

Office of High Commissioner for Human Rights
United Nations Special Rapporteur on the Rights of Indigenous People
Via email: hrc-sr-indigenous@un.org
Email subject: Country Visit to Australia

20 March 2026

Dear Dr Barume,

The Healing Foundation welcomes the opportunity to provide this submission to the **Call for Input: Country Visit to Australia**.

We are grateful for you speaking to our Stolen Generations Reference Group in 2025 with respect to the UN Declaration of Rights of Indigenous People (UNDRIP) and listening to the group on matters relating to racism and rights of Indigenous Peoples in Australia, particularly Stolen Generations survivors.

The Stolen Generations Reference Group has requested to formally write to you on the issues raised in the meeting, to drive accountability around the majority unimplemented recommendations outlined in an inquiry on forced removal of Aboriginal children in Australia almost 30 years ago.

Founded in 2009, The Healing Foundation is the national Aboriginal and Torres Strait Islander organisation that elevates the voices and lived experiences of Stolen Generations survivors and descendants. We provide expert advice on the needs of ageing survivors, support survivor-led healing projects, and help educate about the continuing impacts of Australia's Stolen Generations history.

We are governed by an Aboriginal and Torres Strait Islander Board and Executive and guided in our work by a Stolen Generations Reference Group and Youth Reference Group. We support Stolen Generations Organisations to empower survivors to tell their stories and drive their healing, working with governments, policymakers, organisations, and workforces to strengthen accountability and ensure systems meet the needs of Stolen Generations survivors and support intergenerational healing.

About Stolen Generations

Stolen Generations refers to the Aboriginal and Torres Strait Islander children who were forcibly removed from their families, communities, and traditional lands, under past government policies. While there was no clear 'start' and 'end' date, it is generally accepted that Stolen Generations refers to removals between the 1910s and 1970s.

Legal and policy mechanisms provided the authority for Australian states and territories to carry out racially motivated removals that separated Aboriginal and Torres Strait Islander children from their families. Under policy frameworks of protectionism and assimilation, children were targeted and

forcibly removed from family and community because of their racial background, with the overarching intent of eliminating distinct cultures unique to First Peoples of Australia.

In 1995, the then Human Rights and Equal Opportunity Commission (now Human Rights Commission) conducted the 'National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families'. The inquiry travelled across Australia, holding open and closed hearings and taking testimonies from people directly affected by removal policies, hearing impacts of the disconnection from family, culture, language, traditional lands, as well as the abuse, neglect, and exploitation many faced. The inquiry found that the systematic removal of children, framed by “racially discriminatory” policies, was a “gross violation of human rights” that “amounted to genocide” under the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The ongoing intergenerational impacts were detailed in the inquiry’s final report *‘Bringing them home’*, tabled to federal parliament in 1997.

It is not known how many children were affected by forced removals; however, it was estimated to be at least 1 in 10. The actual number will never be known due to poor record keeping and the destruction of records. In 2021, the Australian Institute of Health and Welfare published a demographic report that indicated there were 33,600 adult Stolen Generations survivors alive, and 142,200 descendants.

When *Bringing them home* was tabled it made 83 recommendations aimed at remedying the injustice of harms caused by forced removals. These included recommendations for reparations, family tracing and reunions, acknowledgement and apologies, education, language centres, workforce training, wellbeing, and guarantees against repetition. A report released by The Healing Foundation in 2025, *‘Are you waiting for us to die?’ The unfinished business of Bringing them home*, found that just **six percent** of the original recommendations have been fully implemented.¹ Nearly three decades later Stolen Generations survivors, descendants, and communities continue to face systemic barriers to justice and restitution for the harm caused by removals.

Priority Areas

The many urgent issues survivors face are a direct result of inaction from successive governments to remedy the systemic human rights abuses inflicted upon them. The following summarises some of the time sensitive and critical priority areas in relation to Australia's international obligations, with expansion below:

- **Reparation:** Not all Stolen Generations survivors have received reparations despite having a right to remedy and reparation. Schemes have been inconsistent in reparations offered and designed without alignment to international frameworks for addressing human rights abuses, with only one jurisdiction offering compensation to descendants of survivors, and this was limited in scope. Further, reparation payments are subject to asset testing for aged care services, creating unjust penalisation of compensation designed to remedy abuses of human rights. This is a failure of Australia’s international obligations:

¹ The Healing Foundation. (2025). *Are you waiting for us to die? The unfinished business of Bringing Them Home*. Retrieved from: https://healingfoundation.org.au/media/ak5niup3/bth_report_are-you-waiting-for-us-to-die-final-2025-1.pdf

- United Nations Declaration on the Rights of Indigenous People (UNDRIP): Articles 7, 8, 10, 11, 13, 18, 22, 28, 40
 - Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles): Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
 - International Covenant on Economic, Social and Cultural Rights (ICESCR): 1, 2, 9, 10, 11, 12, 15
 - International Convention on the Elimination of all Forms of Racial Discrimination (ICEFRD): Article 1, 2, 5, 6
 - Universal Declaration of Human Rights (UDHR): Article 8
- **Health and Ageing:** Ageing survivor populations lack access to culturally safe health and aged care services. Evidence supports that survivors and their descendants experience higher rates of disability, mental health, illness, intergenerational trauma, financial instability, low socioeconomic status, less opportunities to participate within society and comfortably engage with their own Community. Holistic and person-centred approaches to healthcare show that health outcomes will not improve without redressing the intergenerational trauma caused by forced removals. The failure to provide safe and accessible health and healing services to survivors is a failure of Australia's international obligations:
 - UNDRIP: Articles 15, 18, 20, 21, 22, 23, 24, 25, 27
 - Basic Principles: Articles 20, 21, 24,
 - ICESCR: Articles 1, 2, 10, 11, 12, 15,
 - ICEFRD: Articles 1, 5, 6
 - UDHR: Articles 22, 25
- **Family reconnection and reunions:** Stolen Generations survivors and their descendants face a number of interconnected barriers when trying to reconnect with their families, including under resourced support services and inconsistent access to historical and contemporary records needed to support restitution measures, including reunification. Failing to ensure survivors are supported to reunify with family, culture, and Country is a failure of Australia's international obligations:
 - UNDRIP: Article 7, 8, 11, 13, 14, 25, 27, 31, 33, 39, 40
 - Basic Principles: Articles 11, 18, 19, 20, 24
 - ICESCR: Article 1, 2, 10, 15
 - ICEFRD: Articles 2, 5, 6
 - UDHR: Article 3
- **Sector support and intergenerational needs:** To effectively remedy the ongoing impacts of forced removals, investment into community-controlled services that address the needs of survivors, their descendants, and communities is needed. Despite national agreements towards addressing the disparities faced by Aboriginal and Torres Strait Islander populations, successive governments have failed to ensure survivor needs are being met through community driven approaches. These failures have led to an increase in contemporary child separation, increasing incarceration, and the increasing disparity of

critical outcomes including in health and education. This is a failure of Australia's international obligations:

- UNDRIP Articles 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 31, 33, 34, 38, 39, 40
- Basic Principles Articles: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
- ICESCR: Article 1, 2, 6, 10, 11, 12, 15
- ICEFRD: Articles: 1, 2, 5, 6, 7
- UDRH Article: 8

Case studies

The following information provides evidence-based case studies and examples of how successive governments' failures to implement both UNDRIP and the original recommendations of *Bringing them home* to remedy the abuses suffered has enabled an increased disparity for survivors, their descendants, and communities. This critical information is drawn from the work undertaken by The Healing Foundation and organisations that support survivors.

Reparations

- Reparations based on the Van Boven Principles were a key recommendation of *Bringing them home*. Specifically, it called for: acknowledgment and apology, guarantees against repetition, measures of restitution, measures of rehabilitation, and monetary compensation for individuals forcibly removed, family members who suffered as a result of removals, communities which suffered cultural and community disintegration, and descendants of those forcibly removed who were deprived of community, culture, and language.²
- Analysis of the schemes offered in Australia shows that the reparative measures available to Stolen Generations survivors, their descendants, and communities, is inconsistent with international obligations and standards, particularly those relating to remedy for human rights abuses.
- As of 2026, all jurisdictions except for Queensland have offered reparations to Stolen Generations survivors. Schemes have been run in Tasmania, South Australia, New South Wales, Commonwealth (Northern Territory and the Australian Capital Territory), Victoria and Western Australia, however these have been inconsistent in design and implementation, with survivors facing varying conditions and processes for eligibility, application, assessment, and appeals, as well as inconsistent amounts of compensation and other reparative measures offered.
- The amount of monetary compensation has differed significantly, ranging between \$30,000 and \$100,000 ex gratia payments, and between \$0 and \$10,000 for an additional healing or funeral payment. Further, while these payments are classified as tax-free and not means tested for access to many social services, they do impact asset testing for aged care services. This is despite existing frameworks that remove redress payments from aged care

² Human Rights and Equal Opportunity Commission. (1997). *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, p.245-246. Retrieved from: <https://humanrights.gov.au/?a=51037>

testing under the National Redress Scheme for people who experienced institutional child sexual abuse (for which Aboriginal and Torres Strait Islander people make up a disproportionately high number of applicants).³ Not only do survivors face vastly different amounts of compensation depending on where they were removed, their payments affect access to critically needed services.

- Some schemes offered only monetary compensation, while others have offered additional reparative measures, including personal acknowledgments and apologies, access to legal and financial advice, access to counselling, limited access to historical records, and in some jurisdictions healing support. There has been limited and inconsistent support towards restitution, and rehabilitation measures have been restrictive.
- Eligibility to access schemes varied significantly, with each jurisdiction developing criteria according to their individual legislative and policy contexts. This has created situations where people removed through parallel instruments, during times of policy transition, or where governmental records are minimal or absent, were deemed ineligible.⁴ Analysis based on data published by the Australian Institute of Health and Welfare in 2021 shows that schemes have attracted significantly lower applications than estimated survivor populations (for example Tasmania 21%; South Australia 16.3%; New South Wales (for 2018) 13% - eligible applicants as % of survivor population).⁵
- As of 2026, Tasmania is the only jurisdiction that offered reparations to descendants of Stolen Generations survivors. However, these payments were capped at \$5,000 per applicant or \$20,000 per family.⁶ No reparative measures have been provided to wider family or kinship networks or communities impacted by forced removals.
- As of 2026, all Australian state governments and the Commonwealth government have apologised, and Sorry Day is marked on the anniversary of *Bringing them home* each year. Not all state and federal police forces have apologised for their role in removals, nor has there been consistent recognition from church and other non-government groups involved in removals.

Family reconnection

- Access to historical and contemporary records is critical to support family history reconnection and restitution for Stolen Generations survivors and their descendants. *Bringing them home* made recommendations relating to records access, including minimum access standards and guarantees against the destruction of records. Despite significant work undertaken across relevant sectors, there remains ongoing systematic, cultural, administrative, financial, and legal barriers preventing survivors and their descendants from accessing family history records.

³ Aboriginal and Torres Strait Islander people make up 35.4% of applicants to this scheme while representing approximately 3% of the population. National Redress Scheme. (2025). December 2025 newsletter. Retrieved from: <https://www.nationalredress.gov.au/news/december-2025>

⁴ Read, P., & May, L. (2021). *The government's Stolen Generations redress scheme is piecemeal and unrealistic*, The Conversation. Retrieved from: <https://theconversation.com/the-governments-stolen-generations-redress-scheme-is-piecemeal-and-unrealistic-165878>

⁵ AIHW. (2021). *Aboriginal and Torres Strait Islander Stolen Generations aged 50 and over: updated analyses for 2018-2019*. Retrieved from: <https://www.aihw.gov.au/reports/indigenous-australians/indigenous-stolen-generations-50-and-over/contents/summary>

⁶ Department of Premier and Cabinet (Tasmania). (2008). 'Report of the Stolen Generations Assessor'. Retrieved from: https://www.dpac.tas.gov.au/divisions/documents/office_of_aboriginal_affairs/Stolen_Generations_Assessor_final_report.pdf

- Government run archives and agencies with relevant records have varying services available to support access. However, they are underpinned by different legislative contexts for different agencies and in different jurisdictions, meaning that accessing records requires navigating different processes depending on where potential records are held. The process can be cumbersome, bureaucratic, expensive, and geographically limiting. Without centralised services to support both locating and accessing records, the process is often retraumatising.
- Most government run collecting repositories have committed to Indigenous Data Sovereignty principles, and Indigenous led international standards for archival practice, such as the *Tandanya-Adelaide Declaration*. While there is ongoing commitment to these measures, progressing change that facilitates access for survivors is slow.⁷
- There are no legal measures to ensure records relevant to Stolen Generations survivors held privately, including church records that relate to former institutions where children were removed to and held, are protected or made available. These collections can hold significant information relating to family history, yet access is entirely at the discretion of the record 'owner', with no recourse for survivors.

Health and Ageing

- Stolen Generations survivors know what support they need as they age and understand the interconnected issues they face that result from their experience of removal. Many survivors are fearful and distrusting of entering the aged care system knowing the high likelihood that being re-institutionalised will trigger trauma associated with their forced removal. This is exacerbated by systemic racism and discrimination, workforces that lack adequate cultural training, and a mistrust of government systems that separated survivors from their families. The aged care system in Australia is complex and difficult to navigate even for populations who have not been affected by human rights violations.
- When aged care is Aboriginal-led, trauma-informed, and culturally designed, survivors describe feeling dignity, pride, and belonging. We know that when services include cultural activities, storytelling, shared meals, and community connection, survivors feel supported in their healing — even late in life. Models used by Aboriginal controlled providers show that culturally safe, high-quality care is possible and can act as part of a reparative process for survivors.
- Communities have repeatedly called for greater investment in Aboriginal and Torres Strait Islander-led and community-controlled aged care services, consistent with principles of self-determination and Indigenous governance. Many survivors live in locations where there are limited Aboriginal and Torres Strait Islander community-controlled aged care providers. This leaves survivors reliant on mainstream services, most of which are delivered by faith-based or non-Indigenous organisations that resemble the institutional environments and practices associated with forced removal and abuse.⁸ These circumstances can be

⁷ International Council on Archives. (2020). *Tandanya – Adelaide Declaration*. Retrieved from:

<https://www.naa.gov.au/sites/default/files/2020-06/Tandanya-Adelaide-Declaration.pdf>

⁸ Interim First Nations Aged Care Commissioner. (2025). *Transforming Aged Care for Aboriginal and Torres Strait Islander people*. p.30.

Retrieved from: <https://www.health.gov.au/sites/default/files/2025-05/transforming-aged-care-for-aboriginal-and-torres-strait-islander-people.pdf>

retraumatising for survivors and serve as a barrier to accessing necessary health and aged care services.

- The implementation of the *Aged Care Act 2024 Cth* (the Act) illustrates the consequences of the Australian government ignoring international obligations, disregarding feedback from previous United Nations Universal Periodic Reviews, and failing to implement the recommendations of *Bringing them home*. The Act was designed and promoted as ‘rights-based’ underpinned by non-discriminatory equality-based measures. However, the ‘one-size-fits-all’ approach fails to consider the ongoing impacts of removal on Stolen Generations survivors, leading to service frameworks that exacerbate existing trauma and create ongoing barriers for survivors seeking to access aged care services.
- UNDRIP was not incorporated into the design and implementation of the Act, despite recommendations made by Aboriginal and Torres Strait Islander groups.⁹ Decision-makers were not required to ensure meaningful participation, informed consultation and cooperation, or support for community-controlled services, the impacts of which are evident through the emerging failures of the new Act. This has created an ongoing barrier for Stolen Generations survivors, with limited culturally safe and appropriate aged care services available.

Sector support and intergenerational needs

- The failure to remedy the ongoing intergenerational impacts of forced removals is evident today, as the separation from families resulted in loss of cultural knowledge and identity and disrupted parenting and family relationships. With the lack of adequate reparative measures, trauma remains unresolved and intergenerational, which increases the vulnerability of Aboriginal and Torres Strait Islander children, families, and communities and perpetuates involvement with statutory systems and institutionalisation today.
- Stolen Generations survivors and their descendants are more likely than the general Aboriginal and Torres Strait Islander population to have complex and interrelated health and mental health conditions, and experience negative economic, social, education, and justice outcomes.¹⁰ Moreover, children living in households with Stolen Generations survivors face poorer health, economic, and social outcomes than other Aboriginal and Torres Strait Islander children.¹¹ Evidence has linked patterns of youth over-incarceration to the intergenerational impacts of forced removal.¹²
- Many Stolen Generations Organisations (SGO) are delivering culturally appropriate and locally informed services that support intergenerational healing for survivors, their descendants, and their families. The Australian Productivity Commission’s review of the National Agreement pointed to the growing body of evidence that Aboriginal community-controlled organisations (ACCOs) can improve outcomes for Aboriginal and Torres Strait

⁹ Department of Health and Aged Care. (2024). *A New Aged Care Act: Exposure draft*. p.34. Retrieved from:

<https://www.health.gov.au/sites/default/files/2024-05/a-new-aged-care-act-exposure-draft-consultation-feedback-report.pdf>

¹⁰ AIHW. (2021). *Aboriginal and Torres Strait Islander Stolen Generations aged 50 and over: updated analyses for 2018-2019*. Retrieved from: <https://www.aihw.gov.au/reports/indigenous-australians/indigenous-stolen-generations-50-and-over/contents/summary>

¹¹ AIHW. (2019). *Children living in households with members of the Stolen Generations*. Retrieved

from: <https://www.aihw.gov.au/reports/indigenous-australians/children-living-in-households-with-members-of-the/summary>

¹² Human Rights and Equal Opportunity Commission. (1997). *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, p.245-246. Retrieved from: <https://humanrights.gov.au/?a=51037>

Islander people.¹³ Today, many survivors receive tailored, trauma-informed, and culturally safe healing and support services that are responding to the complex issues caused by removals.

- SGOs work in contexts of unstable funding, hindering their ability to develop long term survivor-led programs or build sustainable and supported workforces. Currently, they deliver services, programs, and projects – such as aged care, records access support, reunion support, and social and emotional wellbeing support – with inconsistent funding from federal, state and territory, and local governments. As a result, many critical support areas and services remain underserviced, underfunded, and unrecognised.
- Australia has committed to addressing outcome disparities faced by Aboriginal and Torres Strait Islander people through the National Agreement on Closing the Gap.¹⁴ Despite these commitments, there is continued over-representation in all public institutions which increases contemporary family separation, such as out-of-home care, child protection and youth incarceration, where there are strong correlations with family experiences of forced removals.¹⁵
- The United Nations has repeatedly urged the Government to implement UNDRIP and enact a federal Human Rights Act and Youth Justice Act. Despite these clear directives, legislation is implemented federally and jurisdictionally, allowing for the reduction of the age of criminal responsibility to 10 years in some jurisdictions. This will disproportionately affect Aboriginal and Torres Strait Islander children, who are already overrepresented in youth detention.¹⁶
- Many Stolen Generations survivors and their families require support to reconnect with their traditional lands. While Link-Up services provide reunion and family tracing support, there are minimal other options available to people to assist survivors and their families. Moreover, many Stolen Generations' children passed away while separated from their families, and there are potentially unmarked graves located near former institutions across Australia.¹⁷ There are currently no programs to support identification, repatriation, and reburial.

¹³ Productivity Commission. (2024). *Review of the National Agreement on Closing the Gap*. Australian Government, p.49. Retrieved from: <https://assets.pc.gov.au/inquiries/completed/closing-the-gap-review/report/closing-the-gap-review-report.pdf>

¹⁴ Closing the Gap. (2020). *National Agreement on Closing the Gap*. p.8. Retrieved from: https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement_apr-21-comm-infra-targets-updated-24-august-2022_0.pdf

¹⁵ Human Rights Watch. (2025). *“All I know is I want them home”: Disproportionate removal of Aboriginal children from families in Western Australia*. Retrieved from: <https://www.hrw.org/report/2025/03/26/all-i-know-i-want-them-home/disproportionate-removal-aboriginal-children-families>

¹⁶ Australian Human Rights Commission. (2024). *‘Help way earlier!’ How Australia can transform child justice to improve safety and wellbeing*. Retrieved from: https://humanrights.gov.au/_data/assets/pdf_file/0025/25477/1807_help_way_earlier_-_accessible_0-1-2.pdf; Australian Institute of Health and Welfare. (2025). *Youth detention population in 2025*. Retrieved from: <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2025/contents/about>

¹⁷ Allam, L. (2024). *NSW boys home grounds to be explored after possible clandestine human burial sites revealed*. The Guardian. Retrieved from: <https://www.theguardian.com/australia-news/series/buried-lives>

Summary

In 2023, the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs conducted an inquiry into the application of UNDRIP in Australia.¹⁸ The Committee recommended that the Commonwealth ensure its approach to developing legislation and policy affecting Aboriginal and Torres Strait Islander People is consistent with UNDRIP. However, Australia's Fourth Universal Periodic Review notes that the Australian Government has not yet responded to these.¹⁹

Without these principles embedded in the design and implementation of policy and legislation, and responding to the obligations Australia has under other international frameworks, longstanding gaps will remain unaddressed, and the abuses suffered by Stolen Generations survivors and their descendants will remain unremedied. This is compounded by the failure of successive Australian governments to deliver on recommendations made over a generation ago. Stolen Generations survivors and their descendants carry the intergenerational impacts today and will pass them to future generations without critical and urgent action.

We appreciate the opportunity to provide this information and would welcome the opportunity to meet with you or your representatives during your visit to Australia.

Yours faithfully,



Shannan Dodson
Chief Executive Officer
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¹⁸ Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs. (2023). *Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia*, Parliament of Australia. Retrieved from: https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000083/toc_pdf/InquiryintotheapplicationoftheUnitedNationsDeclarationontheRightsofIndigenousPeoplesinAustralia.pdf

¹⁹ Australian Human Rights Commission. (2026). *Australia's Fourth Universal Periodic Review: Aboriginal and Torres Strait Islander Peoples*. Retrieved from: https://humanrights.gov.au/_data/assets/pdf_file/0032/79385/7.-Aboriginal-and-Torres-Strait-Islander-Peoples.pdf