



A Charter of Rights to Childhood Records

PREAMBLE

Whereas:

Many Australian children, through no fault of their own, were placed in orphanages, children's Homes, foster 'care' and other forms of institutions that replaced their homes and families and isolated them from ordinary community life; and

Many children left such 'care' angry, ashamed, confused about their identity, often not understanding the reasons for their separation from family because no one explained their situation, wanting to re-connect with their families and communities wherever that was still possible, and carrying many unresolved burdens resulting from the physical, emotional and sexual abuse and neglect that were inflicted on them; and

Any records that were made and archived in those circumstances may represent the only documented account of the person's time in such institutions; and

The historic reasons for creating these childhood records are now, by the passage of time, redundant.

And recognising that the Australian government is a signatory to the United Nations Convention on the Rights of the Child (1989) which among other things:

Affirms that in all actions concerning children, whether undertaken by public or private social welfare institutions, the best interests of the child shall be a primary consideration; and

Requires governments to respect a child's right to know their parents and the right of the child to preserve his or her identity and family ties; and

Requires governments to respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis; and

Affirms the right of any child temporarily or permanently deprived of his or her family environment to special protection and assistance provided by the State; and

Affirms that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

CHARTER OF RIGHTS

Therefore, by ethical extension of the rights of the child to the adult the child has become, and in response to the contemporary needs of former institutionalised children, it is declared that:

1. The historic records now held in archives are there principally for the purpose of helping the 'subject' person make meaning of the circumstances of their childhood; and/or to connect, if still possible, with family and community; and/or to seek redress and other remedial action for abuse or neglect, where relevant.
2. Archivists, record-holders and support workers must expedite all requests for access to personal records. Special consideration should be given to the frail, elderly, and those involved in litigation or redress claims.
3. Under no circumstances should a request for records be influenced by consideration of any real or perceived conflict of interest in providing records. There should be no secret dossiers on children in 'care'.
4. In some cases, the records have been lost, others are incomplete, and many are found to be inadequate. Therefore, in addition to historic personal files and case notes, archivists and other support personnel have a duty to search for and identify other archived records that are relevant to the person's childhood experience to assist in providing a more complete narrative.
5. Many childhood records are partial; many contain statements that are inaccurate or misleading; and many include personal judgments or opinions and use language that is offensive. Archivists and records holders have a duty to inform the person of the right to challenge the records, and should encourage them to submit alternative relevant material for inclusion on the record.
6. Record holders have a duty to assist the 'subject' person interpret the record with issues like historical context and technical terminology.
7. The childhood records in archives are ultimately the property of the person who is the subject of the records. Originals should be provided and copies kept in archival collections.
8. The subject of the records (or, if deceased, that person's closest living blood relative or by agreement another blood relative) has the right to determine who should have access to those records and the terms of that access.
9. In acknowledgement of the importance of childhood records into the future, all agencies and organisations that take children into their custody from this time forward must create an official record comprising key documents including the child's birth certificate, the names and last-known addresses of members of the child's family, any court orders or documents related to the reasons for the child's placement, all medical and educational histories, the names of all people who visit the child during their time in custody, all documents related to transfers to other institutions including foster families and any other official documents that relate to the child's time in 'care'.
10. All agencies and organisations that take children into their custody from this time forward should encourage such children to contribute to their official records, and as well, to help them to create a personal collection of items such as relevant photographs of people, events and places that are central to their time in 'care', objects of significance to their time in any 'care' facility and any personal or descriptive accounts written by the child.