The Black Rainbow Living Well Foundation welcomes the opportunity to contribute to the Human Rights Commissioner’s review and its high level focus on the Sexual Orientation, Gender Identity and Intersex (SOGII) Rights of Lesbian, Gay, Bisexual, Queer, Trans\*, and Intersex (LGBTI) Australians.

Aboriginal and Torres Strait Islander LGBTI people have had limited autonomy of their health and wellbeing. Our sexual, physical, social, cultural, spiritual and emotional health has always been minimally housed within a larger structures competing for acknowledgement of our nuanced needs. Black Rainbow is a self-determining effort to change that.

Article 2 of the *Universal Declaration* *on Human Rights* makes it clear that human rights apply to all people in the world. It states:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Whilst under an equality framework, we as Aboriginal and Torres Strait Islander LGBTI people, may have had access to those rights. We have not achieved equitable access to our human rights.

Article 18 of the *United Nations Declaration of the Rights of Indigenous People’s* (UNDRIP) also makes clear that we can. It states:

Indigenous peoples have the right to participate in decision making in matters, which would affect their rights, through representatives.

Without being afforded to those has not been afforded full access to those rights our health has suffered and continue to suffer. With the support of these rights we are able to achieve a culturally responsive service that can respond to the health needs of gender variant and sexuality diverse Indigenous peoples.

Historically, the health of the gender variant and sexuality diverse (Lesbian, Gay, Bisexual, Queer, Trans, Intersex, Sistergirl and Brotherboy – LGBQTISB) Aboriginal and Torres Strait Islander communities have largely been framed within the context of sexually transmissible infection (STI) and blood borne virus (BBV). Very little investigation has gone towards the social and emotional wellbeing (SEWB) of this minority.

There are several reports that have a national footprint. In 1998, Hillier, Dempsey, Harrison, Beale Matthews and Rosenthal produced the 1st national report on the sexuality, health and wellbeing of same sex attracted young people in Australia, "Writing Themselves In". Since then, second and third reports have been published, in 2004 (Hillier and Mitchell) and 2011 (Hillier, Jones, Monagle, Overton, Gahan, Blackman and Mitchell) respectfully. A brief review of these documents revealed that the sexuality, health and wellbeing of the same sex attracted Aboriginal and Torres Strait Islander community were not included. There may be numerous reasons for this, including the difficulty in navigating discussions due to inappropriate research methodologies used to engage the Aboriginal and Torres Strait Islander community. The same can be said for the recent "Growing Up Queer" report (2014). The Aboriginal and Torres Strait Islander community is not excluded from facing challenges of navigation in this research space; as it too has very limited documentation regarding the health and wellbeing of its LGBQTI population.

The National Aboriginal and Torres Strait Islander Suicide Prevention Strategy (Department of Health 2013) do not mention gender variance or diverse sexualities. However, Holland, Dudgeon and Milroy in ‘The mental health and social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples, families and communities’ (2013) highlight ‘cross-membership of other communities’, meaning the Indigenous LGBTI community, ‘can create further challenges’ (p.3) in the context of their mental health and social and emotional wellbeing.

In the last 15 years there has been no national strategy, plan or research to identify and meet the needs of the Aboriginal and Torres Strait Islander LGBQTI community. Previous LGBQTI reports have excluded Aboriginal and Torres Strait Islanders in national strategies and health plans specific to LGBQTI people. It is therefore evident from the surveys and workshops that the nuanced intersections of respondents needs were unveiled and that this is just the beginning of further work to be done in this area. Furthermore this data asserts that baseline information of the Indigenous LGBQTI populations about universal awareness of these groups and their social and emotional needs and health service access is required.

Within the Australian population there were an estimated 548,370 people identified as being of Aboriginal and/or Torres Strait Islander origin and counted in the Census approximately representing 4.2% of the total Australian population (ABS 2011).

 Therefore, when using the figure of 3.4% (US Gallup 2012), there are approximately 18,644 Indigenous Australians who are LGBT, whose needs are yet to be identified. This also suggests that there are up to 18,644 Indigenous LGBTI Australians whom are at four times the risk of suicide than Indigenous Australians whom are not LGBTI; whose suicide risk is already higher than the general Australian population.

Aboriginal and Torres Strait Island peoples also take their own lives at younger ages than non-Indigenous Australians, with the majority of suicide deaths occurring before the age of 35 years.

For same sex attracted Australians the risk of suicide is 14% higher than our heterosexual peers.

Internationally we know that Indigenous same sex attracted people consider suicide at a rate of 46.7%. This number is horrifically higher than non-Indigenous heterosexual people.

We also know that 56% of American Indian and Alaskan Native trans\* people have also attempted suicide.

Black Rainbow Living Well Foundation is pioneering the charge in this space at a local, national and international level.

At the Black Rainbow Living Well Foundation we aim to provide culturally responsive social and emotional wellbeing, mental health, and suicide prevention support services and resources within the context of our Indigeneity and multiple sexualities and gender diversity.

We also aim to contribute positively to the broader discourse of social and emotional wellbeing, mental health, and suicide prevention.

We are hopeful that the commission’s enquiry into sexual orientation, gender identity, and intersex (SOGII) rights in Australia affords us Aboriginal and Torres Strait Islanders access to Article 18 of the UNDRIP in pursuit of an equitable outcome.

\*Throughout different cultural contexts transgender identities have specific terms. For example in some Aboriginal and Torres Strait Islander communities some *Sistergirls* and *Brotherboys* are also trans people.