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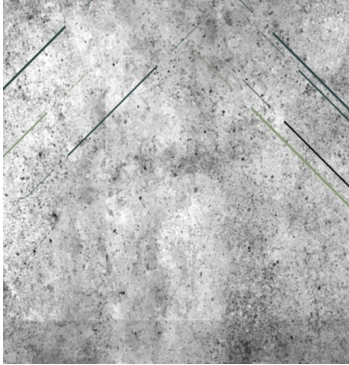
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OHCHR Policy on the Fulfillment of Aboriginal Rights in Australia

Muhammad Fadhlán

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Abstract

This study aims to objectively describe human rights violations experienced by the Aboriginal people in Australia and to analyze the role and efforts of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in fulfilling their rights. The analysis in this study uses Galtung peace theory, focusing on OHCHR policies. These policies are then categorized and analyzed based on Galtung three stages of peace: peacebuilding, peacekeeping, and peacemaking. In addition, the concept of positive peace Galtung and Fischer is used to assess the outcomes of OHCHR's implemented policies. This study uses a qualitative method through a literature study based on secondary data, including books, scholarly journals, reports, and other relevant sources, which are analyzed using data reduction techniques. The findings show that OHCHR has made various efforts to monitor and investigate human rights violations against the Aboriginal people. OHCHR acts based on policy principles to fulfill the rights of the Aboriginal community and to create conditions conducive to humanitarian assistance. One example is through the management of contribution funds from various countries via the UN Voluntary Fund for Indigenous Peoples, where OHCHR serves as the fund's secretariat and supports the implementation of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). Although violations still occur, OHCHR is considered to have been fairly successful in carrying out its mandate as a UN body in addressing indigenous rights issues and in supporting the realization of positive peace through its various policies.

Keywords: OHCHR; Aborigin; Three Stages of Peace; Policy; Positive Peace

Introduction

In this research, the author aims to present an unbiased overview of the human rights violations faced by Aboriginal communities in Australia and to explore the involvement and actions of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in addressing and advancing their rights. If we follow developments related to the Aboriginal issue, we will find ongoing systemic discrimination and violations against the Aboriginal people. Considering that the OHCHR is a United Nations entity and serves as the UN High Commissioner for Human Rights, it holds a specific mandate to handle matters concerning indigenous peoples. This research is important because there is a lack of studies specifically focused on OHCHR policies regarding Aboriginal conflicts in Australia. OHCHR has been in existence for a long time and has undoubtedly issued numerous policies. This research also helps to uncover the connection between OHCHR policies in these Aboriginal conflicts and the positive peace described by Galtung, as well as how these policies can contribute to the realization of positive peace.

Globally, there has been a great deal of research on Aboriginal conflicts. However, it generally focuses on the discrimination experienced by Aboriginals in terms of education, health, and land ownership rights (Campbell & Pirie, 2024). In research conducted by (Boffa & Mackay, 2025), the focus was generally on human rights studies, specifically on cases of excessive detention of Aboriginal children in Queensland Juvenile Justice, but there has been no in-depth analysis specifically discussing OHCHR policies in efforts to fulfill Aboriginal rights in Australia. Research that discusses policy, focusing on national policy and international organization policy in general, has not highlighted the role of the OHCHR and has not linked these policies to positive peace (Pugin, 2023). This highlights a significant research gap that necessitates further examination of OHCHR policies in the context of Aboriginal rights in Australia.

In 1993, the Office of the High Commissioner for Human Rights (OHCHR), a branch of the United Nations (UN), was created to advance and uphold human rights. The current structure of the OHCHR was formalized through UN General Assembly Resolution 48/141. The OHCHR collaborates with all levels of international governance to achieve its mission of safeguarding human rights worldwide. The United Nations (UN) is an International Organization founded in 1945, currently comprising 193 member countries. The UN is based on the objectives and principles set forth in its founding charter. According to its Charter, the United Nations is mandated to address various global challenges of the 21st-century, covering matters such as peace and security, environmental change, sustainable progress, human rights, arms reduction, terrorism, humanitarian emergencies, global health crises, gender equity, governance, and the stability of food supplies. Each member state is also obligated to comply with the provisions outlined in the UN Charter, as stated in Chapter II, Article 4, Paragraph 1 (United Nations Treaty Collection, 1945).

Australia, a liberal democracy since January 1, 1901, initially maintained close political ties with the United Kingdom. However, the events of World War I and II significantly transformed its political landscape, both domestically and internationally, leading to more diverse foreign relations. Appreciating the present-day experiences of Aboriginal and Torres Strait Islander peoples necessitates an understanding of their cultural heritage and traditional practices. In recent decades, Indigenous communities have experienced a cultural revival, shown through creative expression and efforts to restore and preserve their cultural heritage. This resurgence highlights their resilience and the importance of respecting their identity and history. The shift in narrative from "indigenous population" to "indigenous peoples" represents their journey from being mere objects to becoming active subjects within international law (Shrinkhal, 2021).

Aboriginal culture has a very long historical roots, making it one of the oldest continuous traditions in the world. Rather than disappearing, this culture is now evolving through new forms of adaptation that breathe new life into traditional values. Modern Indigenous communities in Australia present new challenges and opportunities in the reconciliation process. Australia was colonized by the British on the grounds that its land was terra nullius or uninhabited, thereby allowing colonizers to access Aboriginal land resources (D'Costa et al., 2025). Aboriginal people have inhabited Australia for approximately 50,000-120,000 years. They lived as hunters and gatherers who were able to adapt effectively to their environment. Based on available data, it is estimated that around 300,000 Aboriginal individuals were living in Australia at the time of British colonization in 1788 (Williams et al., 2024).

As projected by the Australian Bureau of Statistics, the Aboriginal and Torres Strait Islander populace in Australia was approximated to number around 517,000 individuals in the year 2006. Accounting for about 2.5% of the country's total population. Of this number, around 463,700 people (90%) were of Aboriginal origin, 33,300 (6%) were of Torres Strait Islander origin, and 20,100 (4%) were of mixed heritage (Dudgeon et al., 2010). In the same year, 32% of Indigenous people lived in urban areas, 21% lived in rural areas, 22% lived in outer regions, and around 9% lived in very remote areas. As of June 30, 2016, the Aboriginal and Torres Strait Islander population in Australia was approximated at 798,400 individuals, comprising roughly 3.3% of the country's overall populace. This number represents an increase of 19% compared to the previous

estimate of 669,900 on June 30, 2011. The most recent approximation of the Aboriginal and Torres Strait Islander population as of June 30, 2016, based on different geographical regions, replace the national, state, and territory data previously published in the Australian Demographic Statistics Quarterly March 2017 edition on September 27, 2017 (Statistics, 2017).

Table 1. Death Registered by Indigenous, 2023

State or territory of usual residence	Aboriginal and Torres Strait Islander (no.)	Aboriginal and Torres Strait Islander (%)	Non-Indigenous (no.)	Non-Indigenous (%)	Not stated (no.)	Not stated (%)	Total (no.)
NSW	1,779	3	57,531	96.8	141	0.2	59,451
Vic.	412	0.9	44,866	99	48	0.1	45,326
Qld	1,248	3.4	35,336	96.5	38	0.1	36,622
SA	319	2.1	15,159	97.8	21	0.1	15,499
WA	737	4.2	16,684	95.5	54	0.3	17,475
Tas.	142	2.8	4,914	96.9	17	0.3	5,073
NT	581	46.4	672	53.6	0	0	1,253
ACT	37	1.5	2,363	98.2	6	0.2	2,406
Aust.(a)(b)	5,256	2.9	177,539	96.9	336	0.2	183,131

Source: (Australian Bureau of Statistics, 2024)

The table above shows the published data on Aboriginal deaths recorded by (Australian Bureau of Statistics, 2024). In 2023, a total of 5,256 deaths were recorded among individuals identified as Aboriginal and/or Torres Strait Islander, representing a national increase of 171 deaths compared to the previous year. While the majority of states and territories reported an upward trend, the Northern Territory experienced a decline, with the number of deaths decreasing from 617 to 581, and Queensland reported a slight reduction from 1,271 to 1,248. New South Wales showed the largest increase, rising to 1,779 deaths from 1,691 the year before. This was followed by Victoria with 412 deaths (up from 340), and South Australia with 319 (up from 275), Tasmania with 142 (up from 124), the Australian Capital Territory with 37 (up from 29), and Western Australia with 737 (up from 733).

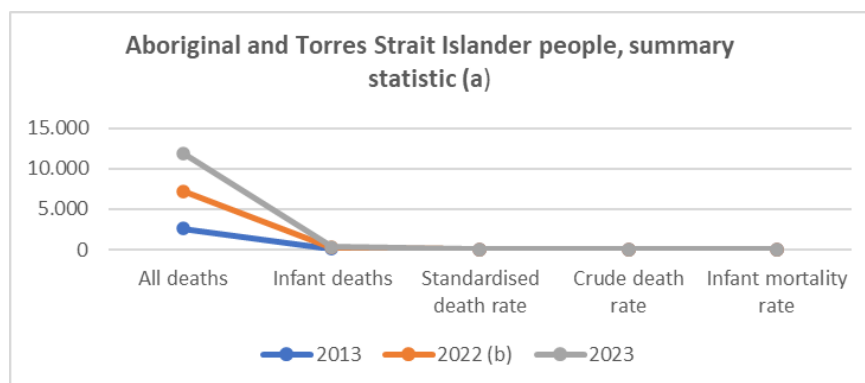


Figure 1. Aboriginal and Torres Strait Islander people, summary statistic
Source: (Australian Bureau of Statistics, 2024) Edited.

As can be seen in the graph above, Aboriginal mortality rates continue to rise each year. Aboriginal communities suffer from extremely high rates of disease, incarceration, and other problems. Conversely, they have lower access to education, employment, and livelihoods, and little or no humanitarian protection. Numerous indigenous communities have been systematically deprived of their ancestral lands, subjected to massacres, or forcibly moved to plantations where they were made to work under contract labor arrangements (Aileen Moreton-Robinson, 2015). Although Aboriginal people have the right to education, there are a number of additional requirements imposed on them, creating differences in treatment compared to other Australians, who are generally white. This inequality is not only found in the education sector, but also extends to land ownership rights and access to adequate health services. Aboriginal and Torres Strait Islander peoples have lower educational attainment rates than the non-indigenous population, despite their formal right to education. This creates inequality of outcomes even though this right is legally recognized. This is reinforced by Australian government data and several studies showing that Indigenous student retention from grades 7/8 to grade 12 is much lower than that of non-indigenous students, illustrating that there are structural barriers to completing secondary education among First Nations (Aboriginal & Torres Strait Islander) communities (Welfare & Agency, 2023).

In addition, mainstream education systems do not always accommodate the cultural and language needs of First Nations, which contributes to low educational outcomes. Quantitative research also shows that the educational gap between Indigenous and non-Indigenous peoples is not only statistical but also structural (Dean, 2019). Furthermore, academic studies based on educational data analysis also found that educational inequality not only remained stagnant, but in some aspects actually worsened from 2001 to 2017, despite some improvements (Gunawan et al., 2022). In terms of land ownership rights, although Australian law recognizes the concept of native title as a form of legal recognition of traditional rights to land, the fulfilment of land ownership rights remains limited. Native title is not equivalent to full ownership. Native title often does not grant full property rights (freehold) as enjoyed by other Australian citizens, and is often subject to certain limitations on land use (Matthews et al., 2023). Then, in terms of health facilities, a study conducted by (Durey et al., 2023) found that Australian Aboriginal children have poorer health outcomes. They have twice the rate of dental caries compared to non-Aboriginal children. The study shows that structural factors beyond individual control, including access to and cost of dental services, as well as discrimination from service providers, prevent many Aboriginal families from making optimal health decisions, including returning to use these services.

In practice, many Aboriginal communities demand rights to their own land. However, even when land has been granted, there are often agreements that force them to lease the land back for long periods of time and limit the community's control over their land. Several studies have also highlighted the presence of discriminatory views and perceptions held by non-indigenous Australians aged 25 to 44 toward indigenous peoples, including a general lack of understanding of what constitutes discriminatory behavior (Falls & Anderson, 2022; Stephenson, 2009). Many consider discrimination, such as in employment, to be unintentional. A report dated May 21, 2007, states that Aboriginal communities have suffered significant losses in negotiations with mining companies because the Native Title Tribunal has failed to enforce its veto power over mining permits for over a decade. As a result, mining companies know that permits will still be granted even if negotiations fail. This forced Aboriginal groups to accept inadequate compensation due to their weak bargaining position. As a result, Aboriginal communities lost access to vital resources that are now the primary drivers of Australia's economic growth.



Figure 2. Timeline of violations experienced by Aboriginal peoples in Australia
Source: Research result, 2025

Based on the image above, it is clear that the problems faced by Aboriginal communities in Australia continue to persist over time. The lack of attention from the government and international organizations is a major factor contributing to the continuation of these problems without any concrete solutions. Although the Australian government has issued a number of policies related to this issue, Aboriginal communities continue to experience unfair treatment. Additionally, history records instances of massacres targeting various Aboriginal tribes across colonial Australia. According to available data, over 150 sites of violence have been documented along the eastern coast of the continent, occurring over several decades following the arrival of the British. One example of a massacre that can be cited is the event known as the "Black War," which took place between 1823 and 1834 in Tasmania. This conflict is now recognized as hard evidence, as examined in research conducted by (Ryan, 2010) with the title 'Hard evidence': the debate about massacre in the black War in Tasmania. There are also other titles related to the Black War tragedy written by (Ryan, 2016) with the title "The long shadow of remembrance': Remembering the debate about massacre in the Black War in Tasmania. The attacks carried out by white groups were not only directed at Aboriginal adults, but also targeted their children.

In Queensland, many Aboriginal boys were kidnapped and enslaved to be used as forced labor. They were exploited as laborers without receiving fair wages. According to Henry Reynolds, one advantage for the white settlers was that they did not have to pay the children; they only needed to provide them with food and simple clothing. If the children attempted to escape, they would be punished, and in some cases, the white settlers had the authority to shoot Aboriginal children who tried to flee (Fitriani, 2010). These statements are also supported by research data (Ryan & Kiernan, 2023) which states that new methods are emerging to understand the characteristics of border massacres and analyze diverse sources of evidence. New texts argue that massacres at the frontier were a critical component in the expulsion of the indigenous peoples of Tasmania. Currently, digital mapping technology has identified more than 300 massacre sites at the frontier across Australia, providing new evidence that these events constituted genocide. The project to digitally map these locations, known as the Colonial Frontier Massacres in Australia, began in 2017 (Phase 1) and has continued to the present, reaching Phase 5 as of 9 October 2025 (Newcastle, 2017). From these examples of violations, it can be said that this conflict requires priority attention, particularly in the context of this study, namely the OHCHR as the office of the High Commissioner for Human Rights and as the main UN agency tasked with promoting and protecting human rights.

Based on this data, this study aims to examine the involvement and actions of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in addressing and fighting for Aboriginal rights. The OHCHR plays a major role in global human rights governance through

monitoring, policy recommendations, and normative pressure. Examining the OHCHR's policy on Aboriginal cases in Australia allows researchers to assess how the OHCHR's policy recommendations can be translated (or ignored) in the context of the country (Australia). In addition, this study seeks to examine how OHCHR, through its policies, can be an instrument of positive peace within the conceptual framework described by Galtung. Within the framework of positive peace, OHCHR can be understood as an actor that not only prevents direct violence but also seeks to transform structures of injustice. OHCHR works through soft power, and this study also seeks to examine the extent to which this approach contributes to positive peace. Furthermore, linking OHCHR policies with positive peace makes an important contribution because it 1) broadens the study of human rights, 2) connects international human rights studies with critical peace theory, and 3) demonstrates that the fulfilment of indigenous peoples' rights is an integral part of sustainable peace-building.

Method

This study employs a qualitative research approach with library based research (literature study) design. The qualitative method is considered appropriate because this research seeks to explore, interpret, and critically analyze policies and normative frameworks rather than measure variables quantitatively. The focus of the study is on policies by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in fulfilling the rights of Aboriginal peoples in Australia within the framework of peace studies and human rights. The study relies entirely on secondary data, which were collected from a wide range of credible and authoritative sources to ensure analytical depth and data triangulation. These sources include official international documents, peer-reviewed scientific journals, academic books, legal documents and national policy reports, and reputable newspapers and magazines. In addition, data collection was conducted through a systematic literature search, using academic databases such as Scopus, Web of Science, JSTOR, and Google Scholar.

After data collection, the study employed a policy mapping technique to identify, categorize, and systematize OHCHR policies and interventions related to Aboriginal rights in Australia. These policies were then analytically grouped into three stages of peace, following Johan Galtung's peace framework (Galtung, 1976); peacekeeping, peacemaking, and peacebuilding. Peacekeeping referring to OHCHR's monitoring functions, early warnings, and responses to human rights violations. Peacemaking, encompassing OHCHR's role in facilitating dialogue, mediations, and recommendations between the Australian government and Aboriginal communities. Peacebuilding, which includes long-term normative and institutional efforts such as promoting UNDRIP implementation, strengthening legal frameworks, and enhancing Indigenous participation in governance and international forums. This was then followed by qualitative content analysis and normative analysis to examine the substance, objectives, and outcomes of OHCHR policies. Each policy was analyzed in relation to its contribution to positive peace, drawing on the expanded conceptualization by (Galtung & Fischer, 2013). Positive peace in this research is understood as the elimination of structural violence, the presence of social justice, equality, meaningful participation, and respect for cultural identity.

To enhance analytical rigor, the study employed data reduction techniques, including thematic categorization, abstraction, and synthesis, to focus on the most relevant information related to the research objectives. Data Validity was strengthened through source triangulation, by comparing information from different types of sources (legal documents, academic literature, and policy reports). Then peer-reviewed source prioritization to ensure the credibility and reliability of the data used. This research have limitations, as a qualitative literature-based study, this research does not include primary data such as interviews or field observations. However, this limitation is mitigated by the use of authoritative international documentation and high-quality academic literature, which provide sufficient depth for normative and policy analysis.

Results

The focus of this study is to determine the role and efforts of OHCHR as the UN human rights commissioner in handling Aboriginal conflicts with reference to peace theory (Galtung, 1976) as an analytical tool focusing on the three variables of the stages towards peace according to (Galtung, 1976) ; Peacebuilding, Peacekeeping, Peacemaking. This study also aims to identify OHCHR policies in fulfilling the rights of Aboriginal peoples in Australia and analyze the impact of these policies from the perspective of Galtung's positive peace. Based on the findings of this study, OHCHR policies in handling cases of violations against Aboriginal peoples in Australia are normative and advocacy-oriented. Based on the findings and mapping results of the author, the following are some of the OHCHR's policies as the UN High Commissioner for Human Rights in addressing conflicts and fulfilling the rights of Aboriginal peoples in Australia, which will be explained in detail in the following table:

Table 2. Policy mapping results in three stages of peace

Theory	Variable	Form of Policy/ Efforts	Explanation
Peace Theory	Peacekeeping (non-militer)	Monitoring and Situation Reports by OHCHR	OHCHR receives and analyzes reports of violations against Aboriginal peoples submitted through international complaint mechanisms.
		Special Rapporteur's visit to Australia	OHCHR sent missions and supported visits by Special Rapporteurs. Special Rapporteur visited in 2009 and 2017. The aim was to prevent the escalation of direct violence and to put pressure on the Australian government to refrain from further repressive actions.
		EMRIP visit to Australia	One form of peacekeeping efforts was carried out through a visit by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) team to Australia. The purpose of this visit To offer guidance regarding the ongoing separation of Aboriginal and Torres Strait Islander children from their families and communities (OHCHR, 2023). These rights are recognized in the UN Declaration on the Rights of Indigenous Peoples, particularly in Article 2 (prohibition of discrimination), Articles 3 and 4 (right to self-determination), Article 8 (prohibition of forced assimilation), and Article 10 (prohibition of eviction from traditional lands and territories).
	Peacemaking	Official statements and diplomatic interventions	OHCHR has openly criticized Australia's treatment of the Aboriginal community, particularly in cases of police violence against Aboriginal children in detention centers (the Don Dale Youth Detention Centre case in 2016). It has also criticized discrimination in health care, education, and the criminal justice system.
Support for Dialogue and Mediation		OHCHR encourages dialogue between the Australian government and Aboriginal communities, particularly in the implementation of UNDRIP as a legal basis and public support for indigenous peoples' representatives in international forums such as the UN Permanent Forum on Indigenous Issues (UNPFII).	

Theory	Variable	Form of Policy/Efforts	Explanation
Peace Theory	Peacebuilding	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	ICERD, a UN treaty addressing racial discrimination, was adopted on December 21, 1965, and entered into force on June 4, 1969. OHCHR became the supervisory body for ICERD and subsequently provided technical assistance to countries to implement the provisions of ICERD.
		Special Rapporteur Mechanism	In 2001, OHCHR supporting Commission on Human Rights resolved to designate a Special Rapporteur on the rights of indigenous peoples as part of its thematic Special Procedures framework.
		Adoption of the Declaration on the Rights of Indigenous Peoples (UNDRIP)	United Nations General Assembly's adoption of the Declaration on the Rights of Indigenous Peoples on September 13, 2007, marked a significant step in enhancing the protection of indigenous peoples' rights globally. This initiative aimed to strengthen the UN's role in supporting victims of human rights abuses and communities that have experienced harm.
		World Conference on Indigenous Peoples/ WCIP	The document resulting from the high-level plenary meeting, referred to as the World Conference on Indigenous Peoples (WCIP), was endorsed by the United Nations General Assembly. This UN General Assembly resolution is also part of the effort to pursue the objectives of the UNDRIP (Adadikam et al., 2022).
		Mandate of the United Nations Voluntary Fund For Indigenous People	In accordance with General Assembly Resolution 40/131, the Fund is overseen by the UN Secretary-General. The High Commissioner for Human Rights, representing the Secretary-General, is responsible for endorsing the Board's recommendations. Furthermore, the Office of the High Commissioner for Human Rights (OHCHR) fulfills the role of secretariat for the Fund and its Board.
		UN Human Rights Council Resolution 33/25	On September 30, 2016, revisions were implemented to strengthen expert mechanism on indigenous rights, enabling it to provide guidance to the Human Rights Council and support member states, when requested, in advancing, safeguarding, and realizing indigenous rights in accordance with the goals outlined in the declaration (RIGHTS, 2016).
		Expert Mechanism	As United Nations High Commissioner for Human Rights, the OHCHR played a key role in assisting and supporting the UN Human Rights Council in the creation of the Expert Mechanism, which was established through Resolution 6/36 on December 14, 2007 (Council, 2007).

Source: Research Result, 2025.

Then there are several OHCHR (Office High Commissioner Human Rights) policy principles regarding Aboriginal rights, which are explained as follows:

Table 3. OHCHR Policy Principles

No	OHCHR Policy Principles	Explanation	Base
1	Non-discrimination and Equality	All individuals, including Aboriginal peoples, are entitled to a life free from racial discrimination in every area, such as the legal system, education, the workplace, and healthcare.	<ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Clause 1 & 2 • Universal Declaration of Human Rights (UDHR), Clause 1 & 2 • OHCHR Thematic Reports on Racial Discrimination.
2	Rights to Land, Territory, and Resources	Indigenous peoples are entitled to their traditional lands and cannot be removed from them without their voluntary and informed agreement.	<ul style="list-style-type: none"> • UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Clause 26–30 • UN Special Rapporteur Report on the Rights of Indigenous Peoples: James Anaya 2009.
3	Free, Prior and Informed Consent (FPIC)	Both the government and corporate entities are obligated to obtain the consent of Indigenous communities prior to initiating development or exploration activities on Indigenous territories.	<ul style="list-style-type: none"> • UNDRIP, Clause 19 & 32 • OHCHR Indigenous Peoples and FPIC Manual 2013.
4	Right to Political Participation and Representation	Aboriginal peoples are entitled to take part in public decision-making processes that impact their lives and to have representation within government institutions.	<ul style="list-style-type: none"> • UNDRIP, Clause 18 • ICCPR, Clause 25 • OHCHR statement on Australia's "Voice to Parliament" referendum 2023.
5	Access to Justice and Judicial Reform	The state must prevent mass imprisonment and legal discrimination against indigenous peoples, and investigate deaths in custody.	<ul style="list-style-type: none"> • UNDRIP, Clause 22 • ICCPR, Clause 9 & 14 • Australia's 2020 UPR report, OHCHR database.
6	Recognition of Social, Economic, and Cultural Rights	Aboriginal people are entitled to a decent standard of living, including health, education, and cultural preservation.	<ul style="list-style-type: none"> • UNDRIP, Clause 14–24 • International Covenant on Economic, Social and Cultural Rights (ICESCR), Clause 11 & 12 • OHCHR Country Recommendations to Australia.
7	Self Determination	Indigenous communities possess the right to define their political standing and to direct their own economic, social, and cultural progress.	<ul style="list-style-type: none"> • UNDRIP, Clause 3 • ICCPR dan ICESCR, Pasal 1 • OHCHR Indigenous Peoples Fact Sheet 2021.

Source: Research result, 2025.

This study assumes that OHCHR policies in addressing Aboriginal conflicts indirectly support the realization of positive peace. According to the theory of positive peace (Galtung & Fischer, 2013), Positive peace goes beyond simply the absence of direct violence (known as negative

inequalities in law, economics, and politics. It also includes addressing cultural violence, such as racism, discrimination, and social stereotypes. Therefore, OHCHR policies can be understood as contributing to the transformation of structural and cultural inequalities faced by Aboriginal communities.

Table 4. The relationship between OHCHR Policy and Positive Peace (Galtung & Fischer, 2013)

Peace Variable	OHCHR Policy	Its relationship with Positive Peace
Peacekeeping	Monitoring and Situation Reports by OHCHR	Improving transparency, empowering civil society, and protecting the rights of indigenous communities from further violations.
	Special Rapporteur's visit to Australia	Preventing violence through neutral monitoring and supporting the presence of international observers helping to maintain social stability.
	EMRIP visit to Australia	The EMRIP visit supported by OHCHR is not merely an observation exercise, but a human rights-based policy that builds fair and sustainable conditions for peace, which is part of the goal of positive peace.
Peacemaking	Official statements and diplomatic interventions	Supporting state accountability and preventing direct violence against vulnerable groups the beginning of restorative justice.
	Support for Dialogue and Mediation	Reducing alienation, building mutual understanding, and strengthening social reconciliation.
Peacebuilding	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	ICERD contributes to positive peace for Aboriginal communities by promoting equality, dismantling discriminatory structures, and strengthening indigenous voices
	Special Rapporteur Mechanism	The special rapporteur mechanism within the OHCHR system plays a crucial role in exposing, preventing, and addressing structural and cultural violence, which is at the core of targeted injustice in positive peace.
	Ratification of the Declaration on the Rights of Indigenous Peoples (UNDRIP)	Incorporating customary rights into the national legal system - strengthening equality and social justice.
	World Conference on Indigenous Peoples/WCIP	WCIP is a global advocacy tool that strengthens indigenous peoples' position and supports positive peace through systemic transformation, the reduction of historical inequalities, and the promotion of dialogue and reconciliation.
	Mandate of the United Nations Voluntary Fund For Indigenous People	UNVFIP is a practical tool for achieving positive peace because it contributes to the development of a just and inclusive society by providing financial assistance to indigenous peoples' representatives so that they can participate in UN processes.
	UN Human Rights Council Resolution 33/25	Enhancing customary rights as part of the national legal system strengthening equality and social justice.
	Expert Mechanism	Increasing the participation and representation of indigenous peoples - eliminating structural violence.

Source: Research Result, 2025

Based on the author's analysis, OHCHR policies are closely related to the positive peace described by Galtung. These policies support the elimination of structural violence and systemic inequality experienced by Aboriginal communities and encourage systemic transformation from dis-

discrimination to equality and justice. In this regard, OHCHR, through its policies, plays a crucial role in driving structural, cultural, and institutional transformation against discrimination and injustice experienced by Aboriginal communities in Australia. Collectively, these policies have formed the foundation of positive peace, fair, sustainable, and participatory peace, rather than merely the absence of violence. This demonstrates that OHCHR policies not only address immediate human rights concerns but also contribute to long-term peacebuilding efforts.

Various policies, including voluntary funding from donor countries for indigenous peoples, have had a positive impact by supporting fair and sustainable development. These funds aim to promote and fulfill indigenous rights and are distributed through UN agencies such as UNDP, OHCHR, IFAD, and FAO, then managed by United Nations Voluntary Fund for Indigenous Peoples. In 2023, the Fund supported 14 online and 5 in-person training programs, along with meetings on indigenous issues. At its 37th session, the Council recommended 173 grants for participation in UN meetings in 2024, later approved by the High Commissioner (OHCHR). The UN Voluntary Fund called upon the Expert Mechanism, the Special Rapporteur on the rights of Indigenous peoples, and the Permanent Forum to collaborate with the program and OHCHR in formulating the strategy (General, 2020). The report (General, 2020) mentions voluntary contributions to indigenous peoples received from various countries in two periods, namely January 2016 to June 2018, and January 2018 to June 2020. During the first period, the total contributions received amounted to \$1,120,933.72, a decrease compared to the previous period (January 2014 to June 2016), which recorded a total of \$1,364,179. The year 2016 also marked the beginning of the fourth decade of the program's implementation. Moreover, between January 2018 and June 2020, total contributions rose to \$1,564,322, indicating growth compared to the earlier period.

Discussion

Despite various advances in the international recognition of human rights, indigenous peoples, including Aboriginal peoples, still experience human rights violations on a daily basis. They face violence, brutality, ongoing assimilation policies, exclusion, loss of land rights, denial of land ownership, negative impacts of large-scale development, and increased excessive detention of Aboriginal children forced relocation, and conservation violence (Luoma, 2023). Then, The Royal Commission into Aboriginal Deaths in Custody (RCIADC) identified that Indigenous individuals are frequently held in police custody. They are arrested, held in prison for long periods before trial, and incarcerated at disproportionate rates compared to non-indigenous Australians (Gillies, 2013). Cases of violence and brutal acts against indigenous peoples have been reported from various parts of the world, especially against those who fight for their rights to land, territory, and community. Indigenous women also face a high risk of sexual violence, with some estimates suggesting that more than a third of them experience rape during their lifetime (Nations, n.d.). Drawing from the results of this study, the discussion focuses on OHCHR policies aimed at upholding the rights of Aboriginal peoples in Australia and also as an effort to achieve positive peace in conflicts will be interpreted into three stages towards peace according to (Galtung, 1976) and how these policies support the realization of positive peace as described by (Galtung & Fischer, 2013) which are as follows:

Peacekeeping

The efforts to realize peacekeeping in this research finding are non-military in nature through OHCHR policy, namely through Monitoring and Situation Reports by OHCHR. OHCHR receives and analyzes reports of violations against Aboriginal communities that come through international complaint mechanisms. This is followed by a visit by a special rapporteur to Australia. OHCHR sends missions and supports visits by Special Rapporteurs. The visits by the Special Rapporteur on the Rights of Indigenous Peoples took place in 2009 and 2017. The aim was to prevent the escalation of direct violence and to exert pressure on the Australian government to refrain from further repressive actions. Additionally, peacekeeping efforts were also realized through visits by the Expert Mechanism (EMRIP) team to Australia. The visit was intended to provide policy guidance

regarding the separation of Aboriginal and Torres Strait Islander children from their families and communities of origin (OHCHR, 2023). These collective rights are protected under the United Nations Declaration on the Rights of Indigenous Peoples, particularly in Article 2 (equality and non-discrimination), Articles 3 and 4 (the right to self-determination), Article 8 (protection against forced assimilation), and Article 10 (prohibition of forced removal from ancestral lands and territories). The EMRIP visit, supported by OHCHR, is not merely an observation exercise but a human rights-based policy aimed at fostering fair and sustainable peaceful conditions, which aligns with the objectives of positive peace.

The output of the OHCHR mission in sending a special rapporteur to Australia in 2009, represented by James Anaya, who served as special rapporteur, was the publication of report A/HRC/15/37/Add.4. The report contains the main findings/inputs related to the human rights conditions of Aboriginal and Torres Strait Islander peoples. The report directly assesses the reality of human rights violations faced by indigenous peoples in various areas visited, including health, education, and the forced removal of children (stolen generations), and evaluates the Northern Territory Emergency Response (NTER) program. The Special Rapporteur made recommendations including strengthening a holistic approach in government programs for indigenous peoples in accordance with the principles of the UN Declaration on the Rights of Indigenous Peoples, ensuring the full involvement of indigenous peoples in the design and implementation of policies, and calling for the NTER program to be designed and implemented without discrimination (Assembly, 2010). However, the 2009 report concluded that despite some progress at the national policy level, there were still many gaps in the implementation of the basic rights of Aboriginal peoples. Then, in 2017, Victoria Tauli-Corpuz, the special rapporteur, visited Australia and published report A/HRC/36/46/Add.2 based on the results of her visit. The report contains an assessment of developments since 2009. The special rapporteur noted that the implementation of the recommendations from the 2009 visit had been limited. The Australian government has not fully complied with the recommendations regarding the recognition of basic rights and the elimination of structural discrimination against indigenous peoples (Assembly, 2017).

Peacemaking

In the peacemaking variable, OHCHR issued official statements and diplomatic interventions. OHCHR has openly criticized Australia's treatment of the Aboriginal community, particularly in cases of police violence against Aboriginal children in detention centers, specifically in the case of the Don Dale Youth Detention Center in 2016 and discrimination in health services, education, and the criminal justice system. Through this intervention, one of the impacts was to strengthen human rights advocacy regarding the detention of children through the application of international standards for minors in the detention system, as well as encouraging national and international dialogue on systemic discrimination against Aboriginal children (News, 2016). However, research conducted by (Holland et al., 2024) found that in 2021, inequality in the treatment of Australian Aboriginal children was still evident in the fact that their detention rates were 20 times higher than those of non-Aboriginal children.

Additionally, other OHCHR policies as forms of peacemaking include support for dialogue and mediation. OHCHR encourages dialogue between the Australian government and the Aboriginal community, particularly in: the implementation of UNDRIP as a legal and normative basis; support for indigenous peoples' participation in global platforms like the United Nations Permanent Forum on Indigenous Issues (UNPFII). These policies are also related to positive peace because they reduce alienation, build mutual understanding, and strengthen social reconciliation. In this case, the output is evident in policy and practice developments in Australia. One of the impacts is 1) changes in Australia's foreign policy and diplomatic stance, such as its commitment to raising the voice of indigenous peoples in international forums and appointing its first Ambassador for Indigenous Peoples in April 2023, which demonstrates its response to the dialogue facilitated by the OHCHR, and 2) Australia's active participation in the Interactive Dialogue with the Special Rapporteur, which provides a space for indigenous communities to be

heard globally and provide direct input to the government (Government, 2024).

Peacebuilding

The establishment of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) constituted one of the key initiatives undertaken to respond to the conflict. ICERD stands for International Convention on the Elimination of All Forms of Racial Discrimination. ICERD is an international treaty adopted by the United Nations General Assembly on December 21, 1965, and entered into force on June 4, 1969. OHCHR serves as the supervisory body for ICERD and provides technical assistance to countries in implementing its provisions. OHCHR also promotes understanding and compliance with the rights outlined in ICERD. Based on the author's findings from the data that was then analyzed, the existence of ICERD has made Australia a country that has ratified ICERD and is required to report periodically to the CERD committee regarding the handling of disparities in access to education, health, and legal protection for Aboriginals. ICERD contributes significantly to building positive peace for Aboriginal communities by promoting systemic transformation from discrimination to equality, eliminating oppressive legal and social structures, and strengthening the voice of indigenous communities.

Then there is the Special Rapporteur Mechanism, The Human Rights Commission created a Special Rapporteur mechanism on the Rights of Indigenous Peoples as part of its thematic Special Procedures framework in 2001. This mandate was extended by the Commission in 2004 and subsequently renewed by the Human Rights Council in 2007. Since the appointment, the Special Rapporteur has received numerous communications concerning alleged violations of the human rights and fundamental freedoms of Indigenous Peoples (Stavenhagen, 2005). In this context OHCHR supports the implementation of this special rapporteur mechanism by providing the necessary facilities. The Special Rapporteur previously expressed concern about the high number of indigenous peoples involved in the criminal justice system, as well as mandatory sentencing laws in northern and western Australia that are considered discriminatory.

The Special Rapporteur previously revealed that past Australian government policies aimed to separate indigenous children from their families, claiming it was for the welfare of the children. However, these policies resulted in the loss of cultural values and norms across generations of indigenous peoples ("the stolen generation"). This statement is also supported by research conducted by (Barta, 2008) mentions that for more than two centuries, Aboriginal people in Australia have been under relentless pressure to destroy their families. For more than two decades, they have been actively seeking recognition for the suffering experienced by those referred to as the "stolen generation," suffering that is still experienced by almost all indigenous families. The Special Rapporteur's visit follows that of his predecessor in 2001. Based on the author's analysis, the Special Rapporteur mechanism within the OHCHR system plays a crucial role in exposing, preventing, and addressing structural and cultural violence, which lies at the heart of the targeted injustice in positive peace.

Previous reports following official visits emphasized that ongoing injustices still negatively impact Aboriginal and Torres Strait Islander people in Australia, particularly in terms of restrictions on land rights, educational disparities, limited access to employment, and poor health and housing conditions. Data shows that existing policies are inadequate, and additional funding is needed. These reports were received by the UN Secretariat and reported to the Human Rights Council through the findings of the Special Rapporteur. Between 2008 and April 2021, there were 87 deaths of indigenous people in custody due to medical issues. OHCHR supports monitoring by sending missions and facilitating visits by Special Rapporteurs in 2009 and 2017 to prevent violence and pressure the Australian government (Council, 2017).

However, according to a report published by Australia Human Rights Report in 2018, the assessment variable in the context of freedom from torture has a relatively low score of 5.5 out of 10 (Initiative, 2019). These figures indicate that discrimination against Aboriginals continues. Although Aboriginal people have the right to education, they are often faced with additional requirements that are not imposed on other Australians, especially white Australians. This differential

treatment occurs not only in education, but also in access to land ownership and adequate health services. In reality, many Aboriginal people are demanding rights to their own land. However, even when they eventually obtain the land, there are often agreements that force them to lease it back, typically for periods exceeding 30 years, thereby reducing their control over the area.

As part of peacebuilding initiatives, there is also a policy concerning the Voluntary Fund for Indigenous Populations (UNVFIP). This fund was created by the UN General Assembly in 1985 to address the need for Indigenous peoples to actively participate in and represent themselves within UN working groups focused on Indigenous issues (Human Rights, 2017). Aligned with General Assembly resolution 40/131, the Fund is administered by the Secretary-General following the UN's financial policies for humanitarian trust funds and under the guidance of the Board of Trustees. Acting on behalf of the Secretary-General, the UN High Commissioner for Human Rights approves the recommendations put forward by the Board. The Office of the High Commissioner for Human Rights (OHCHR) carries out secretariat duties for the Fund and its Board. Based on the author's analysis, the UNVFIP is a practical tool for achieving positive peace because it contributes to the development of a just and inclusive society by providing financial assistance to indigenous peoples' representatives so they can participate in United Nations processes.

Efforts to achieve peacebuilding were also made via the ratification of the Declaration on the Rights of Indigenous Peoples (UNDRIP). Australia initially rejected UNDRIP in 2007 but accepted the declaration in 2009. UNDRIP became a global human rights framework that provided a basis for eliminating three forms of violence, namely direct, structural, and cultural violence. In short, the UNDRIP offers a roadmap for structural reconciliation that is not merely symbolic but also urges Australia to draft a constitution that recognizes indigenous peoples, discontinue policies that are not based on FPIC, and improve access to education and health care. The UNDRIP also serves as a transformative tool for creating positive peace. In this context, the OHCHR has the position of promoter and main driver of the implementation of the UNDRIP. Therefore, OHCHR also assists in monitoring and promoting its implementation in Australia. Nevertheless, the author noted that on October 14, 2023, Australians participated in a referendum to decide whether to amend the Constitution to formally acknowledge Indigenous peoples through the creation of a representative body known as the Aboriginal and Torres Strait Islander Voice. This marked the first referendum held in the 21st century, but it failed (Bertus de Villiers, 2024).

Furthermore, peacebuilding efforts are demonstrated through a resolution by UN Human Rights Council, which includes the decision to revise the mandate of the Expert Mechanism on the Rights of Indigenous Peoples. This revised mandate aims to offer expert guidance and recommendations to the Human Rights Council on matters concerning Indigenous rights. Additionally, the mechanism is assigned to support member states upon their request in advancing the goals of the Declaration by promoting, safeguarding, and realizing the rights of Indigenous peoples (RIGHTS, 2016). Another policy related to peacebuilding was implemented through the Expert Mechanism. In response to violations and reports related to Aboriginal peoples in Australia, The United Nations later resolved to adopt measures for conflict resolution and issued a mandate to the OHCHR to oversee the Expert Mechanism and offer guidance and expertise to the Human Rights Council regarding Indigenous peoples' rights, as outlined in Resolution 6/36 dated December 14, 2007. Through this resolution, the Council formally established the Expert Mechanism on the Rights of Indigenous Peoples. This commitment was further reinforced through the resolution adopted by the Human Rights Council on September 30, 2016, which contains the following provision: "Bearing in mind Human Rights Council Resolution 30/11 of 1 October 2015, in which the council requested the Office of the United Nations High Commissioner for Human Rights to convene an expert workshop to review the mandate of the Expert Mechanism, and welcoming the productive discussions held at workshop on 4 and 5 April 2016, as reflected in the report of the Office of the High Commissioner "(Assembly, 2016).

The draft further emphasizes the necessity of revising the mandate of the Human Rights Council's Expert Mechanism to include the delivery of expert advice and guidance concerning the rights of Indigenous peoples, as articulated in the United Nations Declaration on the Rights of

Indigenous Peoples (UNDRIP). It further calls for the Mechanism to support 'member states' upon request in advancing the Declaration's goals by promoting, safeguarding, and upholding the rights of Indigenous communities (Assembly, 2016). Based on evidence found by the author, the OHCHR policies that the author has mapped out have proven to have had several positive impacts. However, there are still violations occurring against Aboriginal communities. As noted in the "Closing the Gap" report, there has been a 20% increase in the number of Aboriginal prisoners since 2019 (the baseline year), with the rate rising from 1,906.1 per 100,000 to 2,304.4 per 100,000. This phenomenon is known as the "Aboriginal overrepresentation in the criminal justice system" (Commission, 2025). Not only that, another finding was that the majority of Aboriginals died in detention. This was confirmed in (Anthony & Blagg, 2021) research which explains that colonial narratives allow Aboriginal deaths in custody to occur under conditions of neglect and abuse, without responsibility being assigned or meaningful reforms enacted implying that no one is held accountable. These events are not seen as evidence of the failure of colonial "healthcare" interventions, which often involved segregation and predetermined suffering. The colonial biopolitical system operated under the guise of protection and care, yet subjected Indigenous people to confinement in government settlements, reserves, missions, and so-called "disease islands".

Conclusion

The OHCHR's policy on efforts to fulfill the rights of Aboriginal peoples in Australia is reflected in the mapping of its policies that focus on peace variables, including peacekeeping, peacemaking, and peacebuilding. Additionally, as part of the United Nations Secretariat with a mandate to address indigenous rights, OHCHR operates based on key principles such as non-discrimination and equality. It also emphasizes the rights to land, territory, and resources, as well as the principle of free, prior, and informed consent (FPIC). These principles serve as a foundation for restoring and protecting the rights of Aboriginal peoples. Furthermore, the implementation of these policies demonstrates OHCHR's role in promoting justice and supporting sustainable peace for indigenous communities.

Based on the author's analysis of OHCHR policy mapping based on the stages towards peace described by Galtung, the policies implemented by OHCHR have fulfilled the three variables, namely peacekeeping, peacemaking, and peacebuilding. OHCHR policy in the Aboriginal conflict covers the entire spectrum of peace according to Galtung. In terms of peacekeeping, the outputs include preventing violence directly through monitoring and reporting on the situation by OHCHR, visits by special rapporteurs to Australia, and visits by EMRIP to Australia. In terms of peacemaking, the outputs include facilitating international dialogue between Aboriginal communities, the government, and the international community through official statements and diplomatic intervention. In the final variable of the peace stages namely peacebuilding. In terms of peacebuilding, there are outcomes aimed at eliminating the roots of discrimination and structural inequality through policy advocacy, legal reform, and support the rights of indigenous peoples, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). There is also Special Rapporteur Mechanism, the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the World Conference on Indigenous Peoples (WCIP), the United Nations Voluntary Fund for Indigenous Peoples, UN HRC Resolution 33/25, and the Expert Mechanism.

Furthermore, based on the author's analysis of OHCHR policies in relation to positive peace, the results show that OHCHR policies are closely related to positive peace, which indirectly promotes positive peace as described by Galtung. This is because positive peace itself is a conceptual goal that seeks to realize and create a world without violence. These policies are assessed as contributing to the elimination of structural violence and systemic inequality experienced by Aboriginal communities, thereby fostering systemic transformation from discrimination toward equality and justice. In this regard, OHCHR, through its policies, plays a crucial role in promoting structural, cultural, and institutional transformation regarding discrimination and injustice experienced by

Aboriginal communities in Australia. All these policies collectively form the foundation of positive peace, which is fair, sustainable, and participatory peace, not merely the absence of violence.

However, this must be accompanied by collaboration between national and international institutions, and OHCHR is expected to be able to encourage real collaboration to create sustainable peace. Strict sanctions must be imposed to reduce the number of ongoing violations. Monitoring must continue to be carried out through existing policies, particularly in optimizing the special rapporteur mechanism and expert mechanism, as well as the involvement of the CERD Council and the Human Rights Council. This needs to be done to encourage the Australian government to implement the Uluru Statement from the Heart in full, which calls for a First Nation Voice to be permanently included in the Constitution. Given that the referendum has already been held but ended in failure, the rejection continues to reverberate through Australian society. For many Aboriginal people, this was not only a rejection of a technical proposal but a rejection of their aspirations for self-determination. This should be a particular concern for OHCHR going forward, as it has a significant impact on Aboriginal communities. Author suggest that future studies should explore how collaboration stakeholders between the OHCHR and other international organizations could support the success of Australia's referendum aimed at amending the Constitution to recognize the First Peoples of Australia through the creation of the Aboriginal and Torres Strait Islander Voice.

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