

AI Index: ASA 12/01/99
4 March 1999

PUBLIC STATEMENT

Australia: aboriginal child removals breached contemporary human rights standards

The Australian Government should accept that past government practices of separating thousands of Aboriginal children from their families on racial grounds, involved violations of human rights recognized internationally as early as 1945, Amnesty International said today.

The government's move to have this week's test case of two separated Aboriginal children thrown out of the Australian Federal Court illustrates the government's denial of the right of individual victims to seek justice and reparation.

On Monday the government argued the court should strike out as "frivolous, vexatious and too old" a compensation case moved by Lorna Cubillo, 60, and Peter Gunner, 51. The two claimed their involuntary removal from their families at the age of seven and their abuse and deprivation in institutions have caused long-term psychological trauma and distress.

Amnesty International does not take a position on the merit or appropriateness of their case. However, the organization reiterates concern stated in its March 1998 report - *Silence on Human Rights: Government responds to "Stolen Children" inquiry* - that the Australian Government failed to acknowledge the practice of removing children on racial grounds as a violation of human rights prohibited by the United Nations (UN) from 1945.

The government's suggestion that removing the children was to their benefit and should not be judged by today's standards ignores the facts of Australia's historic promotion of 1940s human rights norms. By 1947, the year

Lorna Cubillo was taken some 800 kilometres from her family to a home for mixed Aboriginal-European children, Australian diplomats

- had successfully lobbied for human rights - including the prohibition of all racial discrimination - to become a primary tenet of the 1945 UN Charter;
- had presented a proposal for an International Court of Human Rights to enforce a future global Bill of Rights;
- were actively working in small UN committees drafting the 1948 Universal Declaration of Human Rights and two binding international human rights treaties.

Australia's outspoken commitment to all major international human rights instruments developed from the 1940s are in stark contrast to the government's attempt to prevent Lorna Cubillo and Peter Gunner from even telling their story in court.

ENDS/

For more information, to arrange an interview or receive a copy of the report, please call:

Amnesty International - International Secretariat Press Office: (+44) 171 413 5729/5566

Amnesty International Australia Press Office (+61) (2) 9217-7640 or 0411 140 077.