

UNDRIP Factsheet

The United Nations Declaration on the Rights of Indigenous Peoples (The Declaration) "establishes a universal framework of minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to Indigenous peoples."

(<https://www.humanrights.gov.au/our-work/un-declaration-rights-indigenous-peoples-1>)

The information in this Factsheet is taken from The Community Guide to the UN Declaration on the Rights of Indigenous Peoples, published by the Australian Human Rights Commission and National Congress of Australia's First Peoples.



This Community Guide outlines how The Declaration applies to Aboriginal and Torres Strait Islander peoples and can be viewed here:

http://declaration.humanrights.gov.au/sites/default/files/declaration_abridged_community_guide.pdf

The content of The Declaration

The Declaration can be divided up into sections that deal with its different themes:

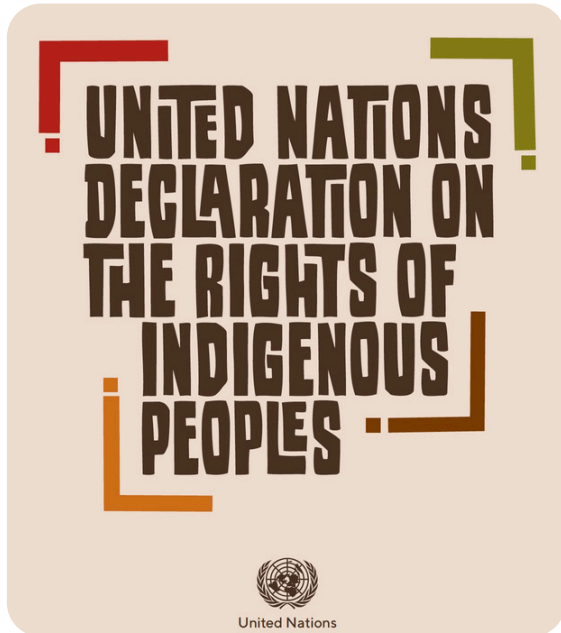
The preamble

The preamble sets the scene for the Declaration.

It makes some key points about the purpose of the Declaration:

- The Declaration was created to address the wrongs of the past that continue to affect Indigenous peoples' lives today.
- The United Nations and international law have an important role in protecting the rights of Indigenous peoples.
- Everyone is equally entitled to human rights. Indigenous peoples have not always been able to enjoy human rights.
- The rights in the Declaration should guide the creation of a new relationship with governments based on partnership and mutual respect.

The preamble is clear that the Declaration sets out standards to improve the circumstances of Indigenous peoples and to address disadvantage and discrimination.



Foundational rights (articles 1–6)

The Declaration's foundational rights confirm that we have both collective rights and rights to be treated equally without discrimination including:

- The right to enjoy all human rights that all other individuals and groups can enjoy.
- The right to self-determination and to determine our political status and our development paths.
- The right to have our own institutions and to have self-government.
- The right to participate in Australian public life and be a citizen of Australia.

Life and security (articles 7–10)

These rights protect our basic needs including:

- The right to life, security and liberty.
- The right to be free from genocide, forced assimilation and the destruction of our culture.
- The right to live as a collective in our groups.
- The right to not be forcibly removed from our country without our consent.

Language, cultural and spiritual identity (articles 11–13)

Culture is important to our peoples. These rights protect our cultures and identities. This means we have:

- The right to practice and revitalise our cultures and to have our cultural property protected.
- The right to our religious and spiritual traditions.
- The right to our languages, histories and ways of thinking about the world.

Education, information and employment (articles 14–17)

Education, information and employment rights will empower our communities. We have:

- The right to access the same standards of education as all other Australians.
- The right to culturally appropriate education in our own language.
- The right to ensure that media and public information reflects our cultures and our diversity in a dignified way.
- The right to the same employment rights as other Australians.

Participation, development and economic and social rights (articles 18–24)

Participation, development and economic and social rights ensure we can control our future, including:

- The right to participate in decisions that affect us. This should be guided by and include the principle of free, prior and informed consent.
- The right to decide how we develop politically, economically and socially.
- The right to improved economic and social conditions, with extra assistance for people who are additionally vulnerable, like elders, women and children.
- The right to the same standard of health as other Australians. We also have the right to use our traditional health practices



Rights to country, resources and our knowledge (articles 25–32)

Rights to country, resources and our knowledge are important to our peoples because they form major parts of our identities and cultures and they are central to our systems of governance. We have:

- Rights to maintain and strengthen our spiritual connection to country.
- Rights to control, own and develop our country.
- The right to ensure that governments develop systems for the legal recognition and protection of our country.
- Where we no longer possess our country, we have the right to have this addressed through some form of compensation.
- Rights to the protection of the environment on our country.
- The right of protection of our cultural heritage and traditional knowledge.
- The right to determine how and if our country is developed.

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- The right to determine how and if our country is developed.



Self-governance (articles 33-37)

Self-governance rights expand on how the rights to self-determination and self-government can operate. These include:

- The right to determine our identities, the membership of our groups and our responsibilities to our groups.
- The right to develop and maintain our own institutions, laws and customs.
- The right to maintain relationships with people outside Australia.
- The right to have treaties and agreements respected and recognised.

Implementing the Declaration (articles 38–42)

The Declaration is clear that action should be taken to make sure that Indigenous peoples can realise the rights in the Declaration.

- Governments should work with our peoples to achieve the goals of the Declaration. They should promote the Declaration and take action to see that these rights are exercised in practice.
- We have a right to assistance to ensure we can enjoy the rights in the Declaration.
- We have a right to the establishment of a fair process to resolve disputes about our rights and provide remedies for violations.
- The international community should promote respect for the Declaration and follow up on its implementation.

Interpreting the Declaration (articles 43–46)

The Declaration provides the following guidance on how the rights contained within it should be interpreted:

- The rights in the Declaration are the minimum standards to ensure the survival, dignity and well-being of our peoples.
- All the rights in the Declaration apply equally to men and women.
- The Declaration is to be interpreted consistently with the Charter of the United Nations.
- In exercising our rights, the rights of all people should be respected.

Using the Declaration for change in Australia

The Declaration was adopted by the General Assembly of the United Nations in September 2007. This was the culmination of more than 20 years of negotiation between the Indigenous peoples and governments of the world. The Australian Government announced its support for the Declaration in 2009.

Australia's support of the Declaration does not make it law in Australia. However, the Declaration can be used to lobby for reforms to laws, policies and programs to ensure they are consistent with the standards in the Declaration.

One of the best ways to use the Declaration is simply by using the language of rights when talking about issues in Aboriginal and Torres Strait Islander communities. Using the Declaration reminds governments at all levels of the rights of Aboriginal and Torres Strait Islander peoples.

Other sources that informed this factsheet:

<https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/un-declaration-rights>

<https://www.humanrights.gov.au/our-work/un-declaration-rights-indigenous-peoples-1>