Submission
to

Senate Community Affairs Committee:

Inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices.

Submitted by: **Judy M**
March 2011.

Terms of reference of the Committee

(a) the role, if any, of the Commonwealth Government, its policies and practices in contributing to forced adoptions; and

(b) the potential role for he Commonwealth in developing a national framework to assist states and territories to address the consequences for the mothers, their families and children who were subject to forced adoption policies.

Response to Term of reference (a)

The primary contribution by the Commonwealth to forced adoptions was that it funded the institutions and organisations that engaged in forced adoptions and other human rights abuses against mothers. This funding was provided to these institutions through the Australian Health Contribution Fund (AHCF) and through other avenues. The Commonwealth apparently provided this funding in good faith to facilitate the well being of people on low and moderate incomes.

In the 1960's pregnant single mothers were entitled to income from the Commonwealth refered to as a "special benefit". Many institutions confiscated this benefit from the mother to finance their activities including forced adoptions and other human rights abuses.

In 1948 Australia was a participant in drafting and a signatory to the International Declarations on Human Rights.

Since that time Australia has ratified a number of human rights treaties. Some pertinent and temporally relevant, human rights treaties, are:

- Supplementary Convention on Slavery (1958)
- International Labor Organisation Discrimination (Employment) Convention ILO111 (1973)
- International Covenant on Economic, Social and Cultural Rights (1976)
- International Covenant on Civil and Political Rights (1980)
- Optional Protocol to the International Covenant on Civil and Political Rights (1991)

Response to Term of reference (b)

The Federal Government should take the lead in coordinating a response to 'forced adoptions' perpetrated on mothers and their children. The national response should be within a human rights framework with the matter clearly identified and managed as a human rights matter of the gravest kind.

1. Referral to the Australian Human Rights Commission to:

    - Investigate and document the breaches in human rights and violation of human rights treaties which occurred in forced adoption practices
    - In cases in which breaches have occurred to facilitate remedies in accordance with the 'Basic Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law (The van Boven Principles).

2. That the Federal Government deliver a national apology to the mothers and children of forced adoption practices. That Federal Government extend this apology to include mothers who relinquished their children due to the lack of economic and social services, and the children of these mothers. That the government bring pressure to bear on other jurisdictions, hospitals and religious organisations to also apologize.

3. That the Government give priority in terms of funding to measures that directly assist the mothers and children. That the Government acknowledge that the recommendations in other submissions to the Commission for further research, the training of the medical profession and establishment of services for mothers and their children seems dreadfully belated and misdirected. (Winkler & Van Keepel produced their ground breaking research in 1984.)

    A considerable number of the survivors of forced adoption will need to be medicated for the rest of their lives. Measures that would directly assist mothers would include reimbursement of the costs of necessary prescription drugs.

    Neuroscientists now understood that the human brain, in females, is not fully developed until around 23 years of age. The extreme trauma experienced by many mothers resulted in injury which inhibited their intellectual and emotional development. Many would not have been able to reach their potential either in the work force nor generally. Some may be in difficult financial circumstances as a result. The Government should investigate ways to financially assist these mothers.

4. The Federal Government needs to ensure such violations cease (Van Boven Principle 15). Whilst some adoptions were necessary and will continue to be necessary, the government needs to ensure that the demands of infertile couples for babies for adoption in Australia, does not lead to a repetition overseas of the human rights abuses which occurred here. If the Government

cannot guarantee the human rights of mothers and children in overseas countries then overseas adoption should be banned and the Government should only support the sponsoring of these children in their own countries.

5. Some mothers 'relinquished' their children, whilst they were too young, inexperienced (first time mothers) and often suffering some level of depression. Thus they did not have the capacity to understand the legal ramifications and long–term implications for themselves or their child. Local and overseas surrogacy should be banned. It undermines the dignity of woman and it is a rare woman who can give birth without becoming a mother.

6. In those cases in which state governments, institutions and religious bodies involved in forced adoptions, do not come under the jurisdiction of Human Rights Law, that the Government give thought to designing a process to ensure the provision of financial restitution to mothers and the children of forced adoptions.. That this process have mechanisms to protect the privacy and the mental well being of this extremely traumatised group. That this process have a standard of proof similar to that required in civil litigation. That costs associated with this process not be born by the complainants. That the Government bring pressure to bear on those directly responsible such as state governments, hospitals and religious organisations to settle these matters with the mothers and children.

7. Forced adoptions occurred during a period of brutal patriarchy. Many pregnancies were the result of exploitative and predatory behaviour by men. The forced adoptions occurred at a time of great discrimination against women. Despite the stigma, the mothers did have legal rights these were violated. That the focus of the Government in forced adoptions should be on mothers and children. That fact that other family members, including some natural fathers suffered as a consequence should be given secondary acknowledgement.

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My personal experience

I arrived in Sydney in late 1967. I was eighteen and pregnant. Although I was a highly competent and responsible teenager I was very ignorant of the ways of the world. From the age of ten I had to defend myself against advances from boys/men without any real understanding about what it was all about. When I commenced working at fourteen men were always offering me lifts home. I thought they were just trying to be kind.

Fortunately, and surprisingly considering my ignorance and background, I had a lot of power in my relationships with men. However, during my teen years my mother's increasing mental illness caused me to become more and more vulnerable.

When I arrived in Sydney I had some vague notion that I would return home later when my child was a toddler perhaps married to my then boyfriend (he was not the father of my child). I had travelled to Sydney with my boyfriend because I was extremely embarrassed about my predicament.

Once settled in Sydney I was determined that both my child and I would get the best in medical care. With this in mind I visited the local General Practitioner who wrote a referral for me to attend Crown Street Women's Hospital (Crown Street).

I took the referral to Crown Street as instructed by the GP. I was directed to the outpatients section which was down the street and across a road from the main hospital. At the outpatients clinic I was gobsmacked when a nurse asked me my "marital status". I wondered what business it was of hers or the hospital's. After all I was only attending the hospital seeking the best in medical care. Whilst I knew very little, I did know that my marital status was not going to cause my baby to arrive by a different route. However, I did not reveal the truth as I was embarrassment and thus told them I was married That I was married was thus written on my medical file.

I attended the out-patients clinic at Crown Street regularly and afterward I would join in the antenatal classes with the other expectant mothers. Sometimes these antenatal classes would include information on the best way to care for your baby. Like a typical first time mother I was a bit concerned I would not be up to the mark

Whilst I had arrived in Sydney with considerable savings (I had worked since fourteen years of age) my boyfriend/defacto husband was freely spending it. As well, our relationship was quickly deteriorating. I inquired from Crown Street the cost of the medical expenses associated with the delivery of my child. In response, the hospital provided forms for me to complete. On completion of the forms I was told that due to my low income, the cost of the medical expenses, associated with the birth, would be covered by the Australian Health Contribution Fund. My understanding was that this money was provided by the Federal Government.

I was in a very demoralised state. The guilt pertaining to my situation was like a dead weight. Over and over in my head I thought, I must be such a bad person for this to be happening to me. I recognised that I was stuck psychologically, but it was only years later that I understood why. (At three years of age I had been sexually molested, and as a consequence there had been a medical examination - the air was thick with disgust. This was in 1952. During my childhood much of my psychic work was to overcome the sense of guilt that had emanated from this experience and feel ok about myself –that I was a good person. So once my pregnancy was confirmed all my hard work to feel ok about myself came unravelling).

I believed I had done all I could to make the best of the situation I was in. I was attending Crown Street, one of Australia's leading women's hospitals and my treating physician was held in the highest regard – not only nationally, but internationally. My medical expenses were to be paid for by the Federal Government.

I was a typical first time mother. Like most first time mothers, even today in the best of circumstances, I was not overly engaged with the fetus. The pregnancy was just something that was happening to me. I had no idea the joy that a baby would bring to me.

When I was eight months pregnant and most of my savings had gone my boyfriend said he did not want to support my child and I should have it adopted. My first

thought was that if he was not going to support me I would need to return to work very quickly and therefore I would need child care. I visited a Department of Child Welfare Office in Newtown. The woman I spoke to there was very kind and very concerned considering my tender age. When I explained to her that I was booked into Crown Street Hospital she said 'have you been to see the social worker". I said no and explained to her that I was booked into the hospital as a married woman. She said that doesn't matter "they are there to look after you". This woman also told me there was a range of benefits to assist me including maintenance from the father of my child. It all sounded too good to be true and I had trouble taking it all in. I felt so much better knowing that there were actual people like the social workers at Crown Street who's role was to look after people like me. I had felt so alone.

When I next attended the outpatient's clinic at Crown Street and after participating in the ante-natal class, I went upstairs to the social workers office. I had noted this office previously when I had gone upstairs to speak to the dietician.

I met a social worker by the name of (...) (...) I told (...) about my situation that I wasn't married and what my boyfriend had said to me- that he did not want to support my baby and I should have it adopted. (...) asked me if I had thought about adoption. I said no. (...) did not provide me with any information about adoption except for stating that adoptive parents are the most wonderful of people. I thought it would be nice to know people like that.

I explained to (...) that I was not happy living with my boyfriend as he was abusive. (...) said that I did not need to stay with my boyfriend, if I did not want to, as there was a lovely home that I could stay in. I told (...) I would need to be informed about all the benefits and services available to someone in my position. (...) did not respond but just sat there looking embarrassed. I was puzzled by her response but I could not make sense of it. It did not occur to me that (...) would reveal my marital status to anyone at the hospital as there would be no point to it.

So all the information I had about adoption was what (...) had told me that adoptive parents are wonderful and a movie I had seen years before called Curly Top starring Shirley Temple. I no understanding that adoption would mean separation from my child. If I had been told I would have been very alarmed and I would have immediately made it clear that adoption was out of the question. I would have known there was danger about. As things were I was left thinking adoption was a back up solution if everything else failed and the adoptive parents would welcome both of us into their lives. I had some notion that adoption was permanent and therefore a very serious matter, not something you would even be allowed to consider unless everything else failed.

I had no idea adoption meant separation from my child for the rest of my life; that my child would be taken at birth.; that I would never get to touch my own child; that I would not be entitled to any information about my own child, not even to know whether my child was dead or alive. Such unwarranted unmitigated cruelty was not within my understanding of the world. I would never have expected such a practice to be occurring any where in the world, let alone Australia.

Unbeknownst to me Crown Street had been kidnapping the babies of unaccompanied minors, like myself, for decades. If a member of the public had warned me how I would be treated at the hospital I would have thought they were stark raving mad.

However, all this was unknown to me. I thought spending time in the "lovely home" was the best place for me. I would meet other women in the same situation and we could join forces, maybe share a flat together after the births of our babies. As the "lovely home" was a place specific for women in my position, it was, I believed, there that I would be best informed about all the benefits and services available to me.

After my next appointment at Crown Street Hospital's clinic I went to see (...) the social worker, with my little case in my hand. "I've come to stay in that lovely home you tod me about" I said with a big smile. (...) told me I would need to wait for a lift. She took me to the main hospital and after filling in some paper work at a counter took me to the back of the hospital and told me I would need to wait there. (It is most likely this day that my medical file, without my knowledge, was marked UB-). I ahd no reason to suspect that any of the medical staff new about my single status.

At this time, if not before, I would have appreciated, my parents becoming involved. I needed help to tell them. I wanted to tell my father but I just couldn't tell him. I felt that I had failed him dreadfully. This was not suggested by (...) or anyone else.

I told everyone at "waiting patients" that I was going to the "lovely home" I was just waiting for a lift. I didn't know what the other pregnant women were doing there – whether they were married of not. The days came and went and I was getting more and more bewildered. We still received medical check ups in waiting patients but we did not have antenatal classes and could not attend those at the outpatients clinic as we were not permitted to leave the waiting patients area. I had asked the sister in charge of waiting patients if I would be able to go out one day. Her answer was "no, you are our responsibility now".

In those times it was not uncommon for women to have had little sexual activity before becoming pregnant with their first child. And as a consequence, some may have still had a hymen or partial hymen. Such was the situation in my case. During a medical examination a doctor got the waiting patients sister to hold me down whilst he broke my hymen with his finger causing me enormous pain and shock. Whilst this was not done by the doctor for sexually gratification and he was sorry when he saw the effect on me, it is indicative of the culture at Crown Street Hospital that this doctor thought it was ok to unnecessarily stick his fingers up my vagina and cause injury to me without my permission.

Late on a Friday I was told by the waiting patents sister to "have a shower", as I was going to be induced. I shocked and replied, "but I'm not due for another week". The sister responded that that didn't matter. So the same sister who told me I was "their responsibility" and held me down whilst my hymen was ripped was also the same sister who handed me over to three men knowing what they were about to do to me wasn't necessary. That at the very least it would results in much more powerful contractions and a much more painful labour than I would have experienced otherwise.

The doctor with the international reputation surgically induced me whilst showing two other doctors how to perform this procedure. At the same time another woman from waiting patients was chemically induced. (The fact that two of us were induced using different means invokes the possibility that the incident may have been part of an experiment).

This doctor in explanation for my induction, wrote on my medical file that I had been in spurious labour for ten hours. So he was not only willing to act harmfully towards me he was also willing to make a fraudulent entry on my medical file cover it up.

I had the most intense and painful labour and as a result of the powerful contractions my cervix sustained serious injury. This injury was not addressed by the hospital.

When I was giving birth the room filled up with young men. It was so crowded they spilled out the door. No one explained to me who they were, let alone asked my permission. All I had on was a hospital gown that finished just below my breasts but left everything else exposed. I couldn't believe it was happening.

When my baby was born a pillow was put on my chest. All I could think of was that the room was so crowded that there was no where else to put the bloody pillow. I kept trying to push it away, so I could see my baby. At one stage I managed to get it on the floor but it was placed back on my chest. A young nurse who witnessed my further attempts to push the pillow away lifted it off my chest, but she was instructed to place it back by an older nurse. I couldn't believe this was happening.

I was given cocktail of powerful drugs including stilbestrol and penobarbitol. Without my permission and semi conscious I was taken in an ambulance away from the hospital to another location (I now know to be Lady Wakehurst an annex of Crown Street). I had no idea where I was or where my baby was. My belongings were searched and taken and hidden. I was in a large ward with other women but I was semi conscious. The nurses were very kind and caring but never asked me why I cried.

A couple of days after the birth, unsummoned and unannounced, a women arrived at my bedside. This woman said she was from the Department of Child Welfare. She stated that she had come about the adoption. I told her that I was keeping my baby and would she be able to inform me of the assistance available to me. She replied that she did not know about any benefits or anything as she was new to Australia. This woman, a stranger to me, had been to Crown Street and viewed my baby. I asked her what my baby looked like.

I was crying all the time and one night I woke up screaming, clearly I needed to be psychiatrically assessed. I knew I felt dreadful, but was too young to know I was suffering serious depression to the point of psychosis.

A couple of days later the woman from the Department of Child Welfare returned. She presented me with what she said were adoption papers I refused to sign. She said I would not be allowed to leave the hospital until I signed the papers. Whilst I truly believed I would never be set free from that place I refused to sign. It was only when

she said that I could change my mind later that I agreed to sign the papers. If it had not been for the 30 day revocation period I would never had signed the papers. I did sign the papers but I didn't sign the papers for my child to be adopted, I signed the papers bring an end to my (unlawful) incarceration..

Whilst I was signing the papers, this woman then told me that I would have no rights to see my child after the adoption. It was like a knife in my heart. This was the first time that it was explained to me that adoption would involve separation from my child. I was not given any papers to keep. (It would have been sometime after I signed the papers the words "Socially Cleared" were written on my medical file).

The drug cocktail, design to obliterate maternal feelings must have been working well on the other mothers in the ward. There was no obvious evidence of trauma. I was the only one crying.

Free at last, but unable to walk properly and hunched over due to my injuries from the birth, I made my way back to Crown Street. I had been incarcerated for approximately three weeks (an eternity for a teenager). (...) the social worker, who had made no effort to see me during the whole period, was not pleased to see me. I told her that we, (myself and another mother) had come to see our babies. (...) was angry and threw her pen down on her desk. When we were walking towards the main hospital (...) stated to me that she had been talking to the woman from the Child Welfare Department. (...) said "we have decided that we will not let you keep your baby, unless your mother helps you.".

That day I saw my baby for the first and last time.

I returned to my home town but my mother, much to her later regret, did not want me to keep the baby. My father said nothing. I thought this was because he was so disgusted, but in fact he didn't know that I had had a baby. When I later had another baby to replace my lost baby my father was very supportive.

I tried to revoke the consent to adoption but did not know this was to be done at the NSW Supreme Court and was not successful.

I thought about going to the police but, felt so helpless and worthless. How could I be right and all the adults, including the authorities be wrong.

I have never seen my son again.

Previous and during the birth I had no idea that I would be separated from my child or that such a practice existed. .

Two years later I would meet my soul mate (my Danish prince). If my child had not been abducted this man would have made the most wonderful father for my child. As things were I was too ill to maintain this relationship.

In an attempt to overcome the psychic travail I was in due to the abduction at birth of my son, I became pregnant again and had a baby girl in 1971. I refused to wear a wedding ring. In the suburb where I lived, Paddington, people were always stopping

me, not to ask me where my wedding ring was, but to tell me I had the most beautiful baby. No one made a comment on my single status except one of my neighbours. This woman told me that I was "very brave" if she were in my position she "would have an abortion". Sometimes I would attend meetings of CHUMS (Care and Help for Unmarried Mothers) at Paddington Town Hall. There were dozens of young mothers with their babies all happy and well cared for. My understanding was that the majority of these young mothers and their babies were living with their families. They were lucky mothering their children whilst enjoying their teenage years.. I think this would have been the best solution for many of the mothers who lost their children to adoption.

My baby girl was just amazing. She had a wisdom and wit for her age that was remarkable. We had so much fun together. She is now a happy, honest, caring and successful adult.

The pain of the loss of my child rendered me suicidal every day for the best part of my life. In addition, shock of that loss, and the lack of control I experienced over that loss - an experience that I had never contemplated, that was not part of my worst nightmares, caused serious injury to my brain. Eighty percent of my energy has gone into surviving the trauma. For forty years I could not function normally and still have significant vulnerability even today.

Adoption at this time in NSW (1968) was supposed to occur through an adoption agency, yet I never made any contact with an adoption agency and never asked for a referral to one. My desire to keep my child was clearly stated. Whatever the social stigma the rule of law should have been paramount. I was the sole legal guardian of my child and whilst the abduction of my child was enabled by the adoption legislation (NSW Adoption of Children Act 1965) it was not sanctioned by that legislation or by 'official' policy.

The medical records from Crown Street reveal I attended all my appointments at the hospitals clinic as instructed. The Crown Street social worker, (...) describe me in her records as "attractive and well groomed". On the Department of Child Welfare records I am described as having "above average intelligence".

Judy M