

The information below is provided to support Indigenous mothers who are being separated from their children due to the Hague Convention. It needs to be understood that this is another very clear case of the removal of Aboriginal and Torres Strait Islander children from their mother and from their culture because of government policy.

To remove any child from the opportunity to continually engage with family and community on Country, in all forms, would be no less detrimental than past and current removal of Aboriginal and Torres Strait Islander children from Country, family, community and culture. As a nation, we have a national shame called the stolen generation and we are still, to this day, paying the price in our communities for that, including, and especially in, the areas of health and wellbeing. We acknowledge that as a nation, and have created legislation, programs and spend billions of dollars annually to stop that happening again - as we know that it creates pain, suffering and ongoing intergenerational trauma.

We have seen, and continue to see, not just the tangible evidence in our Aboriginal and Torres Strait Islander communities, but also the empirical and rational evidence from so many different credible sources, of the enormous trauma and ongoing detrimental effects that occur when children are removed from their mothers.

“It has been argued that early loss of a mother or prolonged separation from her before age 11 is conducive to subsequent depression, choice of an inappropriate partner, and difficulties in parenting the next generation. Anti-social activity, violence, depression and suicide have also been suggested as likely results of the severe disruption of affectional bonds” (Australian Association of Infant Mental Health) ¹.

“Consequently, the breaking of a positive and secure attachment between a child and their primary attachment figure during the early years of the child’s life, can have a seriously detrimental effect on their social and emotional development. This separation is distressing, and can potentially place a child at risk. Transient effects are expected when the first change in placement occurs before 6–9 months of age. After 9–12 months of age, there will be distress, with longer-term effects of the change increasing with the child’s age. From 1 to 3 years, separation is a traumatic loss and a developmental crisis. Even if the loss occurs after approximately 3–5 years of age, some persistent insecurity in new relationships is to be expected” (IASA, 2012)².

The intergenerational trauma and impact that child removal has on Aboriginal and Torres Strait Islander families is further exacerbated due to the modern day impacts of government policy. Policy that stems right back to colonisation and perpetuated by the removal policies of governments (State and Federal) that still occur today.

“Our children are 9.7 times more likely to be living away from their families than non-Indigenous children, an over-representation that has increased consistently over the last 10 years. It is time to completely change this broken system that is not working for our kids.” (Sue-Anne Hunter 2020)³

It is important that we are all aware that this shame cannot keep being perpetrated and we need to be using cases such as this to assist in creating precedent that supports Aboriginal and Torres Strait Islander families and communities.

It would be remiss not to also provide the below information regarding the further social determinants of health for Aboriginal and Torres Strait Islander people and how removal from Australia will dramatically impact a child’s overall health and particularly their social and emotional wellbeing, and in turn affect the mother’s health.

“For Aboriginal and Torres Strait Islander people, the social determinants of health also include factors such as cultural identity, family, participation in cultural activities and access to traditional lands. Factors

related to Indigenous community functioning are also important determinants of Indigenous health and wellbeing” (AIHW 2017)⁴.

These areas are important from a very young age and need to be continuous throughout a person’s life to ensure that they are, and remain, connected to their people, land and culture in a meaningful way.

Firstly, we need to address Cultural Identity. Cultural identity is not just about someone saying they are an Aboriginal or Torres Strait Islander, it’s about belonging and connectedness, is about understanding the true history not a European version. It is about traditions handed down directly from the elders while on Country and it is about connection to song-lines and spirits which happens through direct engagement and contact with the land, the water, the animals and learning the stories and traditions involving those.

For example, let’s look at a two/three-year old child who is already learning about Aboriginal and Torres Strait Islander culture by engaging with Country in their daily activities which include bushwalking, playing with plants and flowers and understanding that you can use them for things like food and healing. As they continue to grow in culture, they will have people around them that will assist them to connect with their cultural identity through stories and histories and language. These are things that can’t be taught over zoom or skype in meaningful ways, as the traditional way of teaching and learning by Aboriginal and Torres Strait Islander and Torres Strait Islander peoples is not supported by the one-way provision of information.

As a child grows, they will be introduced to age-appropriate crafts and art and their elders will share with them the stories that have been passed down for thousands of years. This will happen for both boys and girls up until they are about five.

Between the ages of 5 and 10 a young girl will learn about the history of Aboriginal and Torres Strait Islander culture and will learn about how Aboriginal and Torres Strait Islander people utilised the land. She will learn about looking after the younger ones. She will engage with other girls her age and she will start to learn little bits about women’s business and become more involved in discussions with the women and other adults.

Our boys between the ages of 5 and 10, will start to learn about hunting and how to make spears, boomerangs and other tools. They will go out on Country with some of the older men who will teach them how to find food and to understand the land. They will start to learn the men’s stories and learn more about men’s business.

Our girls, between the ages of 10 and 16, will go from being girls to being women. They will learn all about their role in the mob and they will undertake their first ceremonies on the path to womanhood in the Aboriginal and Torres Strait Islander culture. They will gather with the women, as women, and participate in making decisions that affect the whole mob.

From 10-16, our boys will hone the skills required to find and hunt food, protect the families and grow into their role as part of the men in the group. They will also undertake the ceremonies that lead towards manhood under the supervision of the men and will also start participating in the decision making for the wider group.

They will undertake all of this on Country, that of their ancestors or that where they live and grow. They will become the keeper of stories, the ones who then become the teachers and they will teach the next generation. This is how the Aboriginal and Torres Strait Islander cultures have been passed down for over 60,000 years. The removal of children from this process is akin to wiping out the two longest surviving cultures on earth.

As outlined below in the snapshot taken from “How we Learn – Culture Way” (NSW Dept of Education 2021)⁵, learning and developing within culture is imperative in supporting cultural identity and connectedness.

8ways

Story Sharing: Approaching learning through narrative.

Learning Maps: Explicitly mapping/visualising processes.

Non-verbal: Applying intra-personal and kinaesthetic skills to thinking and learning.

Symbols and Images: Using images and metaphors to understand concepts and content.

Land Links: Place-based learning, linking content to local land and place.

Non-linear: Producing innovations and understanding by thinking laterally or combining systems.

Deconstruct/Reconstruct: Modelling and scaffolding, working from wholes to parts (watch then do).

Community Links: Centring local viewpoints, applying learning for community benefit.

HOW WE LEARN - CULTURE WAY

1. We connect through the stories we share.
2. We picture our pathways of knowledge.
3. We see, think, act, make and share without words.
4. We keep and share knowledge with art and objects.
5. We work with lessons from land and nature.
6. We put different ideas together and create new knowledge.
7. We work from wholes to parts, watching and then doing.
8. We bring new knowledge home to help our mob.



We also need to look at the traditional ideas of family and kinship for Aboriginal and Torres Strait Islander people to understand how important family is to the holistic health of a child. Aboriginal and Torres Strait Islander families were not, and are still not, nuclear family structures.

“Irrespective of culture, family is the foundation from which one gains emotional and psychological support. This is true of Aboriginal communities, with family standing as a form of spiritual, cultural and emotional guidance through life. It is therefore pivotal to the wellbeing of Aboriginal and Torres Strait Islander people.

The strength of the Aboriginal and Torres Strait Islander family reflects long standing cultural values and highlights the power of the kinship system. Kinship is not typical of non-Aboriginal and Torres Strait Islander families, as kinship rejects the notion of the nuclear family. By contrast, kinship encourages individuals to develop a more flexible understanding of the concept of the family unit and relationships with others. The expansive nature of the family structure adopted by Aboriginal communities is closely tied to kinship responsibilities.” (Watarrka Foundation 2021)⁶

Participation in cultural activities is another area that we identify, as Aboriginal and Torres Strait Islander people, as imperative for our holistic health. Cultural activities come in many forms for example, ceremony, celebrations, gatherings, sorry business as well as non-traditional activities such as NAIDOC Week and Reconciliation Week.

Being able to engage with our families and communities around these events provides us with opportunities to connect to Country and culture, learn and grow with support as well as opportunity to strengthen our family connection and community connections.

These are opportunities that Aboriginal and Torres Strait Islander children will be able to use to grow, learn, develop and connect in a meaningful way that embeds and nurtures cultural identity. The connectedness through cultural activities is at the core of our social and emotional wellbeing as Aboriginal and Torres Strait Islander people. These are not things that children can engage in as a face on a computer screen in the corner, which is what will occur should they be removed from Australia.

As discussed, the other part of holistic health for Aboriginal and Torres Strait Islander people is access to traditional lands. Connection to Country is often spoken about but also often misunderstood. Country has numerous meanings but all as important as each other.

We have traditional lands, those that are used for ceremony, gatherings, etc., and are sacred to our mobs across the country. They are lands which hold our stories, our knowledge and our culture (our dreaming). To be denied access to these has been one of the most harrowing parts of Australian history for Aboriginal and Torres Strait Islander people and it has been recognised by governments, courts, and international bodies that access to these lands and connection for Aboriginal and Torres Strait Islander peoples to our sacred places, is absolutely essential in achieving better outcomes for Aboriginal and Torres Strait Islander people and their communities.

We also have Country which is the land, the trees, the waterways, animals, plants etc., that are around us, the unbuilt environment. Aboriginal and Torres Strait Islander people often feel the need to take their shoes off and feel the ground beneath them. We are taught that we come from the land and we return to the land as spirits to look over it. When we are on the Country of Aboriginal or Torres Strait Islander people other than our own, we show deep respect and follow the protocols of the Country that we are on. This is learned on Country, on the land. We learn how to walk through Country by doing it, not by being told how.

Then we have Country, our own Country, which is our spiritual home. We may live on the lands of the Darug or the Bundjalung, or the Gamilaroy however our Country may be Wiradjuri, or Biripi or one of the 500+ Aboriginal Torres Strait Islander nations in Australia. This Country is where we come from and where we go back to when we pass. This is the country of our own personal totems, spirits and stories. This is the Country that we mean when we talk about our own dreaming and connection.

¹Australian Association of Infant Mental Health submission 699 page 3 citing Bowlby 1988 page 174; supported by Dr Nick Kowalenko, Director of Child and Adolescent Psychiatry at Royal North Shore Hospital, NSW, evidence 740

²Family Matters Chair Sue-Anne Hunter – Launch of Family Matters report 2020

³International Association for the Study of Attachment (IASA), Family Court Protocol, <www.iasa-dmm.org/index.php/family_court_protocol/ 2012>, accessed 2021

⁴Australian Health Ministers' Advisory Council [Aboriginal and Torres Strait Islander and Torres Strait Islander Health Performance Framework 2017 report](#)

⁵NSW Dept of Education accessed 2021 - <https://www.8ways.online/about>

⁶<https://www.watarrkafoundation.org.au/blog/the-role-of-family-kinship-in-Aboriginal-and-Torres-Strait-Islander-culture> accessed 2021