rights bodies, and work, health, and safety agencies to collect intersectional data under their respective mandates. The Australian Human Rights Commission be tasked to work in partnership with these bodies to develop an approach with advice from the body established under **recommendation 58** on collecting disaggregated, intersectional data on complaints and reports, particularly as they relate to race/ethnicity and racism in employment settings.

62. Australian governments commit ongoing and adequate funding to existing or prospective third-party reporting mechanisms that take an anti-racist approach to collecting data about racism as it affects different communities to continue collecting this data and to strengthen or establish initiatives, including providing support services (e.g. psychological and legal support) to targets or witnesses of racism.

63. The Australian Government review the Australian Standards for the Classification for Cultural and Ethnic Groups and the Standards for Statistics on Cultural and Language Diversity and develop new standards on the collection of administrative data about ethnic identity by adequately funding:

- a. the Australian Human Rights Commission to lead independent consultations on community understandings of race and ethnicity, with supporting research
- b. the Australian Bureau of Statistics to revise the data standards, informed by the research in (a) and from other relevant stakeholders.

Outcomes from these processes should inform whether a question on ethnic identity should be introduced into future Australian Censuses. This may involve the establishment and funding of a Working Group, convened by the Australia Bureau of Statistics and as part of work under the National Anti-Racism Data Plan, to develop a question.



Background

In October 2022, the Australian Government provided \$7.5 million over four years to the Commission to develop a National Anti-Racism Framework and associated projects. The Commission has produced this Framework, following community input, to provide the foundation for a comprehensive national response to racism in Australia.

Through extensive consultations with peak and community organisations, service providers, government departments and agencies, experts, and community members, the Commission has established that urgent action is needed to address the systemic and structural racism that is deeply embedded throughout Australia. Despite the pervasiveness of racism, there is an absence of a unified, robust, and comprehensive plan to guide action by Australian governments, businesses, and civil society. The Framework provides governments with a detailed course of action containing threshold requirements for adopting effective anti-racism as a national priority. It also acts as a central reference point for non-government organisations, businesses, and civil society to develop their own anti-racism actions or strategies specific to their work.

This Report outlines the methodology used to inform the Framework structure, followed by the thematic findings based on the *National Anti-Racism Framework Scoping Report 2022* and various pieces of additional research conducted since then. This Report and its recommendations embed the leading piece of feedback the Commission has heard from First Nations people and non-Indigenous people: that the experiences of First Nations people must be central to all anti-racism action and inform all strategies across national outcome areas. A National Anti-Racism Framework must meaningfully acknowledge and address settler colonialism and its ongoing impacts on First Nations people and be rooted in their self-determination. It must also reflect a nuanced, intersectional understanding of racism that is centred in community.

This Report presents key findings and recommendations for action in the key areas of implementation, monitoring, evaluation, and learning, workplaces and employment, education and public awareness, the justice system, legal reforms, media and the arts, the health sector, and data. Many of these findings and recommendations are anchored in building racial literacy and First Nations cultural safety across society as a pathway to eliminating racism. These recommendations form the Framework. The Commission invites, as next steps, the commitment of all governments to the Framework implementation with the necessary funding.

Throughout the Framework's development, the Commission heard from communities about the importance of strong government commitment to coordinating anti-racism action. It is crucial that the Australian Government provides national direction and commitment to designing and implementing the two Implementation Plans. It is the most appropriate body to fund their full implementation in partnership with governments across jurisdictions, to ensure its uptake across society. Such a national approach will also acknowledge the urgent need to effectively address racism in all its forms.

The Commission notes that while the design and implementation of the Framework is best coordinated by the Australian Government, business, community, and civil society organisations can independently implement anti-racism solutions appropriate within their sectors and spheres of influence. The Framework contains several recommendations that organisations can implement independently of government. The Commission will have a key role to play in the Framework implementation – with distinct responsibilities and actions, and in a monitoring role.

Methodology

Phase 1: Consultations and Scoping Report [2021-2022]

In March 2021, the Commission called for a Framework and released a [Concept Paper](#) outlining guiding principles, outcomes, and strategies for a national response to racism in Australia.

The Commission used this proposal as the basis for consultation through two key processes. The first was consultations with peak and community organisations, service providers, government departments and agencies, experts, and community members. In total, approximately 300 organisations were consulted. The Commission partnered with some of those organisations and agencies and had the privilege of facilitating 10 community consultations across the nation. Between October 2021 and February 2022, the Commission also called for public submissions from individuals and organisations and received 164 submissions.

The findings from this initial scoping process were shared in the [National Anti-Racism Framework Scoping Report](#) in December 2022. These were organised into principles, cross-cutting themes, and feedback relevant to priority sectors, with associated community and expert solutions. The Scoping Report indicated strong support across the board from participants for a Framework as an overarching and coherent approach to anti-racism. Consultations and written submissions identified a need to focus on data collection, education, public awareness, cultural safety, legal protections, justice, health, and media regulation. A summary of these findings is provided as **Appendix I**.

Phase 2: Consultations and Framework development [2022-2024]

In October 2022, the Australian Government committed \$7.5 million over four years to the Commission's national anti-racism work. This included research and activities to finalise the National Anti-Racism Framework, as well as to maintain the *Racism. It Stops with Me* campaign. A summary of all activities undertaken since 2022 with this funding is provided as **Appendix II**.



Thematic Findings

Racial Literacy

In Australia, the refusal to name and confront racism has prevented meaningful progress on eliminating it. Too often those that call out racism are attacked more than the racism itself. The focus on multiculturalism and social cohesion hides or erases many communities' lived experience of racism as well as the nation's settler colonial foundations. Stronger racial literacy across society is essential to ensure the Implementation Plans can properly address racism in all forms.

The meaning of racial literacy

Racial literacy is an essential set of skills that:

- enable critical and intersectional understandings of racism and how race operates in society
- increase awareness of the power dynamics that influence the process of racialisation, and racist practices, systems, and structures
- equip people with tools to understand and challenge racism
- are built over a lifetime and involve continuous learning and unlearning, including on normalised practices, ways of being and knowing, and understandings of history particularly in relation to colonisation, and
- are determined by the needs of communities who experience racism.²

However, building and enhancing racial literacy alone is not sufficient for addressing racism. In the Australian context, racial literacy requires acknowledging the nation's settler colonial history and its ongoing impacts on racial inequity. It must be accompanied by actively challenging racist systems, structures, and ideas.³

The importance of racial literacy

Racial literacy emerged as a key priority during consultations. Participants raised significant concerns about the lack of awareness on how race and racism operate, contributing to a lack of motivation to address it.⁴ Consultation

participants called for comprehensive public education on race and racism to be an essential element of the Framework, as well as earlier and wider community education efforts to support anti-racism action.⁵ The Commission has consistently heard about the importance of public education on the history of British colonisation and its ongoing impacts on First Nations communities. Failure to acknowledge this history and its harms continues to perpetuate the structures and institutions that reinforce racism.⁶

During consultations, First Nations experts addressed the lack of public awareness on the harms and violence experienced by Aboriginal and Torres Strait Islander communities since colonisation, which are intergenerational and have ongoing effects.⁷ Non-Indigenous, newly arrived and emerging community members also expressed the importance of being actively given the opportunity to connect with First Nations history and truth, as well as the unique rights of Indigenous peoples.⁸ The lack of public awareness has created a barrier to fostering understanding of, and solidarity with, Aboriginal and Torres Strait Islander communities.⁹ Similarly, truth-telling about Australia's migration and colonial history in relation to the White Australia Policy and First Nations dispossession also emerged as a key priority from community consultations¹⁰ and expert led research.¹¹

Racial literacy in education

The Commission has heard calls for racial literacy and anti-racism education to be embedded in federal, state and territory curricula and taught in comprehensive and culturally safe ways. Consultations with First Nations communities heard of the need for truth-telling in education, beginning at a young age.¹² First Nations communities recommended that Indigenous knowledges, including local knowledges, be integrated in mainstream curriculum and taught by Indigenous people.¹³ Multicultural communities recommended reform to school curriculum across diverse learning areas that

embeds core components around First Nations history, multiculturalism and migration, as well as education on racism and anti-racism.¹⁴ This was reflected in recent reports from the Office of the Children’s Commissioner Northern Territory and the ACT Human Rights Commission. Both reports centred the experiences and voices of children and young people who have experienced racism, called for curricula to introduce ‘explicit anti-racism education into all levels of education’ and to embed First Nations knowledges, languages, and truth-telling to provide an ‘accurate account about the impact colonisation has on Australia.’¹⁵

Racial literacy in government

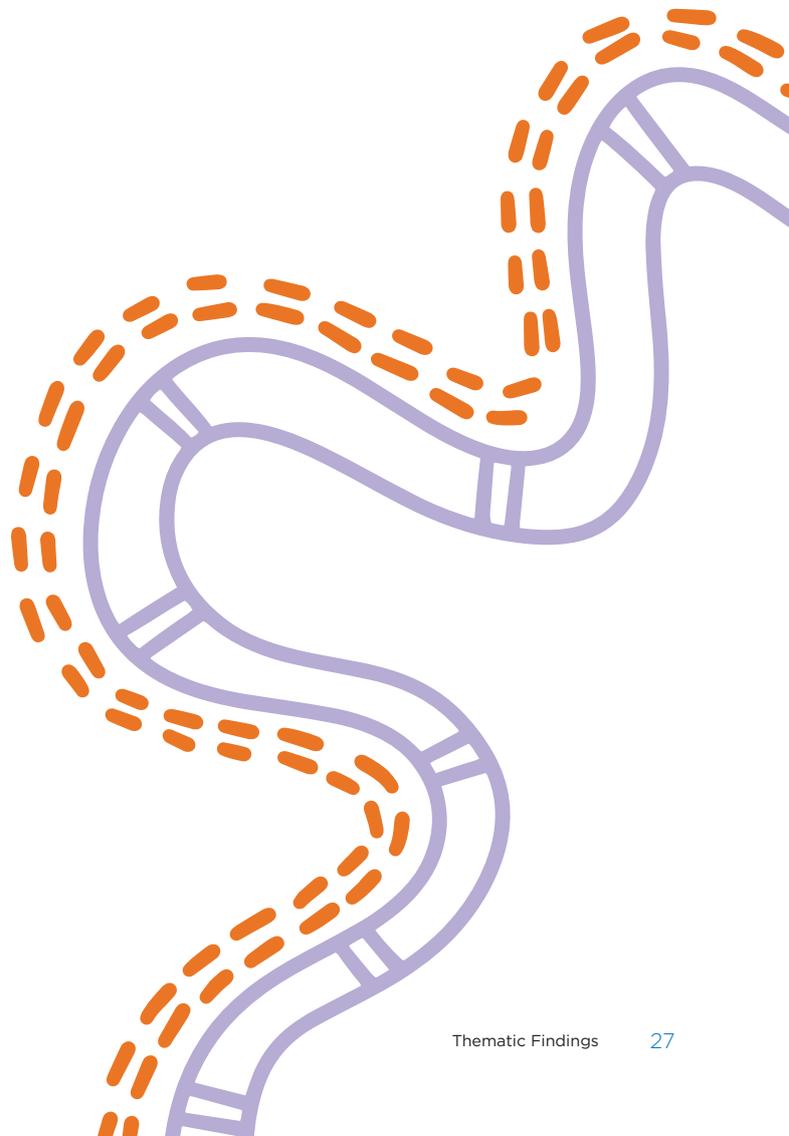
A limited understanding of the operation of race and racism in Australia means systemic and structural racism continues to go unaddressed in most government-led anti-racism action. Recent research published by the Commission on existing government anti-racism programs and policies found there was an overall reluctance from governments to name racism or use the term.¹⁶ The report found that government preference for social cohesion initiatives has resulted in weaker approaches to anti-racism work and an overall lack of systemic, intersectional, strengths-based, and coordinated action addressing racism in Australia.¹⁷

Racial literacy across sectors

Beyond schools, the Commission has broadly heard about racial literacy education as a path towards shared understanding and trust. Multicultural communities said education about different cultures, traditions, and practices is seen as an important way to combat and prevent racism.¹⁸ Some participants also identified the value of anti-racism and cultural competency training at workplaces and public institutions such as law enforcement agencies, health services, and schools.¹⁹ Consultations with First Nations communities also identified the need for mandatory education and training frameworks with First Nations oversight in the health sector regarding cultural safety that are grounded in truth-telling and storytelling.²⁰ Participants advised that the training should cover the history, culture, and specific challenges faced by Aboriginal and Torres Strait Islander communities as a result of colonisation.²¹

The integration of Indigenous knowledges and practices into restorative justice programs was also seen as necessary for fostering racial literacy and ensuring that accountability is community-centred.²² This includes recognising and valuing First Nations knowledges and ensuring programs are led by Aboriginal and Torres Strait Islander peoples.²³

Communities with lived experience of racism have clearly expressed that racial literacy, with its focus on the function and operation of race and racism in society, is foundational to the effective development and implementation of the Framework. Racial literacy challenges the silence and apathy that have been normalised around racism in Australia. It makes clear racism’s systemic and structural roots and therefore is critical to informing all anti-racist policies, programs, initiatives and improved outcomes for First Nations and other negatively racialised communities.



Cultural Safety

Throughout the development of the Framework, the Commission consistently heard from stakeholders about the importance of cultural safety as a foundational approach to address interpersonal, institutional, and systemic racism in health, education, justice, and workplace settings.²⁴ Cultural safety was seen as a practical solution to address inequities faced by Aboriginal and Torres Strait Islander peoples and, by extension, other negatively racialised people in Australia.

The meaning of cultural safety

As a practice that began through the work of Māori nurses within healthcare, the original definition of cultural safety in healthcare proposes a progression towards cultural safety in three steps:

1. Cultural *awareness*, defined as understanding that differences exist, and that culture, like the emotional, social, economic, and political context in which people exist, impacts health and healthcare access
2. Cultural *sensitivity*, defined as accepting the legitimacy of difference and focusing on self-exploration and reflection to better understand one's own culture, how one's life experiences and realities impact one's own biases, attitudes, assumptions, stereotypes, and prejudices, and how these may contribute to lower quality healthcare for some patients through 'consciously or unconsciously exercising power in the process'
3. Cultural *safety*, as defined by the recipients of care or services.²⁵

This concept of cultural safety has been more broadly applied and adopted in other sectors as a way to create anti-racist environments which support Indigenous and other staff with lived experience of racism in workplaces, as well as the delivery of culturally appropriate, safe services. Cultural safety prioritises First Nations people as a threshold and complements broader anti-racism approaches in workplaces and service delivery.

Cultural awareness and cultural sensitivity are not interchangeable, but rather, foundational to building cultural safety.²⁶ Cultural safety rejects the idea that providers and workplaces should focus on learning cultural customs of different people. Instead, cultural safety seeks to achieve better care through awareness of differences, addressing the harms of colonisation, reshaping power relationships, implementing reflective

practice, and allowing the recipient of care or services to determine whether an encounter is safe.²⁷

Cultural safety initiatives seek to go further than diversity, equity, and inclusion initiatives in addressing racism in workplaces. The Commission has heard that there are significant risks associated with exclusively focusing on the development of cultural competency, inclusivity, and diversity initiatives and programs.²⁸ These frameworks and approaches have been critiqued for their conceptual limitations and failure to disrupt racial inequity in the workplace.

The importance of cultural safety

Consultations with First Nations communities identified the need to invest in cultural safety training for all service providers, especially in the healthcare, education, and justice sectors.²⁹

Cultural safety in education

First Nations participants said there was a pressing need for comprehensive cultural safety education for staff across all sectors to enhance understandings of racism.³⁰ Participants identified a notable lack of cultural safety among service providers in rural areas³¹ and within legal processes in the justice system.³² They recommended mandatory face-to-face cultural safety education for all justice sector workers as a critical step towards developing understanding and capability.³³ Comprehensive cultural safety education for law enforcement was identified as essential to address and rectify the systemic injustices faced by First Nations communities in the justice system.³⁴

Cultural safety in health

Participants also emphasised the importance of mandatory cultural safety education for healthcare providers to examine personal biases and the detrimental effects they have on the lives and health outcomes of First Nations people.³⁵ This includes the need for health policies to be reviewed and restructured to ensure cultural safety and holistic views of health.³⁶ Comprehensive and standardised anti-racism and cultural safety education across sectors, including the integration of First Nations histories and perspectives into the national curriculum, was also seen as essential for progressing anti-racism initiatives.³⁷



Cultural safety in workplaces

Participants also stressed the importance of building culturally safe workplaces. First Nations communities also recommended that cultural safety be built into workplace, health, and safety legislation,³⁸ and the development of standardised and mandatory cultural safety education to be implemented across all sectors, including in tertiary education, professional practice standards, codes of conduct, and regulatory requirements.³⁹ The Commission has previously heard that culturally safe workplaces provide the groundwork for culturally safe service delivery.⁴⁰

Consultations with multicultural communities during the second phase also raised the value of cultural safety training in workplaces and public institutions such as law enforcement, health services, and schools.⁴¹ Multicultural communities identified that hospitals and other healthcare settings should require widespread cultural safety and anti-racism training to reduce medical bias and discrimination.⁴² In these consultations, communities recommended training for staff in government institutions, healthcare, and the police, including executive leaders, that goes beyond cultural competency and unconscious bias training to cultural safety training with an intersectional lens.⁴³

Embedding cultural safety is foundational to the implementation of the Framework, to address the underlying systemic and structural biases inherent across all sectors of society.

Justice

Consultations with First Nations and other negatively racialised communities identified the justice system as a sector where racism is especially present and requires urgent attention. This is particularly in relation to the systemic racism, racial profiling by law enforcement, over-policing, harsher sentencing, over-incarceration, and deaths in custody experienced by First Nations communities.

The Commission recognises that policies and reforms designed without centring community wellbeing and participation can often perpetuate racism in the criminal justice system and result in more harm and trauma. The Commission has been focused on scoping the actions needed across society to design and implement systems change in the justice sector.

In consultations with First Nations and other negatively racialised communities, including dedicated consultations with First Nations justice sector practitioners, participants advised the Commission that systemic discrimination is perpetuated in the criminal justice system through the often racialised nature of institutional practices, such as in the police and legal systems. This harms First Nations and other negatively racialised communities and leads to their disproportionate representation in the criminal justice system. Aboriginal and Torres Strait Islander communities are at heightened risk of facing serious harms in the justice system, as evidenced by significant rates of over-incarceration and deaths in custody.

Police

Racist police misconduct is a direct manifestation of systemic racism. It commonly includes targeting, racial profiling, over-policing, negligence, and assumptions of criminality towards Aboriginal and Torres Strait Islander communities, particularly in remote regions,⁴⁴ as well as other negatively racialised communities,⁴⁵ for example African Australian communities.⁴⁶ This racism harms people physically and mentally and leads to higher rates of involvement in the justice system, harsher outcomes in convictions and sentencing, over-imprisonment, and deaths in custody.⁴⁷

Legal processes

Racism is also pervasive across the systems and processes that underpin the justice system itself. In the Commission's consultations, First Nations participants asserted that racism occurs at each stage of the criminal legal system, from initial contact with law enforcement through bail processes, conviction, sentencing, and post-prison release.⁴⁸ Current laws, policies, and systems such as the age of criminal responsibility, removal of children, and the youth justice system, also directly and disproportionately target, affect, and discriminate against First Nations communities in particular.

Systemic exclusion

The justice system also systemically disadvantages communities through inaccessibility and barriers to its services and systems. A lack of culturally responsive, culturally safe, and community informed responses was identified as a key barrier.⁴⁹ Participants in the Commission's consultations expressed that this disconnection from cultural context and needs undermined their ability to access support, rights, and just outcomes.

Participants called for stronger oversight and accountability, as well as holistic reforms, in the criminal justice system. Both First Nations and other negatively racialised participants flagged that systemic reforms are crucial to embedding community-centred accountability in the justice system, which is foundational to rebuilding community trust in the criminal justice and legal systems.⁵⁰ Restorative and transformative justice solutions, as well as alternatives to custody and court processes, were also highlighted as crucial ways to heal the harms and trauma that communities incurred from interactions with the system, and pave pathways towards dismantling racism in the system.⁵¹

Need for co-designed systemic solutions

The racism entrenched in the justice system can translate to feelings of dehumanisation and exclusion among communities, perpetuation of intergenerational trauma, and a lack of trust in the system and government institutions in general.⁵² On a broader societal level, it also perpetuates discrimination and inequality and impedes equity.

The negative impacts of the racism in the justice system highlight the need for urgent reform – including implementation of robust anti-

racism practices, as well as enhanced and more transparent mechanisms in relation to oversight, monitoring, and reporting.

Through these initial consultations with First Nations and other negatively racialised communities and practitioners, the Commission recognises that the genuine consultation and co-design work needed to create meaningful systems change and coordinated action across all levels of government must be supported by substantive funding, alongside community participation and leadership that are built into mechanisms.

Legal Protections

Throughout the Framework's development, the Commission heard about the urgent need for comprehensive and enforceable legal protections against racism that reflect Australia's international human rights obligations.⁵³ To create systemic change both through laws and within the legal sphere, participants called for various rights-based legal frameworks, enhanced access to rights and redress, and community centred solutions.

Rights-based legal frameworks

Many participants emphasised the importance of having rights-based frameworks that are guided by the principles of participation, equal access to justice, and accountability, to protect communities from racism. In First Nations community consultations, participants emphasised that the settler colonial context is crucial to consider when developing these legal frameworks.

First Nations participants highlighted how racism is deeply entrenched in both the laws that specifically affect Aboriginal and Torres Strait Islander communities, and in the Western-designed legal system more broadly, which continues to harm, marginalise, and disadvantage First Nations people today.⁵⁴ For instance, in the current Western-designed legal system, race continues to shape laws and courts' interpretation of laws, while the system still fails to understand and address 'the intergenerational impacts of colonisation, trauma, grief and loss.'⁵⁵

To tackle entrenched racism at its roots, many participants urged amending the Australian Constitution to recognise the unique status and history of First Nations peoples and removing governments' power to make laws based on race.⁵⁶ Participants also stressed that First Nations ways of knowing, being, and doing must be

acknowledged and embedded into legal systems and decision-making mechanisms. This should be done as part of broader efforts to decolonise the legal system and its colonial foundations, embed First Nations peoples' right to self-determination, and remove barriers to fair and equitable outcomes for First Nations people.⁵⁷

Enhancing protections against racism across different areas of law

Beyond structural changes in the legal system, communities advocated for reforms in specific areas of law to build more holistic protections against racism.

There is strong support for national, comprehensive, and effective anti-discrimination laws underpinned by the principles of participation and equal access to justice.⁵⁸ Broader anti-discrimination protections could also be embedded across institutions to enhance rights in the areas of accessing housing, education, and culture, as well as improve protections against faith and caste-based discrimination, and against climate change impacts.⁵⁹ An Australian *Human Rights Act* would improve human rights protections, help prevent breaches of rights, and provide access to redress when rights are breached, particularly for people who experience racism and other intersecting forms of discrimination.

In line with the Commission's recommendations, participants also called for stronger compliance though introducing positive duties and new regulatory powers for independent institutions to initiate inquiries into systemic racism matters.⁶⁰

In addition to anti-discrimination laws, participants also flagged the need for law reform to address racism in areas including counterterrorism, citizenship, employment, online safety, and healthcare laws.⁶¹ Taking a human rights-based approach to exploring these reforms will help ensure better alignment with international standards, embed anti-racism best practices in different sectors, and address the systemic barriers and exploitation faced by First Nations people, migrants, refugees, people seeking asylum, and other people with precarious visa statuses more effectively.

First Nations and other racialised participants pointed to the difficulties of using the *Racial Discrimination Act 1975* in seeking redress, including that it does not take an anti-racist and systemic approach, does not create a positive

duty to eliminate racial discrimination, and puts the onus on individuals targeted by racism to bring about change.⁶² The Commission has also heard about the Act's inherent limitations in addressing systemic and structural racism, and especially for intersectional experiences of discrimination.⁶³

Enhanced access to rights and redress

First Nations peoples and other racialised participants have consistently emphasised the need to improve the safety and accessibility of reporting mechanisms, ensure access to culturally safe legal assistance, and tackle hate incidents in a way that focuses on atrocity-prevention, centring community wellbeing, and providing redress for the harms experienced by individuals and communities targeted.

Participants highlighted that distrust in the effectiveness and safety of reporting and redress mechanisms are some of the major barriers to reporting racism.⁶⁴ Participants emphasised the need to address these barriers and rebuild trust in mechanisms by increasing transparency and decision-making opportunities in these



mechanisms, enhancing access to both legal options and non-legal alternatives to restoring justice, and ensuring access to trauma-informed and culturally safe support.⁶⁵

Participants also raised that any mechanisms to uphold the rights of First Nations communities should be determined by First Nations people, aligned with UNDRIP principles, and underpinned by legislation.⁶⁶ Participants also emphasised the crucial role that community-controlled legal services have in accessing redress, and the need to better resource and support these services.⁶⁷

In terms of redress, both participants and experts advised the Commission that approaches to both online and offline hate incidents should focus on prevention and repairing harms.⁶⁸ Remedies for hate incidents should be meaningful to communities. They need to be timely, effective in reducing recidivism and repairing harms, and not reinforcing systemic racism in the criminal justice system. Participants suggested harmonising relevant legal protections against hate incidents at both Commonwealth and state and territory levels, exploring the application of civil penalties more broadly and beyond crisis events,⁶⁹ and establishing robust hate incident handling and reporting mechanisms that are safe, accessible, anonymous, independent, and community centred.⁷⁰

Beyond meaningful redress, participants emphasised the importance of an anti-racist public information environment that is resistant to mis- and disinformation and supported by stronger regulations and accountability mechanisms.⁷¹

The Commission heard from the experts that it engaged for research on this issue that mis- and disinformation is closely linked to the resurgence of white supremacist and extremist agendas around the world.⁷² Experts advised that it is crucial to take a preventative, whole-of-society, and human rights-based approach to tackling mis- and disinformation, with the Commission playing a unique role in addressing the underlying racist and discriminatory narratives that are at the root of mis- and disinformation.⁷³

Data

Data is not and has never been neutral, objective, nor free from bias. Historically, data has been used to surveil and control certain communities and has often been designed, used, and managed with little input from the communities it affects. However, data can also be an important tool for addressing racial inequity. Without data, it is difficult to measure progress on policies and initiatives and to hold governments, leaders, and institutions accountable for racism. Data, when collected and used properly, can help elevate and expose topics that have been ignored, silenced, or overlooked due to a lack of evidence or knowledge about their existence.

For the last year, the Commission has been exploring the importance of a comprehensive, national approach to data collection on the prevalence, nature, and impacts of racism to provide the groundwork for anti-racism action. The Commission has mainly focused on population (or census) data, administrative data, and complaints data as they relate to race and racism. The Commission's forthcoming report with proposals for a national approach to anti-racism data will be published in early 2025.

Data for anti-racism purposes

For the purposes of a National Anti-Racism Framework, we need better data to:

- provide evidence-based understandings of racism for better targeting of anti-racist actions
- monitor its progress, i.e. to evaluate whether programs and initiatives designed under the Framework are effectively addressing racism
- ensure accountability of decision-makers and other leaders for preventing or addressing racism.

In the hands of communities with lived experiences of racism, data can also be an important tool that enables them to design and lead nuanced anti-racist efforts that meaningfully reflect their community needs.

Gaps in existing data

The Commission has found that Australia's lack of racism data can be partly explained by the historical and ongoing reluctance to recognise and confront issues about race and racism.

In terms of population and administrative data, deeply harmful government policies of exclusion, control, and management of First Nations people and other negatively racialised communities have shaped data collection practices and identity construction about these communities in Australia.

Complaints (or incident) data about racism are also not collected consistently across states and territories and are generally collected through community and research efforts with little government support. Data, including intersectional data, about systemic and structural racism is limited, as is qualitative and longitudinal data on experiences of racism across sectors such as health, the justice system, education and sport, and in workplaces and online spaces broadly. Data on hate crimes and perpetrators of racism is also limited. There is a clear need for national reform and leadership to consolidate data collection across states and territories.

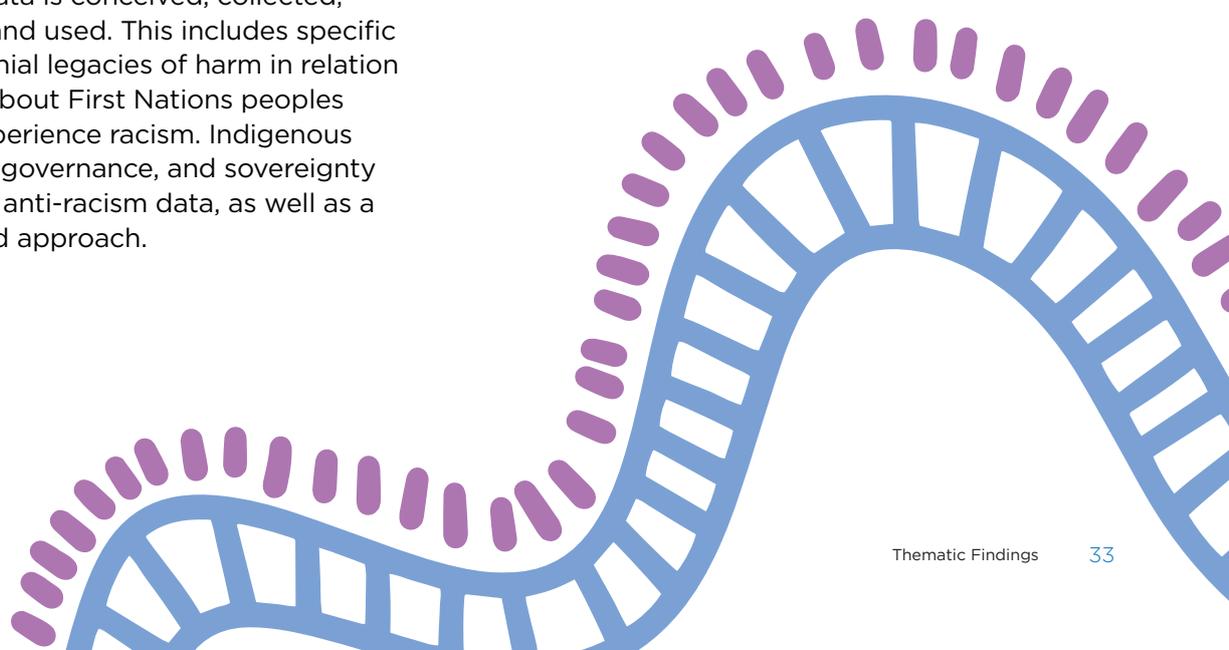
Rethinking our approach: anti-racism data

Any future action on data, both government and non-government, must be explicitly situated within an anti-racist context. The Commission proposes the use of **'anti-racism data'** as a term to describe ideal practices around the collection, use, and management of data on racism that embeds Indigenous self-determination and sovereignty and human rights principles. This approach explicitly centres anti-racism – the elimination of racism – as the purpose and end goal for data collection about racism.⁷⁴ It involves rethinking how we approach racism data, including re-determining how data is conceived, collected, managed, owned, and used. This includes specific recognition of colonial legacies of harm in relation to data collection about First Nations peoples and others who experience racism. Indigenous self-determination, governance, and sovereignty are foundational to anti-racism data, as well as a human rights-based approach.

The Commission has found that population and administrative data standards on Aboriginal and Torres Strait Islander status and cultural and linguistic diversity are no longer fit-for-purpose. A new approach requires nuance and careful consideration, given the contested nature of Indigeneity, race and ethnicity data as it applies to different people and communities. For anti-racism data to be meaningful, the Commission believes its design must be led by those with lived experience of racism. The Framework implementation must meaningfully engage with communities in co-designing a national approach to anti-racism data. This includes the creation of a National Anti-Racism Data Plan, the development of new population and administrative data standards on Aboriginal and Torres Strait Islander status and ethnicity, and initiatives to address barriers to reporting racism.

A commitment from the Australian Government to embedding Indigenous Data Sovereignty and Governance in a national approach to anti-racism data is crucial. This includes working with Aboriginal and Torres Strait Islander communities, data experts, and practitioners on strategies to embed Indigenous Data Sovereignty in existing or new data processes. First Nations communities should decide what, how, and why Indigenous Data are collected, accessed, and used. Aboriginal and Torres Strait Islander peoples have long been challenging harmful data practices and the resulting deficit-based data about Indigenous people in the Indigenous Data Sovereignty and Indigenous Data Governance movement.⁷⁵

The Commission recognises that the principles, guidelines, and frameworks of Indigenous Data Sovereignty and Governance are unique to Aboriginal and Torres Strait Islander communities, and may not necessarily be appropriate to extend, transfer, or adapt for non-Indigenous communities.



Grounding data collection, use, and management within international human rights standards is important for all communities with a lived experience of racism. A human rights-based approach to data prioritises participation of First Nations and other negatively racialised communities, intersectional data, self-identification, transparency, privacy, and accountability.

The Commission recognises that restoring trust between government and communities is a core part of an approach to anti-racism data, which cannot happen without addressing the significant personal and structural barriers to reporting racism. Speaking out about racism is often traumatising and a data approach requires meaningful commitment to addressing the barriers to reporting at the outset, as well as ensuring individuals are provided with adequate support after an incident occurs. An approach that recognises the distressing and often re-traumatising experience of speaking about racism, and that centres the needs of people with lived experiences, is essential to ensure communities feel empowered enough to report racism and overall participate in data collection processes.

A fundamental part of data collection is deciding what to do with it. The full potential of data about race and racism can only be realised if there is a continuous commitment by those who wield power to put collected data to use and address the realities of racism reflected by the data. A national approach to anti-racism data can be meaningless if it does not result in greater accountability or systems change to change the reality of racism itself. The Commission calls for a new, community-centred approach to data that results in accountability so that it serves the purpose of eliminating racism.

Monitoring, Evaluation, and Learning

The Commission consistently heard from stakeholders about the importance of a strong monitoring, evaluation, and learning mechanism in the Framework implementation, to ensure it makes a positive change in people's experiences of racism.

In the context of this Framework, 'monitoring' is the systematic process for collecting and reviewing data or other information across the lifespan of anti-racism action tracking change on experiences of racism within systems, structures, and institutions. 'Evaluation' involves making a judgement or conclusion about that data, e.g. assessing a dedicated anti-racism initiative and making assessments about strengths or areas for improvement. Although monitoring and evaluating outputs and outcomes is important, 'learning' from these is equally important and learnings should be sought throughout the Framework implementation lifecycle and as soon as possible from the outset.⁷⁶

Consultations with First Nations communities identified that existing accountability mechanisms are inadequate and have prevented progress on addressing racism.⁷⁷ A recent review by the Productivity Commission on the *National Agreement on Closing the Gap* similarly found that the existing accountability mechanisms in the Agreement were not enough to influence the comprehensive and sustained systems change envisaged in the National Agreement.⁷⁸ Commission-funded research on government anti-racism policies and initiatives has also found that limited or no monitoring and evaluation means there is little, or no, impact assessment of anti-racism work already being undertaken.⁷⁹

As heard in consultations with First Nations communities, establishing robust monitoring and evaluation mechanisms is vital for assessing the implementation and impact of anti-racism programs, initiatives, and policies.⁸⁰ This includes setting key performance indicators, conducting regular assessments, and creating independent review bodies to ensure transparency and accountability.⁸¹ Regular public reporting on progress will foster trust amongst communities and show a commitment to meaningful change.⁸²

The Commission calls for the development of a monitoring, evaluation, and learning framework to inform the implementation of an accountability mechanism that operates for the lifespan of the Framework ('**MEL mechanism**'). It must be community-led and embed the following principles:

Prioritising of community perspectives, embedding of truth-telling, and integration of Indigenous knowledges

The MEL mechanism must recognise the importance of truth-telling, particularly at the beginning of the Framework's implementation. Criteria for success of the Framework implementation should be co-designed with communities, including measurement indicators that are localised, reflect what matters most to communities, and prioritises lived experiences rather than only outcomes and outputs. Communities should define the success of the Framework on their own terms. This means that rather than solely relying on external experts, communities should drive the monitoring, evaluation, and learning process. With First Nations communities, it involves deciding how to measure whether the Framework is embedding self-determination and addressing historical and ongoing racial injustices. For all communities with lived experience of racism, it involves deciding how they will understand if the Framework is making a positive difference in their lives.

Centring of storytelling in data collection

A diverse range of data should be collected throughout the Framework's lifespan to understand its impact. Indigenous Data Sovereignty and Indigenous Data Governance should be embedded in the data process, as well as human rights principles. Storytelling through qualitative data should be prioritised, to reflect deep engagement with communities and

understanding of their perspectives. Quantitative data should connect with qualitative data and data overall should be collected based on indicators that draw upon lived experience. This data should also be transparent and accessible to communities.

The Commission's *Free and Equal* work recommended that the Australian Government introduce a National Human Rights Indicator Index that can measure progress on human rights over time.⁸³ The Commission believes methods of measuring the impact of the Framework on people who experience racism should be aligned to principles of Indigenous Data Sovereignty and Indigenous Data Governance.⁸⁴ First Nations communities have told the Commission that this will require the development of new and improved monitoring tools that are strengths-based and better align with First Nations ways of knowing, being, and doing.⁸⁵

Responsive to changing community needs

The MEL mechanism must meaningfully invest in learning with communities that experience racism what does and does not work under the Framework and must remain responsive to community needs as they change across time. In practice, this could mean changing any measures or indicators that are used to understand change in experiences of racism.

Centring of relationship-building and participatory processes

First Nations and other negatively racialised communities tend to be excluded from being actively involved in monitoring, evaluation, and learning processes as partners or with genuine involvement. It is essential that a monitoring, evaluation, and learning mechanism is designed to be inclusive and equitable. The mechanism must centre community voices through a range of participatory methods, such as culturally safe focus groups, yarning circles that capture lived experiences, and ongoing community dialogues to share collective understandings and devise solutions.

Key Terms

Anti-racism

'In a racist society, it is not enough to be non-racist; we must be anti-racist.'

- Distinguished Professor Emerita Angela Davis, Author/Activist

'Anti-racism is an active process, unlike the passive stance of "non-racism". Therefore, anti-racism work requires consistent, committed, and targeted action and attention.'

- Creative Equity Toolkit⁸⁶

Anti-racism is about more than being 'not racist'. Anti-racism involves active decisions that seek to combat injustice and promote racial equity. Being anti-racist involves actively attempting to combat racist policies, practices, cultures, and ideas. It can be helpful to think of anti-racism as a skill set that we can develop and use to promote a better, more equitable society.

Human rights-based approach

A human rights-based approach to anti-racism is one that is informed by the principles of participation, accountability, non-discrimination and equality, empowerment and legality. It is guided by Australia's obligations under the *International Convention for the Elimination of Racial Discrimination* to adopt immediate and effective measures to eliminate racism.

Institutional, systemic, and structural racism

Systemic racism is the way a society or institution's cultural norms, laws, ideologies, policies, and practices result in inequitable treatment and outcomes. Systemic racism involves entire systems, for example, legal, healthcare, and criminal justice systems, and the various institutions and structures that support their operation. Systemic racism can also happen without specific laws, policies, or practices that keep it in place, where the legacy of those norms, laws, policies, and practices persists in systems long after they have ended.

Institutional and structural racism are forms of systemic racism.

Institutional racism is closely linked to systemic racism. It exists when racism is normalised within an organisation or institution. It includes the policies and practices that guide how organisations and institutions run.

Structural racism describes the inequalities and barriers that prevent equal access to opportunities. It refers to racism that is deep within the structures of society. This includes in laws, policies, and cultural norms.⁸⁷

The terms systemic, institutional, and structural racism, while distinct, are often used to refer to similar phenomena and are sometimes used interchangeably.

Indigenous Data Sovereignty

The Maiam nayri Wingari Indigenous Data Sovereignty Collective defines Indigenous Data Sovereignty as the 'right of Indigenous people to exercise ownership over Indigenous Data. Ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous Data.'⁸⁸

Indigenous Data Governance

The Maiam nayri Wingari Indigenous Data Sovereignty Collective defines Indigenous Data Sovereignty as the 'right of Indigenous peoples to autonomously decide what, how and why Indigenous Data are collected, accessed and used. It ensures that data on or about Indigenous peoples reflects our priorities, values, cultures, worldviews and diversity.'⁸⁹

Interpersonal racism

Interpersonal racism refers to racism that occurs in everyday interactions. This can be between individuals or groups and is what most people recognise as racism. It can take many forms, such as abusive language, harassment, exclusion, or humiliation. Interpersonal racism might also be

expressed through casual remarks or jokes. Some people refer to this type of racism as 'everyday racism' because it illustrates how systemic racial inequity plays out between people. Interpersonal racism does not always target a specific person and may not even be intended to cause harm or offence. However, the lack of intent does not reduce the negative impacts of racism.

Intersectionality

Intersectionality is a conceptual framework conceived by African American academic Professor Kimberlé Crenshaw.⁹⁰ It is a concept that highlights how different parts of a person's identity and experiences impact one another and 'intersect'. They then inform a person's experience of systemic and structural inequality. For example, a person's experience of a form of discrimination, such as sexism, is also affected by other parts of their identity. This could include their race, sexual orientation, gender identity, age, socio-economic status, or whether they live with a disability. In anti-racist action, intersectionality should always recognise race and its impacts on other forms of oppression.

Race

'Race is now widely described as a social construction, but this doesn't mean that race is imaginary or not real.'

- Professor Chelsea Watego, Dr David Singh, and Dr Alissa Macoun⁹¹

The concept of race emerged relatively recently in history, during the 16th and 17th centuries in Europe. It is built on the disproved idea that humans could be categorised into distinct biological races based on physical and social characteristics. Although race has no biological or scientific basis, thinking about race and its impacts remains essential, as many of our laws, cultures, and societies continue to be built on ideas of race and racism. This has contributed to laws, cultures, and systems privileging groups who are racialised as white, creating systemic inequalities that continue today.

Racialisation (including 'negatively racialised')

Racialisation is a process by which people are treated and understand themselves as belonging to distinct racial groups.⁹² As race

is a social concept, 'racialisation' is a useful way to understand how race shapes society. European colonialism led to the creation of racial categories which supported the establishment of the transatlantic slave trade and racist laws and policies.⁹³ All people are racialised, including white people. Racialisation creates power differences between groups of people, with some communities exploited for the benefit of others.⁹⁴ Since colonisation, this process has continued to provide economic, social, and political benefits to white communities.

'Negatively racialised' is when groups experience *harm* due to racialisation.⁹⁵ When groups are 'negatively racialised', they have been racialised in a way that makes them the target of structural discrimination. The purpose of racialisation is to maintain a racial hierarchy where white communities take priority.

Throughout history, racialisation has changed to serve different goals.⁹⁶ For example, British colonisation in Australia led to false ideas of the inferiority and inevitable extinction of Aboriginal and Torres Strait Islander peoples. These were used to justify British land claims.⁹⁷ These ideas were supported by biological beliefs in race that have since been disproved. Today, we can see how harmful racial stereotypes result in discriminatory practices and policies. This includes the over-policing of First Nations and other negatively racialised communities. It is important to note that the term 'negatively racialised' refers to the harm caused by the *process* of racialisation. The use of this term does not undermine the agency of impacted groups, and their ability to self-identify their race, culture, or sense of belonging. In many contexts, the language that has been used to negatively racialise certain communities is being reclaimed as a tool for collective and anti-racist organising. For example, the terms 'Black' and 'Blak' used by First Nations peoples to self-identify in Australia.⁹⁸

Racism

Racism is the process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on race. Racism is more than just prejudice in thought or action. It occurs when this prejudice – whether individual or institutional – is accompanied by the power to discriminate against, oppress, or limit the rights of others.⁹⁹ Race and racism have been central to the organisation of Australian society since European colonisation began in 1788.



As First Nations peoples, Aboriginal and Torres Strait Islander peoples have borne the brunt of European colonisation and have a unique experience of racism. The process of colonisation, and the beliefs that underpin it, continue to shape Australian society today. Racism adapts and changes over time, and can impact different communities in different ways, with racism towards different groups intensifying in different historical moments. An example of this is the recent spike in antisemitism and Islamophobia.

Self-determination

Self-determination is an ongoing process of ensuring that peoples are able to make decisions about matters that affect their lives. Essential to the exercise of self-determination is choice, participation, and control. It is the right of peoples to freely determine their political status and economic, social, and cultural development. The outcomes of self-determining processes must correspond to the free and voluntary choice of the people concerned.

The right to self-determination is enshrined in international law under Article 1 of the *International Covenant on Civil and Political Rights* as well as the *International Covenant on Economic, Social and Cultural Rights*.¹⁰⁰ While many traditional human rights are concerned with individual members of a society, self-determination is a collective right exercised by ‘peoples’.¹⁰¹ Articles 3 and 4 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) confirms that Indigenous peoples have the right to self-determination under international law.¹⁰² This means Australia is obliged to ensure that Indigenous peoples have a say about their social, political, cultural, and economic needs. It requires official recognition of Indigenous nations’, and peoples’, representatives and institutions.

The right of Indigenous peoples to self-determination recognises long-held traditions of ‘independent decision-making, self-government, and institutional self-reliance’.¹⁰³ This includes Aboriginal and Torres Strait Islander peoples, who practised self-determination and self-government for tens of thousands of years before colonisation began.¹⁰⁴

Strengths-based approach

Strengths-based approaches encompass a number of practices and themes that disengage from and provide alternative solutions to the deficit discourses that frame negatively racialised individuals.¹⁰⁵ The benefits of applying a strengths-based approach to service delivery and policy making are most often outlined as they relate to First Nations peoples. This is due to the capacity of this approach to foreground self-determination.¹⁰⁶ These approaches can facilitate investment in the strengths of First Nations and other negatively racialised peoples by providing a different language and set of solutions to overcoming an issue.

Trauma-informed perspective

A trauma-informed perspective recognises the intersectional impact of racism and racial discrimination and ensures that people who experience racism can share their experiences in a way that is safe and sensitive to their experiences.¹⁰⁷

Appendix I

Phase 1: Consultations and Scoping Report [2021-2022]

Understanding race and racialisation in Australia

Participants emphasised the need to cultivate broad-based racial literacy and understanding of how race and racism operate in Australia. They said they wanted this done through an intersectional, nuanced, and community centred lens, with knowledge of Australia's settler colonial and migration history and the ongoing impacts of discriminatory policies included. Participants identified the need to prioritise First Nations experiences and needs in a Framework.

Previous Commission led work

Previous Commission work also informed the Scoping Report including:

- the community solutions proposed in the *Sharing the Stories of Australian Muslims* project calling for enhanced media regulation, legal protections at the intersection of racial and religious discrimination, and for public education¹⁰⁸
- the *Wiyi Yani U Thangani* project, specifically the recommendation for a national framework to respond to and heal the intergenerational trauma experienced by First Nations women and girls¹⁰⁹
- The *Free and Equal Final Report* calling for a proactive approach to protecting human rights, including by modernising federal discrimination laws and the protection against racial discrimination.¹¹⁰

The Scoping Report also draws on wider Commission work on human rights and technology, and capacity building.

Complementary work

Other processes that informed the Scoping Report include:

- existing commitments under the *National Agreement on Closing the Gap*
- state and territory treaty and truth-telling processes
- the Uluru Statement from the Heart
- the Australian Government's Multicultural Framework Review
- key national frameworks that address the intersectional experience of racism, such as the National Plan to Reduce Violence Against Women and their Children, including the interconnected Aboriginal and Torres Strait Islander Action Plan, and the National Framework for Protecting Australia's Children.

The Scoping Report findings also intersected with the outcomes of the 2022 Jobs and Skills Summit and current Australian government policy regarding skilled migrants, refugees, asylum seekers, and temporary visa holders as well as recommendations from the Disability Royal Commission as they affect First Nations and other negatively racialised people with disability.

Principles

The Scoping Report provided the basis for further actions to guide the development of a Framework via a human-rights based approach, with community at the centre and cultural safety and accessibility as key priorities. The most crucial feedback from the consultation process for the Scoping Report related to the need for communities to play a fundamental role in shaping the final Framework. As a result, the Commission committed to comprehensive community consultation in the next phase of the Framework development and to revising its approach to the Framework on that basis.

Appendix II

Phase 2: Consultations and Framework development

Community consultations

Consultations with First Nations communities

In 2024, First Nations Collective Consulting undertook extensive consultations with over 496 First Nations people across Australia, from diverse populations including those with metropolitan, rural and remote backgrounds, varying ages, genders and socio-economic backgrounds, and sectoral representation. These involved one-on-one interviews and focus groups, both in-place and virtual, an online survey and group submissions, ensuring a wide range of voices were heard. The process was trauma-informed and culturally safe, recognising the importance of cultural protocols. The primary aim was to gather community perspectives on key issues and concerns, as well as actionable recommendations, ensuring community-driven solutions. The full report can be found [here](#).

Consultations across multicultural communities

The Federation of Ethnic Communities' Councils of Australia (FECCA) was commissioned to undertake engagement across multicultural communities in Australia to inform the development of the Framework. From July 2023 to May 2024, FECCA gathered insights on the lived experience, perspectives, knowledge and expertise of these communities on preventing and addressing all forms of racism. FECCA's approach ensured a strong focus on intersectionality and included marginalised and hard to reach groups, to enable the voices and needs of those most at risk of experiencing racism to be embedded in the Framework. This was achieved through a human rights-based, multi-faceted engagement approach comprising an online survey, community consultations, and anti-racism initiatives led by consulted communities to implement local strategies addressing racism. The full report can be found [here](#).

The consultations were led by 18 organisations and comprised of 44 community consultations with over 860 participants. The consultations were conducted across all states and territories including remote, regional, and metropolitan areas, with a majority conducted face to face and others online. They included intersectional focus areas of LGBTQIA+ people; women; people with disabilities; refugees and asylum seekers; older people; young people (18-25); people and communities of faith; new and emerging communities; and communities with prominent caste systems.

The online survey asked respondents to answer the following question: 'What do you want to tell the Australian Government about racism in Australia, and how it can be addressed?'. 465 people completed the survey, with 411 valid responses recorded to this question between November 2023 and May 2024.

Thematic research and consultations

During the Framework development, in addition to the above community consultations the Commission undertook and commissioned additional research to progress some of the findings from the initial scoping phase.

The consultations and program of research inform the principles and thematic areas discussed in this report, and the recommendations, with community feedback at their core.

RESEARCH

[Mapping Government Anti-Racism Programs and Policies](#)

Research report conducted by **PwC Indigenous Consulting (now Yamagigu Consulting) & Jumbunna Institute for Indigenous Education and Research.**

[Research and Resources on Anti-Asian Racism](#)

Resources compiled by the **Commission** based on research conducted by **Griffith University.**

Resources compiled based on scoping research on the historical and ongoing impacts of anti-Asian racism and solutions to address it. These resources aim to improve understanding of Australia's settler colonial and migration history and how systemic racism operates.

AHRC Data Project

Report conducted by the **Commission.**

Report examining existing data collection about race and racism led by governments and non-government bodies on a national and state and territory level. This includes administrative data collected about race/ethnicity and incident-based or complaints data about racism. This research aims to provide guidance on taking a national approach to data for anti-racism purposes. A report containing key findings is expected to be published in early 2025.

Health Inequities in Australia

Report conducted by the **University of Technology Sydney School of Public Health.**

Report summarising existing research on the impact of racism on health outcomes and access to support. This research aims to enhance the Commission's understanding of available evidence on data collection practices within health systems, the impact of racism on health outcomes, and the role race and/or experience of racism plays in access to healthcare services for people from negatively racialised backgrounds.

Racial Literacy Kit

Briefing paper prepared by **Better Together.**

Briefing paper for internal Commission use on key concepts and definitions for building racial literacy to guide a consistent best practice approach to improving racial literacy.

Legislative and Policy Proposals for Regulating Online Racism and Hate in Australia: A Systematic Review

Research report prepared by **Deakin University.**

Research reviewing existing initiatives and recommendations about media regulation and standards concerns shared during the scoping phase to inform sector specific anti-racism action.

Strengthening the Australian Human Rights Commission's Response to Mis- and Disinformation: A Multi-Pronged Approach

Research report conducted by **Social Policy Group.**

Research on the drivers of mis- and disinformation, particularly in relation to racism and intersecting forms of discrimination, and best practice solutions.

Educational resources

The Commission also created educational resources under its Implementation Plans, including in response to priority findings of the Framework project around understanding race, racism, and racialisation.

RESOURCES
<p>Indigenous Rights and the Voice</p> <p>A series of non-partisan human rights-based public education and awareness raising resources about human rights relevant to the referendum.</p>
<p>Face the Facts 2024</p> <p>Accurate and easy to understand information on:</p> <p>Aboriginal and Torres Strait Islander People</p> <p>Aboriginal and Torres Strait Islander Women and Girls</p> <p>Cultural and Racial Diversity</p>
<p>5 Common Myths and Misconceptions about Racism</p> <p>A self-reflection and education guide developed to support people to build racial literacy and confidence in identifying and thinking critically when learning about race and racism in Australia.</p>
<p>Race Reporting Handbook developed in partnership with Media Diversity Australia to give Australian media guidance on how to combat structural and systemic racism in Australia's media landscape.</p>

Endnotes

- 1 A term coined by the Weenthunga Health Network, 'colonial load' refers to the load placed onto First Nations people by settler colonial institutions, including shifting the organisational responsibility to counter racism onto solely First Nations individuals in workplace settings. See @weenthunga, 'Re-framing cultural load' (Instagram, 16 November 2023) <https://www.instagram.com/p/Czsq_vDLn0h/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA&trk=article-ssr-frontend-pulse_x-social-details_comments-action_comment-text&img_index=1>
- 2 See Lilly Brown, Odette Kelada & Dianne Jones, 'While I knew I was raced, I didn't think much of it': the need for racial literacy in decolonising classrooms' (2021) 24(1) *Postcolonial Studies* 82; Mara Lee Grayson, 'Race Talk in the Composition Classroom: Narrative Song Lyrics as Texts for Racial Literacy' (2017) 45(2) *Teaching English in the Two Year College* 45(2) 143, 161.
- 3 Alana Lentin and Debbie Bargallie, 'Key Concepts and Definitions for Building Racial Literacy' (Paper, 2024) 4 <<https://www.alanalentin.net/2024/09/09/key-concepts-and-definitions-for-building-racial-literacy/>>
- 4 Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 101-103 <<https://humanrights.gov.au/our-work/race-discrimination/publications/national-anti-racism-framework-scoping-report>>
- 5 Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 101-103.
- 6 Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 102.
- 7 Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 102.
- 8 Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 102.
- 9 Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 102.
- 10 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 48 <<https://humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-framework-voices-first-nations-peoples>>; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 21 <<https://humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-framework-perspectives-multicultural>>
- 11 Australian Human Rights Commission, *Anti-Asian Racism Resources: A historical timeline mapping the emergence and transitions of anti-Asian racism in Australia* (2024), accessible at: <<https://humanrights.gov.au/our-work/race-discrimination/publications/anti-asian-racism-resources>>
- 12 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 39.
- 13 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 38.
- 14 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 21.
- 15 ACT Human Rights Commission, *It really stabs me: From resignation to resilience - Children and young people's experiences of racism in the ACT* (Report, 2023) 45-46 <https://www.hrc.act.gov.au/_data/assets/pdf_file/0003/2269830/It-really-stabs-me_2023.pdf>; Office of the Children's Commissioner Northern Territory, *"It's up to everyone to call it out: Young people and racism in the Northern Territory"* (Report, 2024) 27 <<https://occ.nt.gov.au/resources/occ-publications/other-reports>>
- 16 Australian Human Rights Commission, *Mapping government anti-racism programs and policies* (Report, 2024) 2.
- 17 Australian Human Rights Commission, *Mapping government anti-racism programs and policies* (Report, 2024) 2 <<https://humanrights.gov.au/our-work/race-discrimination/publications/mapping-government-anti-racism-programs-and-policies>> 2.
- 18 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 22.
- 19 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 22.
- 20 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 46.
- 21 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 39.
- 22 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 46.

- 23 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 46.
- 24 See, for example, Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report* (Report, 2022) 111-124; First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 13; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 5.
- 25 Australian Human Rights Commission, *Cultural safety for Aboriginal and Torres Strait Islander children and young people: A background paper to inform work on child safe organisations* (Background Paper, 2018) 4-5.
- 26 Elana Curtis et al, 'Why cultural safety rather than cultural competency is required to achieve health equity: a literature review and recommended definition' (2019) 18(174) *International Journal for Equity in Health* 1-17.
- 27 Elaine Papps and Irihapeti Ramsden, 'Cultural safety in nursing: the New Zealand experience' (1996) 8(5) *International Journal for Quality in Health Care* 491-7; Martin Laverty, Dennis R McDermott and Tom Calma, 'Embedding cultural safety in Australia's main health care standards' (2017) 207(1) *The Medical Journal of Australia* 15-16.
- 28 Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report* (Report, 2022) 112-114 .
- 29 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 38-41.
- 30 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 34.
- 31 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 34-35.
- 32 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 41-42.
- 33 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 41.
- 34 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 49.
- 35 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 39-40.
- 36 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 46.
- 37 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 52.
- 38 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 54.
- 39 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 55.
- 40 Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 116.
- 41 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 22.
- 42 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 24.
- 43 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 27.
- 44 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 46, 49.
- 45 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 17.
- 46 Recent data show that children from African communities are over-represented in custody in the state of Victoria. See, e.g., Human Rights Council, *Visit to Australia – Report of the Working Group of Experts on People of African Descent*, UN Doc A/HRC/54/67/Add.2 (27 September 2023) and Stephanie Shepherd, Aisling Bailey and Godwin Masuka, 'The Experiences and Perspectives of African-Australian Community Service Providers Who Work with At-Risk and Justice-Involved Youth' (2022) 66 (13-14) *International Journal of Offender Therapy and Comparative Criminology* 1432.

- 47 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 46, 61-62.
- 48 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 49; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 134.
- 49 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 13, 46.
- 50 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 41, 53, 56; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 17, 22-23; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 155
- 51 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 41, 46, 49, 56.
- 52 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 13, 46.
- 53 These instruments include the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP); Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 147; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 25.
- 54 For example, participants noted that the *Native Title Act* 'attempts to align First Nations concepts of belonging and connection into a Western framework of ownership', rather than recognising First Nations peoples' sovereign land rights as envisioned in the Mabo movement. Similarly, in heritage protection laws, Western ideas of what is worthy of protection are also weaponised against First Nations communities seeking to protect Country. First Nations participants also raised the Northern Territory Intervention as a clear example of systemic racism and how existing legislative frameworks can be manipulated to abuse the rights of First Nations people and inflict harm on communities. See First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 44-45.
- 55 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 48.
- 56 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 44, 54.
- 57 These includes efforts to adequately resource community-led and culturally safe services that recognise and respect complex kinship systems, integrating anti-racism and cultural safety into laws like anti-discrimination and workplace health and safety legislation and implementing them with clear accountability mechanisms, and advocating for the removal of racial powers in the Constitution. See First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 45, 51.
- 58 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 27; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 148-149.
- 59 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 54; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 20; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 147-156.
- 60 Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 147, 171.
- 61 Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 172; First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 54.
- 62 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 44, 54; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 21.
- 63 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 54-55; Australian Human Rights Commission, *Free and Equal: A reform agenda for federal discrimination laws* (Report, December 2021) 301-303.
- 64 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 40-42; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 24-25; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 155-156.

- 65 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 41, 49-51; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 22-23; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 155-156.
- 66 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 11, 55.
- 67 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 51-52.
- 68 Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 5; Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 153, 154.
- 69 Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 153.
- 70 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 40, 42, 49-50, 55; Federation of Ethnic Communities' Council of Australia, *An Anti-Racism Framework: Experiences and Perspectives of Multicultural Australia* (Report, 2024) 5, 22-23, 27.
- 71 Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) 151-152.
- 72 Based on expert advice provided to the Australian Human Rights Commission on mis- and disinformation.
- 73 Based on expert advice provided to the Australian Human Rights Commission on mis- and disinformation.
- 74 Similarly to the Centre for Resilient and Inclusive Societies, the Commission orients its approach as 'data for anti-racism'. The collection, management, and use of data should each serve anti-racist purposes. See Jehonathan Ben et al, 'Racism data in Australia: A Review of Quantitative Studies and Directions for Future Research' (2024) 45(2) *Journal of Intercultural Studies* 228, 229.
- 75 Maïam nayri Wingara Indigenous Data Sovereignty Collective, *Taking Control of Our Data: A Discussion Paper on Indigenous Data Governance for Aboriginal and Torres Strait Islander People and Communities* (Discussion Paper, January 2024) 6.
- 76 Respect Victoria, 'About monitoring, evaluation and learning', *Victorian Government* (Web page, 8 September 2022) <<https://www.respectvictoria.vic.gov.au/about-monitoring-evaluation-and-learning-mel#about-monitoring>>
- 77 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 49.
- 78 Productivity Commission, *Review of the National Agreement on Closing the Gap* (Report Vol. 1, 2024) 7 <<https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>>
- 79 Australian Human Rights Commission, *Mapping government anti-racism programs and policies* (Report, July 2024) 61.
- 80 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 59.
- 81 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 59.
- 82 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 40.
- 83 Australian Human Rights Commission, *Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023* (Report, 2024) 123.
- 84 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 51.
- 85 First Nations Co., *An Anti-Racism Framework: Voices of First Nations Peoples, First Nations Consultations For The Australian Human Rights Commission* (Report, 2024) 51.
- 86 'Anti-Racism', *Creative Equity Toolkit* (Web Page) <<https://creativeequitytoolkit.org/topic/anti-racism/>>.
- 87 Paula A. Braveman et al, 'Systemic and Structural racism: Definitions, Examples, Health Damages, and Approaches to dismantling' (2022) 41(2) *Health Affairs* 171 <<https://www.healthaffairs.org/doi/10.1377/hlthaff.2021.01394>>.
- 88 Maïam nayri Wingara, *Indigenous Data Sovereignty Communique Indigenous Data Sovereignty Summit 20th June 2018 Canberra, ACT* (Web page) <<https://www.maïamnayriwingara.org/definitions>>
- 89 Maïam nayri Wingara, *Indigenous Data Sovereignty Communique Indigenous Data Sovereignty Summit 20th June 2018 Canberra, ACT* (Web page) <<https://www.maïamnayriwingara.org/definitions>>

- 90 Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989(1) *University of Chicago Legal Forum* 138.
- 91 Chelsea Watego, David Singh and Alissa Macoun, *Partnership for Justice in Health: Scoping Paper on Race, Racism and the Australian Health System* (Discussion Paper, The Lowitja Institute, 2021) 4-5.
- 92 Chelsea Watego, David Singh and Alissa Macoun, '*Partnership for Justice in Health: Scoping Paper on Race, Racism and the Australian Health System*'; (Discussion Paper, The Lowitja Institute, May 2021) <https://www.lowitja.org.au/content/Image/Lowitja_PJH_170521_D10.pdf>.
- 93 Michael Omi and Howard Winant, *Racial Formation in the United States* (Routledge, 2015) 111-112.
- 94 Cheryl I Harris, 'Whiteness as Property' in Kimberlé Crenshaw, Neil Gotanga, Gary Peller and Kendall Thomas (eds.) *Critical Race Theory: The Key Writings that Formed the Movement* (New Press, 1995) 276.
- 95 This term was popularised by Professor Alana Lentin; see Debbie Bargallie, Nilmini Fernando and Alana Lentin, 'Breaking the racial silence: putting racial literacy to work in Australia', (*Ethnic and Racial Studies*, 2023, 47(8), 1532-1551) and, Alana Lentin and Debbie Bargallie, 'Key Concepts and Definitions for Building Racial Literacy' (Paper, 2024) 4.
- 96 Michael Omi and Howard Winant, *Racial Formation in the United States* (Routledge, 2015) 111-112; Chelsea Watego, David Singh and Alissa Macoun, '*Partnership for Justice in Health: Scoping Paper on Race, Racism and the Australian Health System*', (Discussion Paper, The Lowitja Institute, May 2021).
- 97 Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native' (2006) 8(4) *Journal of Genocide Research* 387.
- 98 Ernie Blackmore, 'Speakin' Out Blak' In Wendy Gay Pearson and Susan Knabe (eds) *Reverse Shots: Indigenous Film and Media in an International Context* (Wilfrid Laurier University Press, 2014) 61.
- 99 Diversity Council Australia (Peter Anderson, Virginia Mapedzahama, Annika Kaabel and Jane O'Leary), *Racism at Work: How Organisations Can Stand Up to and End Workplace Racism*, Sydney, Diversity Council Australia, 2022.
- 100 International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966 (entered into force 23 March 1976), Art. 1; International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3, 16 December 1966 (entered into force 3 January 1976), Art. 1.
- 101 James Anaya, *Indigenous Peoples in International Law* (Oxford University Press, 1996) 77.
- 102 United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, Agenda Item 68, Supp No 49, UN Doc A/RES/61/295 (2 October 2007).
- 103 Asia Pacific Forum of National Human Rights Institutions and the Office of the United Nations High Commissioner for Human Rights, *The United Declaration on the Rights of Indigenous Peoples: A Manual for Human Rights Institutions* (August 2013) 19.
- 104 Australian Human Rights Commission, *Social Justice Report 2002: Self-determination - the freedom to 'live well'* (Report, December 2002).
- 105 William Fogarty et al, *Deficit Discourse and Indigenous Health: How narrative framings of Aboriginal and Torres Strait Islander people are reproduced in policy* (Report, The Lowitja Institute, May 2018) 12 <<https://www.lowitja.org.au/page/services/resources/Cultural-and-social-determinants/racism/deficit-discourse-strengths-based>>.
- 106 Joanne Bryant et al, 'Beyond deficit: 'strengths-based approaches' in Indigenous health research' (2021) 43(6) *Sociology of Health & Illness* 1405, 1406.
- 107 Australian Human Rights Commission, *Racism. Nobody Wins. Guidelines for working with a trauma-informed approach* (2021) 1, 2 <https://humanrights.gov.au/sites/default/files/ahrc_sr_2021_8_trauma-informed_approach_a4_r2_0.pdf>.
- 108 Australian Human Rights Commission, *Sharing the Stories of Australian Muslims* (Report, 2021) <<https://humanrights.gov.au/our-work/race-discrimination/publications/sharing-stories-australian-muslims-2021>>
- 109 Australian Human Rights Commission, *The Wiyi Yani U Thangani (Women's voices): Securing Our Rights, Securing Our Future* (Report, 2020) 99-100 <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/wiyi-yani-u-thangani>>
- 110 Australian Human Rights Commission, *Revitalising Australia's commitment to human rights: Free & Equal Final Report* (Report, 2023) 21 <<https://humanrights.gov.au/Revitalising-Australia%E2%80%99s-commitment-to-human-rights>>



**Australian Human
Rights Commission**

GPO Box 5218 SYDNEY NSW 2001

Telephone: (02) 9284 9600

National Information Service: 1300 656 419

General enquiries: 1300 369 711

TTY: 1800 620 241

Fax: (02) 9284 9611

Website: www.humanrights.gov.au