



**Australian
Human Rights
Commission**

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Via email: submissions@snaicc.org.au

Dear Ms Liddle

Input to the development of the National Aboriginal and Torres Strait Islander Early Childhood Strategy

Thank you for the opportunity to provide input to the development of the National Aboriginal and Torres Strait Islander Early Childhood Strategy (the Strategy). We commend the National Indigenous Australians Agency and SNAICC–National Voice for our Children for the work already done to prepare the Framework to inform the Strategy.

The Commission welcomes the five key goals put forward to advance the health and wellbeing of Aboriginal and Torres Strait Islander children in their early years and the intention to align the Strategy with the *National Agreement on Closing the Gap*. Efforts must be made to integrate this Strategy with other national plans focused on the rights of children, especially the forthcoming *National Framework for Protecting Australia’s Children*, the *National Plan for Reducing Violence against Women and their Children 2010–2022*, and the forthcoming *National Strategy to Prevent Child Sexual Abuse*.

The six Guiding Principles laid out in the framework also align well with a human rights-based approach focusing on participation, non-discrimination and empowerment and incorporating the central tenets of the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP). The Strategy must deliver on the four sets of principles contained in each of the United Nations Convention on the Rights of the Child (UNCRC) and UNDRIP. The guiding principles of the UNCRC are: respect for the best interests of the child as a primary consideration; the right to survival and development; the right of all children to express their views freely on all matters affecting them; and, the right of all children to enjoy all the

rights of the UNCRC without discrimination. UNDRIP's guiding principles are: self-determination, where Aboriginal and Torres Strait Islander peoples have the right to shape their own lives; participation in decision-making; respect for and protection of culture; and, equality and non-discrimination.

The Commission understands that a comprehensive accountability framework will form part of the final Strategy. It is essential that this framework is robust, that it specifically identifies the institutions responsible for implementing actions under the Strategy and that there are appropriate mechanisms in place to ensure outcomes are reached. It is also essential that this framework is developed in partnership with Aboriginal and Torres Strait Islander communities and that measurements and targets are relevant, culturally appropriate and agreed to by Aboriginal and Torres Strait Islander people. Successful national plans in Australia are often developed with strong community engagement, are sufficiently resourced to ensure action is taken and are rigorously monitored to track progress.¹ These steps must be taken to ensure the Strategy is effective at securing improved health and wellbeing outcomes for Aboriginal and Torres Strait Islander children.

Many of the recommendations outlined throughout this letter are explored further in the final report of *Wiyi Yani U Thangani*, particularly across Parts Two to Five. This report lays out pathways forward for systemic change and sees Aboriginal and Torres Strait Islander governance and leadership of services and programs as a key priority for the realisation of rights, including those of young children. Earlier this year, the Commission made a submission to the Expert Mechanism on the Rights of Indigenous Peoples Study on the rights of the Indigenous child. This submission outlines the purpose of the overarching recommendations of the *Wiyi Yani U Thangani* report, how the report engages UNDRIP in relation to the rights of Indigenous children, and where key content and actions relating to children can be found. A PDF version of the submission is attached to this letter for your reference.

The Commission welcomes the intended outcomes and focus areas under Goal 1, including the need to improve access to high quality and culturally safe supports for children, parents and families. Parenting programs must be community controlled to ensure that families and parents who seek support are able to do so without any fear of punitive interventions. Programs that support parents to increase their parenting skills must also be based on longer-term strategies to rebuild connections between generations.² All Australian governments should invest in community-led approaches to the prevention and

diagnosis of Fetal Alcohol Spectrum Disorder (FASD) and provide whole-of-life wrap around supports for people, including children and young people, with FASD, and their families.

While the community-controlled sector is to be prioritised, more must also be done to ensure mainstream services are culturally responsive. Throughout *Wiyi Yani U Thangani*, many women spoke of pervasive discrimination as a deterrent from engaging with hospitals or antenatal programs. Throughout *Wiyi Yani U Thangani*, Aboriginal and Torres Strait Islander women spoke of the importance in revitalising traditional birthing and child-rearing practices and called for supports to design and invest in culturally responsive maternal and infant models of care to reduce the gap in health outcomes for mothers and babies. This should include investment in the development of an Aboriginal and Torres Strait Islander maternity workforce; birthing on country programs; the inclusion of Aboriginal and Torres Strait Islander birthing practices across services, and maternal and parenting knowledges. The First 1000 Days Program was particularly highlighted as a critical holistic model that should be invested in.

The Commission welcomes the intended outcomes and focus areas under Goal 2, including the need for a holistic early childhood education and the engagement of families in the education of their children. Throughout *Wiyi Yani U Thangani*, women emphasised the important role of aunts, sisters and grandmothers as the first teachers who pass on the knowledge to young children that they are part of a strong and proud culture. *Wiyi Yani U Thangani* also found that high quality learning environments for children have a demonstrated impact on the education, development, and wellbeing of Aboriginal and Torres Strait Islander children. The project identified that successful early childhood education programs are developed and delivered by Aboriginal and Torres Strait Islander staff; are holistic and are inclusive of the whole family; and provide a genuine balance of cultural learning and Western education priorities.³ In developing the Framework, the Commission urges that these key principles be integrated into any actions in this area.

Services working with young children in educational settings should embed rights education that recognises children as active citizens into day-to-day practice.⁴ All services supporting young children and their families should also adopt the National Principles for Child Safe Organisations.⁵ The National Principles help organisations to put the best interests of children and young people first and are accompanied by practical tools and resources to embed child safety into all facets of an organisation's work.

The Commission commends the recognition built into the Framework of the underlying causes of inequality and poor health outcomes including the impacts of trauma, family violence, inadequate and inappropriate housing and poverty on the Aboriginal and Torres Strait Islander children and the critical need for healing programs. The Commission has called on all Australian governments to immediately address the chronic shortage of social and affordable housing for Aboriginal and Torres Strait Islander peoples. Poor housing and a lack of accessible services can threaten the safety of children including by exacerbating the impacts of family violence. More needs to be done to ensure all Aboriginal and Torres Strait Islander children and families can access affordable, appropriate, safe, secure and clean housing.

Throughout *Wiyi Yani U Thangani*, Aboriginal and Torres Strait Islander women called for significant investments in addressing intergenerational trauma to end cycles of harm, including family violence and interventions from the criminal and child protection systems. The experience of trauma in early childhood can have a debilitating impact on the development of a child and is linked to poor outcomes throughout the life course. Experiences of cumulative traumas in childhood, such as family violence and sexual abuse, are linked to a heightened risk of lifetime drinking and smoking, depression, chronic disease and adult incarceration.⁶ More must be done to address these underlying issues, many of which are detailed in the *Wiyi Yani U Thangani* report, in particular in Part Two: Supporting Strong Families and Communities.

Aboriginal and Torres Strait Islander women also called for a significant refocus and reinvestment, away from child removal into out-of-home care, towards preventative and empowering structures and services to support families to keep children home and safe. Child removal must be truly an option of last resort and, where it happens, the Commission considers that all Australian governments must develop accountability mechanisms to ensure that the relevant authorities in their state and territory comply with the Aboriginal and Torres Strait Islander Child Placement Principle and provide greater transparency and accountability around placement decision-making.⁷ Through *Wiyi Yani U Thangani*, First Nations women and girls called for all Australian jurisdictions to replace the legal orders for permanent adoption for Aboriginal and Torres Strait Islander children and refocus on supporting the permanence of their identity in connection with their kin and culture. There should also be an investment in community-controlled reunification services.

This Strategy provides an opportunity to complete this shift in focus and ensure all Aboriginal and Torres Strait Islander children and families are supported to thrive.



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¹ Australian Human Rights Commission, *Ensuring Effective National Accountability for Human Rights* (Discussion Paper, 2019) 11.

² Australian Human Rights Commission, *Wiyi Yani U Thangani* (Final Report, 2020) 511.

³ Australian Human Rights Commission, *Wiyi Yani U Thangani* (Final Report, 2020) 459.

⁴ Australian Human Rights Commission and Early Childhood Australia, *Supporting Young Children's Rights: Statement of Intent (2015–2018)* (March 2015) 12.

⁵ Australian Human Rights Commission, 'National Principles', *Child Safe Organisations* (Web Page, 2019) <<https://childdsafe.humanrights.gov.au/national-principles>>.

⁶ Xuening Chang, Xueyan Jiang, Tamara Mkandarwire, Min Shen PLoS One, *Associations between adverse childhood experiences and health outcomes in adults aged 18–59 years* 2019; (2019) 14(2); Bellis, M A, Hughes, K, Ford, K et al, 'Adverse childhood experiences and sources of childhood resilience: a retrospective study of their combined relationships with child health and educational attendance' (2018) 18 *BMC Public Health* 792; Strompolis M, Payne J, Ulker A, Porter L, Weist MD. 'Perspectives From the United States and Australia on Adverse Childhood Experiences and School Behavioral Health' (2017) 17(1) *Report on Emotional and Behavioural Disorders in Youth* 19-24.

⁷ Australian Human Rights Commission, *Wiyi Yani U Thangani* (Final Report, 2020) 103.