

## Child protection and Aboriginal and Torres Strait Islander Children

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In this resource sheet we present and discuss a snapshot of data describing the rates of involvement of Aboriginal and Torres Strait Islander children in child protection and out of home care.

### Child protection statistics for Aboriginal and Torres Strait Islander children

Aboriginal and Torres Strait Islander children are over-represented in child protection and out-of-home care services compared to other children and have been since the first data collation in 1990 (Australian Institute of Health and Welfare [AIHW], 2009).

In 2007–08, Aboriginal and Torres Strait Islander children comprised 4.4% of Australian children, and 23% of all confirmed reports of abuse or neglect. This means that Aboriginal and Torres Strait Islander children were more than 6 times more likely than other children to be the subject of a confirmed report of abuse or neglect than non-Indigenous children (see Table 1).

### Does child protection data tell us how many Aboriginal and Torres Strait Islander children have been abused or neglected?

Child protection data tells us how many Aboriginal and Torres Strait Islander children come into contact with child protection services. It is the only data routinely collected in Australia that gives an idea of the number of children experiencing child abuse and neglect. However there are several problems with these data that result in some children who:

- have been abused or neglected not being included in child protection statistics; and
- have not been abused or neglect being included in child protection statistics.

See Bromfield & Higgins (2004) for a discussion.

In addition to these known problems with child protection data, there are several issues that contribute to the under-reporting of child abuse and neglect

**Table 1: The number of children aged 0–16 years who were the subject of substantiated<sup>1</sup> reports, rates per 1,000 children by Indigenous Status 2007–08**

	Rate of maltreated Indigenous children per 1,000	Rate of maltreated non-Indigenous children per 1,000	Rate ratio <sup>2</sup>
Australia	35.3	5.5	6.4 : 1
VIC	55.0	4.9	11.2 : 1
NSW	53.0	6.8	7.9 : 1
SA	48.4	4.0	12.2 : 1
ACT	47.9	6.3	7.6 : 1
QLD <sup>3</sup>	n.a.	n.a.	n.a.
NT	23.7	4.0	5.9 : 1
WA	17.7	1.9	9.1 : 1
TAS <sup>3</sup>	n.a.	n.a.	n.a.

1. A substantiation refers to a case where an allegation that a child was "in need of protection" under state or territory law was found to be true.

2. The "rate ratio" is the number of times more likely an Aboriginal or Torres Strait Islander child is to be the subject of a substantiated report than other children (i.e., Aboriginal children in SA are 9.4 times more likely to be the subject of a substantiated report than other children in the state).

3. Queensland and Tasmania were unable to provide these data for 2007–08.

Source: AIHW (2009)

specifically in Aboriginal and Torres Strait Islander communities. These include:

- fear, mistrust and loss of confidence in the police, justice system, government agencies and the media (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007; Gordon, Hallahan, & Henry, 2002; Lievore, 2003);
- fear that the child may be removed from the community (Anderson & Wild, 2007);
- community silence and denial (Gordon, et al., 2002);
- social and cultural pressure from other members of the family or community not to report abuse or violence, and the belief that reporting is a betrayal of the culture and community (Aboriginal Child Sexual Assault Taskforce, 2006);
- a belief in the need to protect the perpetrator because of the high number of Indigenous deaths in custody (Stanley, Tomison, & Pocock, 2003);
- fear of repercussions or retaliation from the perpetrator or their family (Stanley et al., 2003);
- personal and cultural factors of shame, guilt and fear (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007);
- lack of understanding about what child abuse and neglect is generally, and lack of understanding about what constitutes child sexual abuse specifically (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007);

- language and communication barriers, lack of knowledge about legal rights and the services available, and lack of services for Aboriginal victims (Anderson & Wild, 2007); and
- geographical isolation (i.e., nobody to report to, no means of reporting and minimal contact with child welfare professionals) (Gordon et al., 2002; Stanley et al., 2003).

## What are the most common types of abuse and neglect?

In 2007–08, child abuse or neglect was substantiated or confirmed by statutory child protection services for 7,314 Indigenous children aged 0–16 years across Australia. Table 2 shows the distribution of these substantiations over the four different types of maltreatment and compares this distribution to substantiations involving other children.

**Table 2: Percentage breakdown of primary substantiated maltreatment types in 2007–08 for Indigenous and non-Indigenous children**

	Indigenous	Other
Neglect	35.8%	24.0%
Emotional abuse	34.5%	38.1%
Physical abuse	21.9%	26%
Sexual abuse	7.8%	11.9%
<b>Total</b>	<b>100%</b>	<b>100%</b>

Source: AIHW (2009)

## Child sexual abuse in Aboriginal and Torres Strait Islander communities

It is estimated that less than 30% of all sexual assaults on children are reported and that the reporting rate is even lower for Aboriginal and Torres Strait Islander children (Stanley et al., 2003). Inquiries into child sexual abuse in Western Australia, New South Wales and the Northern Territory have concluded that the sexual abuse of Aboriginal children was common, widespread and grossly under-reported (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007; Gordon et al., 2002). Robertson (2000) estimated that up to 88% of all rapes in Aboriginal and Torres Strait Islander communities go unreported.

In contrast to the low rates of sexual abuse substantiated by child protection services, police data on reported victims of sexual assault show that Aboriginal and Torres Strait Islander children are at greater risk than other children of being sexually abused (Steering Committee for the Review of Government Service Provision, 2007).

Health data regarding sexually transmitted infections, which have been associated with child sexual abuse,

showed that over twice the number of Aboriginal and Torres Strait Islander children were diagnosed with an STI compared with non-Indigenous children (Steering Committee for the Review of Government Service Provision, 2007).

Recorded victim statistics suggest that girls are more likely to be a victim of sexual abuse than boys (Steering Committee for the Review of Government Service Provision, 2007). However, inquiries in the Northern Territory and New South Wales present evidence to suggest that there is widespread sexual abuse of boys in some communities (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007).

Despite the low rates of child sexual abuse substantiated by child protection services, there is sufficient evidence to suggest that Aboriginal and Torres Strait Islander boys and girls are at greater risk of being sexually abused than other children. However, it is important to keep in mind that there are significant variations between Aboriginal and Torres Strait Islander communities. Patterns of sexual assault will vary in relation to community location and factors such as substance use and family and community dynamics (Aboriginal Child Sexual Assault Taskforce, 2006).

As shown in Table 2, the types of maltreatment experienced by Aboriginal and Torres Strait Islander children and non-Indigenous children are similar. In sharp contrast to media images of maltreatment in Aboriginal and Torres Strait Islander communities, child sexual abuse was the least frequently substantiated maltreatment type for Aboriginal and Torres Strait Islander children. However, this is likely an under-estimation of the actual incidence of child sexual abuse (see box inset for discussion).

The maltreatment type most frequently experienced by Indigenous children was child neglect. Neglect refers to the failure (usually by the parent) to provide for a child's basic needs, including failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention. The high rates of neglect are consistent with the disadvantaged socio-economic conditions prevalent in many Indigenous communities, such as overcrowding, unemployment and lack of services (Calma, 2008).

### Aboriginal and Torres Strait Islander children living in out-of-home care

Aboriginal and Torres Strait Islander children are over-represented in the Australian out-of-home care system. In 2007–08, 29% of all children in out-of-home care were identified as Aboriginal or Torres Strait Islander. Aboriginal and Torres Strait Islander children were 8.9 times more likely than other children to be placed in care (AIHW, 2009).

In all jurisdictions there were higher rates of Aboriginal and Torres Strait Islander children in care than other children (see “rate ratio” in Table 3).

### The Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle has been endorsed in legislation or policy in all Australian states and territories. The principle states the preferred order of placement for an Aboriginal and Torres Strait Islander child who has been removed from their birth family. The preferred order is for the child to be placed with:

1. the child's extended family;
2. the child's Indigenous community; or
3. other Indigenous people.

Only if an appropriate placement cannot be found from the three groups can an Aboriginal or Torres Strait Islander child be placed with a non-Indigenous carer (Lock, 1997).

The principle provides an important acknowledgement that previous policies caused suffering to Aboriginal and Torres Strait Islander peoples and reflects the right of Indigenous people to raise their children and retain them in their communities (Lock, 1997).

Children placed in one of the three preferred options are described as having been placed in accordance with the principle. The percentage of children placed in accordance with the principle varied substantially across jurisdictions (see Table 4). In Australia in 2007–08, 72% of Indigenous children were placed in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle (AIHW, 2009).

**Table 3: State and territory data comparing rates of Aboriginal and Torres Strait Islander children compared to other children in out-of-home care on 30 June 2008**

	Number of children		Rates per 1,000 children		Rate ratio*
	Indigenous	Other	Indigenous	Other	
Australia	9,070	21,539**	41.3	4.6	8.9
NSW	4,316	9,231	66.3	5.9	11.2
QLD	2,085	4,150	33.0	4.7	7.0
WA	1,078	1,467	34.6	3.0	11.5
VIC	660	4,299	50.1	3.7	13.7
SA	467	1,374	39.0	4.0	9.7
NT	281	117	11.3	3.1	3.6
TAS	102	562	12.4	5.1	2.4
ACT	81	339	41.6	4.5	9.3

\* The “rate ratio” is the number of times more likely an Aboriginal or Torres Strait Islander child is to be in care compared to other children (i.e., Aboriginal children in NSW are 11.2 times more likely to be in care than other children in the state).

\*\*This figure includes 557 children whose Indigenous status was unknown

Source: AIHW (2009)

**Table 4: Percentage of placements in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle across Australia**

	Number of children			Percentage	
	Preferred placement	Non-preferred placement	Total Placements	Preferred placement	Non-preferred placement
Australia	6,671	2,349	9,020	72.0	26.0
NSW	3,634	668	4,302	84.5	15.5
QLD	1,182	903	2,085	56.7	43.3
WA	840	230	1,070	78.5	21.5
VIC	438	207	645	67.9	32.1
SA	353	102	455	77.6	22.4
NT	135	146	281	48.0	52.0
ACT	53	27	80	66.3	33.8
TAS	36	66	102	35.3	64.7

Source: AIHW (2009, Table 4.9, p. 65)

### Why do states and territories fail to place children in accordance with the principle?

States and territories fail to place children in accordance with the preferred placement types in the principle primarily because there is a shortage of Indigenous carers. Recruitment and retention of carers is a problem across the sector for both Indigenous and non-Indigenous carers (see Osborn, Panozzo, Richardson, & Bromfield, 2007). However, there are several other factors that are unique to Indigenous communities and put severe strain on the ability for out-of-home care services to recruit appropriate Indigenous carers. Three of the main factors are:

- trauma and disadvantage associated with the stolen generations affecting many Aboriginal and Torres Strait Islander adults today, to the extent that they are not able to care for children;
- the unwillingness of some Aboriginal and Torres Strait Islanders to be associated with the “welfare” system due to past government practices, including forced removal; and
- the disproportionately high number Aboriginal and Torres Strait Islander children compared to adults.

For more information see *Why is There a Shortage of Aboriginal and Torres Strait Islander Carers?* (Bromfield, Higgins, Higgins, & Richardson, 2007).

### Why might Aboriginal and Torres Strait Islander children be more likely to be abused or neglected?

The reasons why Aboriginal and Torres Strait Islander children might be more likely to be abused or neglected are complex, and need to be approached with

consideration of multiple historical, social, community, family and individual factors (Calma, 2008; Cripps & McGlade, 2008; Stanley et al., 2003).

The Human Rights and Equal Opportunities Commission (1997) report, *Bringing Them Home*, concluded that some of the underlying causes for the poor outcomes experienced by Aboriginal and Torres Strait Islander peoples and for the over-representation of Indigenous children in child protection and out-of-home care were:

- the legacy of past policies of forced removal and cultural assimilation;
- intergenerational effects of forced removals; and
- cultural differences in child-rearing practices.

Historical and ongoing dispossession, marginalisation and racism experienced by Aboriginal and Torres Strait Islanders have led to high levels of unresolved trauma and grief among Australian Indigenous people (Human Rights and Equal Opportunity Commission, 1997). Internalised trauma may be expressed by individuals in various ways including psychological distress and destructive behaviours (Atkinson, 2002). Concerns have been voiced that some Indigenous communities are experiencing intergenerational cycles of adversity and trauma, leading to entrenched social problems including poverty, high levels of violence, child abuse and neglect, and individual, family and community dysfunction (Atkinson, 2002; Robertson, 2000; Silburn et al., 2006; Stanley et al., 2003).

Some of the key individual, family and community problems associated with unresolved trauma that have also been associated with heightened rates of child abuse and neglect in Aboriginal and Torres Strait Islander communities include:

## ■ Alcohol and drug abuse

There is extensive research establishing links between drug and alcohol abuse and child maltreatment (Dawe, Harnett, & Frye, 2008). While Aboriginal and Torres Strait Islanders are less likely to consume alcohol than non-Indigenous Australians, those who do so are more likely to drink at risky levels. Indigenous people are more likely to have tried illicit drugs and to have used them in the past 12 months (Pink & Allbon, 2008). In recent inquiries, substance misuse, particularly alcohol abuse, has been noted as a principal factor contributing to child abuse and neglect (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007; Gordon et al., 2002; Robertson, 2000).

## ■ Family violence

Over the period 2002–05 the rate of reported family violence for Aboriginal and Torres Strait Islander peoples was six to seven times higher than that of the non-Indigenous population (Steering Committee for the Review of Government Service Provision, 2007). The true rate of violence in many communities is likely to be higher (Robertson, 2000). The level of family violence in Aboriginal and Torres Strait Islander communities presents an enormous risk to the safety and wellbeing of Aboriginal and Torres Strait Islander children and increases the likelihood that they will experience other forms of maltreatment (Anderson & Wild, 2007; Robertson, 2000).

## ■ Pornography

Several prominent enquiries and reports discuss concerns about the use of pornography in Aboriginal and Torres Strait Islander communities and child sexual assault (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007; Gordon, 2006; Stanley et al., 2003). Exposing children to pornography is in itself a form of abuse. There is also anecdotal evidence of access to pornography being used by adults to barter for sex with children and young people and of sexual attacks in communities escalating after the arrival of a shipment of pornography. Further, concerns have been raised about the role of pornography in conveying a distorted view of male and female sexual behaviour, normalising violent sexual behaviour and inappropriately sexualising communities (Aboriginal Child Sexual Assault Taskforce, 2006; Anderson & Wild, 2007; Gordon, 2006; Stanley et al., 2003).

## ■ Overcrowded and inadequate housing

Aboriginal and Torres Strait Islander peoples are more likely than non-Indigenous people to live in overcrowded or inadequate housing (Steering Committee for the Review of Government Service Provision, 2007). Inadequate housing is a major contributing factor to issues of child neglect. Stress associated with overcrowding can also contribute to family violence.

Inadequate housing can place children at risk of physical and sexual assault as carers may not be able to lock doors and so protect children (and themselves) from intruders (Robertson, 2000). Concerns have also been raised that overcrowding and lack of privacy puts children at higher risk of sexual abuse and may expose children to adult sexual activity and/or pornographic materials leading to inappropriate child sexualisation (Anderson & Wild, 2007).

## Are Aboriginal and Torres Strait Islander children abused or neglected more often than non-Indigenous children?

Child protection data do not reliably tell us how many Aboriginal or Torres Strait Islander children are abused or neglected in any given year. However, they do show a consistent pattern of Aboriginal and Torres Strait Islander children being substantially over-represented in every area of the child protection system (AIHW, 2009). Aboriginal and Torres Strait Islander peoples are more likely than others in the community to experience problems commonly associated with child abuse and neglect (e.g., alcohol abuse, domestic violence). Several prominent inquiries conducted in Australia over the last two decades have highlighted concerns that children in some Aboriginal and Torres Strait Islander communities are at high risk of experiencing abuse and neglect (Anderson & Wild, 2007; Atkinson, 1990; Gordon et al., 2002; Memmott, Stacy, Chambers, & Keys, 2001; Robertson, 2000). Responding to the entrenched social and economic factors that contribute to the over-representation of Aboriginal and Torres Strait Islander children in statutory care and protection services is a critical challenge recognised by Australian state, territory and Commonwealth governments (Bromfield & Holzer, 2008).

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