



# Truth, Justice & Healing Project

## ‘Hear My Heart’

Informing community discussions with evidence:

“What are the strengths and weaknesses of truth-telling initiatives in Australia and globally?”

Brief

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## INTRODUCTION

The Ebony Aboriginal and Torres Strait Islander Institute acknowledges our Ancestors and Elders and the previous generations' attempts to tell the truth, for justice to be served, and for the healing of individuals and the nation to occur.

The Ebony Aboriginal and Torres Strait Islander Institute's vision is for a sustainable and cohesive Australia, based on Aboriginal and Torres Strait Islander wisdom.

The Ebony Institute is a not-for-profit organisation with a one hundred percent Aboriginal board. The Ebony Institute's values are respect, truth, belonging and connection.

One of the Ebony Institute's objectives is to promote truth, justice and healing for Aboriginal and Torres Strait Islander Peoples. The Truth, Justice and Healing (TJH) Project furthers that goal. Ebony have partnered with the Annamila Foundation and Wayapa Wuurk Aboriginal Wellness Foundation to support them in undertaking this Project.

The TJH Project is grounded in Aboriginal and Torres Strait Islander sovereignty, wisdom and knowledges.

It aims to learn from Australian and global experiences in truth-telling, to listen to and give primacy to Aboriginal and Torres Strait Islander Peoples' voices and views about truth, justice and healing, and to better inform national conversations.

## THE EVIDENCE

Telling the truth about conflict, genocide, trauma or abuse or other wrongdoing can be done in formal ways, through official truth commissions or inquiries or, if there is limited or no political will for formal approaches, through informal initiatives undertaken by civil society, grassroots communities and activists.

The United Nations (OHCHR, 2006) recognises that:

"...while truth commissions do not replace the need for prosecutions, they can reach out to thousands of victims in an attempt to understand the extent and the patterns of past violations, as well as their causes and consequences."

There have been 32 formal truth commissions or inquiries at the national level, with features including: uniqueness, political will, operational independence, international support, non-replacement of legal processes, and opportunities for a safe platform to tell the truth.

This document is a brief summary of short and long form discussion papers, which outline the evidence, methodology and key issues in much greater detail.



## Strengths of formal truth commissions include:

- An opportunity for political leaders and civil society to help their country understand why and how certain events happened, and what lasting impacts there are on society;
- An opportunity to help prevent further abuses occurring again;
- An opportunity to identify and implement reparations, justice, and institutional and policy reforms; and
- An opportunity for individual, family, community, and national healing.

## Weaknesses of formal truth commissions include:

- Lack of self-determination in the establishment of any formal commission;
- Unclear or contested expectations, parameters and terms of reference, for example, focussing exclusively on the past, whether amnesty should be offered, and whether a commission should have powers of compulsion;
- Lack of support for those telling and hearing the truth;
- Limited or no guarantee the abuse or conflict will stop;
- Lack of justice or substantive reform;
- Potential for recommendations to not be implemented; and
- Unwillingness to address the fundamental causes of conflict or abuse.

In either formal or informal truth initiatives, it is critically important that transitional justice be implemented while waiting for formal legal proceedings; that transgenerational responsibility for justice, atonement and healing is acknowledged and observed; and that self-determination for the voices of those aggrieved must be given primacy.

Aboriginal and Torres Strait Islander Australians and their friends have implemented numerous attempts at truth-telling over many generations, both formal and informal, including the Royal Commission into Aboriginal Deaths in Custody, the Royal Commission into the Forced Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing Them Home Inquiry), and decades of civil society advocacy and grassroots community activism.

However, the recommendations of formal commissions and inquiries remain largely un-implemented.



Globally, lessons from Canada, South Africa and other countries highlight that:

- Political will helps, but must not hinder, the independence of truth initiatives;
- The voices of those aggrieved must be given primacy in decision-making apparatus;
- The terms of reference of any formal commission must have strong terms of reference and potentially legal powers;
- Issues of substantive justice like reparations and institutional and policy reform must be implemented; and
- Public education in the form of memorialisation, curricula reform and public ceremonies, and opportunities to remember and prevent must occur.

In Australia, key issues facing Aboriginal and Torres Strait Islander Peoples include:

- Establishing readiness to tell the truth, which includes deciding whether telling the truth again is even a good idea;
- Political will – including whether any truth-telling should occur in formal or informal ways, or both;
- Providing support for those telling their stories and for those hearing them;
- Consideration of the most strategic purpose for and structure of any formal truth commission, including whether it should have the power to compel witnesses;
- Strategies for optimal access to formal truth commission information and processes to ensure ethically and culturally safe recording, ownership and storage of people's stories;
- Public education requirements after the truth is told (e.g. memorialisation, curriculum reform, public remembrance); and
- Consideration of what substantive justice and healing might look like, potentially including reparations and institutional and policy reform.

## WHERE TO FROM HERE?

This Brief is a summary of short and long form discussion papers. The discussion papers outline the depth and breadth of literature reviewed, methodology, key issues, key questions and conclusions.

The discussion papers will be released to Aboriginal and Torres Strait Islander communities in the coming months.

The Ebony Aboriginal and Torres Strait Islander Institute intends to use this evidence to inform a series of discussions with Aboriginal and Torres Strait Islander Peoples and communities.

Once these discussions have been held, we will work to ensure your voices and considerations of these issues are given primacy in better informing national conversations about initiatives for truth, justice and healing.

# ACKNOWLEDGEMENTS

The TJH Project is informed by:

- 60 000 years of excellence, wisdom and dreaming;
- hundreds of years of resistance and resilience;
- decades of activism and organisation; and
- the many tears and healing yet to come.

We honour and thank our Aboriginal and Torres Strait Islander Ancestors, Elders, nations, communities, families and leaders for their blood, sweat and tears.

We acknowledge your brilliance, strength and excellence, your unceded sovereignty, your survival of genocide, and your passion and commitment to truth, justice and healing. We hope this Project does you some justice.

The title 'Hear My Heart' was gifted to the Ebony Institute from Jill Gallagher in her role as Victorian Treaty Advancement Commissioner. The title reflects the conversations that have occurred throughout the duration of the Project.

Leonie Taylor was commissioned by the Ebony Institute to write earlier drafts of the Project's full discussion paper and literature review, and we acknowledge her tenacity and strength in undertaking this work, particularly through personally trying circumstances.

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