

# SITUATING THE EROSION OF RIGHTS OF INDIGENOUS CHILDREN

---

Linda Briskman\*

---

## I Introduction

The paper discusses rights erosion affecting Indigenous children, past and present. It does so by first examining normative human rights exclusions and their impacts. It then turns to discussing how exclusion from core human rights has created systemic exceptionalism. Systematic exceptionalism is demonstrated by examining: first, how Indigenous peoples have been 'banished' from the rights accorded to others, including through physical exile and denigration of identities; and second, how racism and its underpinning of white privilege have been markers of rights erosion in post-colonial Australia. The paper concludes by ruminating on the future. It contemplates whether emotional responses to Indigenous children might be a forerunner to a transformative approach that is emancipatory for Indigenous children and families. Such an approach calls for a new type of conversation that may create more effective engagement of the mainstream with Indigenous Australians and organisations that represent them. It also accords with the way Indigenous peoples have shown they can walk in the shoes of others, an ethic from which non-Indigenous societies can learn.

## II Human Rights and Indigenous Children

Forcible removal practices pertaining to Indigenous children created a 'special' class of citizen that was denied access to the *polis* and suffered diminishment of rights that were protected for other groups. Human rights concepts enshrined in international instruments, although not a panacea given criticisms of Western construction,<sup>1</sup> nonetheless provide a benchmark for practice. This paper proceeds to examine several United Nations (UN) instruments applicable to the

rights of Indigenous children: the *Convention on the Rights of the Child* ('UNCRC'), adopted in 1989; the *International Covenant on Civil and Political Rights* ('ICCPR'), adopted in 1966; the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), also adopted in 1966; and the *Declaration on the Rights of Indigenous Peoples* ('Declaration'), adopted in 2007.

The Convention on the Rights of the Child was ratified by Australia in 1990. Examination of its provisions provides evidence of inconsistencies with Australian practices. This includes the incarceration rate of young 'offenders', where the UNCRC stipulates that children should be imprisoned only as a measure of last resort.<sup>2</sup> Moreover, as Libesman states,<sup>3</sup> while the objects and principles sections in most Australian child welfare legislation were derived from the UNCRC, they have not been adopted, arguing that as a signatory to the UNCRC, all government departments should comply.

Civil and political rights enshrined in the ICCPR and ratified by Australia in 1980, have waxed and waned. Just when it seemed that Indigenous peoples had gained equality in this sphere of human rights, particularly following the passage of the 1967 referendum that removed discriminatory provisions in the Australian Constitution, the 2007 Northern Territory Emergency Response (known as 'the Intervention') shook up the human rights community, both Indigenous and non-Indigenous. From a civil rights perspective, the suspension of the *Racial Discrimination Act 1975* (Commonwealth) in order to enact the Intervention (discussed later in this paper) was particularly troubling. Discriminatory policing directed at Indigenous youth, including the lower likelihood of receiving a caution, likewise comprises an ongoing, though less overt, contravention of civil rights.<sup>4</sup>

The rights enshrined in the ICESCR (ratified by Australia in 1975) have received significant attention from government. However, the failure of government policies to realise these rights has created ongoing anguish for Indigenous families and for organisations that work alongside them. The 2008 federal government's Closing the Gap policy,<sup>5</sup> which aimed to reduce disparity across areas of Indigenous disadvantage such as life expectancy, mortality rates for Indigenous children and educational progress for children, is illustrative of flawed attempts that have failed to achieve set targets. Although one cannot deny that Indigenous wellbeing must be enhanced, including for children and young people, and that socio-economic disparities are a national scandal, the government's focus on 'fixing dysfunction' is antithetical to a rights-based approach. Rather than focusing on rights, policies are conceptually premised on a paradigm of individual liberalism while ignoring root causal factors and overlooking the remedy of giving due regard to land justice and self-determination.<sup>6</sup>

Startling disparities in health exist within wealthy Australia which serve to reduce life chances of Indigenous children and adults. According to the Australian Institute of Health and Welfare,<sup>7</sup> many factors contribute to the gap between Indigenous and non-Indigenous health. These include social disadvantage, such as lower education and employment rates, as well as higher smoking rates, poor nutrition, physical inactivity and poor access to health services. This one example suggests that multiple strategies are required to tackle health disadvantage, with both structural and individual (but not victim-blaming) focus.

Although Australia, unlike other industrialised countries, does not have national human rights legislation, it has committed itself to human rights realisation at the very least by signing up to international instruments. Yet, there is a danger that the rhetoric of human rights can obscure the need for policies to realise rights. Proclaiming the possession of rights is undoubtedly important, but unless the required resources are put in place one cannot enjoy these rights. Henry Shue explains the distinction in lay terms: 'A proclamation of a right is not the fulfilment of a right, any more than an airplane schedule is a flight'.<sup>8</sup>

The UN *Declaration on the Rights of Indigenous Peoples* was adopted by Australia in 2009. The *Declaration* codifies the question of collective rights. Broadly, collective rights are those that belong to a community, population, society

or nation.<sup>9</sup> The UN Declaration states that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples.<sup>10</sup> Unlike first and second generation rights, which are at least rhetorically accepted, collective rights remain controversial in the body politic of many Western countries including Australia, which was resistant to the passage of the *Declaration* through the UN.<sup>11</sup>

To proclaim collective rights opens up contentious debates about universal human rights and cultural relativism.<sup>12</sup> This becomes apparent for the many collectives that make up the modern Australian nation, where specific lifeways are seen as incompatible with mainstream Australian values, even though these values are ill-defined. Indigenous peoples' 'special privilege' is an area of contested ground in mainstream Australia. Particularly controversial has been the quest for recognised and resourced Indigenous governance structures and processes, as well as the acceptance of child-rearing practices that accord with Indigenous lifeways, such as the importance of extended family. Recognition of collective rights would also require the Australian nation to accept the notion of Indigenous self-determination as called for by the global Indigenous advocacy movement. This has perhaps been the biggest hurdle to accepting collective rights and for establishing child welfare systems designed and run by and for Indigenous peoples. Until trust of Indigenous peoples emerges from government, the quest for self-determination for Indigenous children is unlikely to be achieved.

The division of human rights into discrete categories in modern day legalistic constructs does not necessarily accord with Indigenous holistic approaches and the way in which rights intersect. As Mick Dodson proclaims, unless one enjoys social rights it is not possible to enjoy civil and political rights.<sup>13</sup> As an example, Dodson says that those who are deprived of legal representation, decent prison conditions and freedom from arbitrary arrest, are more likely to be sick, less well educated and unemployed.

Despite limitations, human rights remain vital for national, international and transnational struggles for social justice.<sup>14</sup> Reference to human rights can expose injustices of the state. For example, shifting the emphasis from the *needs* of Indigenous children and families, which can be paternalistic and disempowering, to their *rights* places the onus on the state to rectify violations of rights. 'Benchmarking'

disadvantage of Indigenous children against human rights norms, particularly international instruments, is also a useful approach that is characteristic of both national and international human rights bodies.

It is also useful to adopt human rights thinking that sits outside legal provision alone. Such an approach makes human rights ideas and ideals accessible to a range of disciplines and interests. Moreover, it enables complementary theoretical constructs to be interlinked with rights issues such as questions of banishment, racism and white privilege that are discussed in this paper. An example of a critical turn in human rights thinking is the work of Jack Donnelly, who emphasises human dignity. Donnelly sees human dignity as a claim that 'simply being human makes one worthy or deserving of respect'.<sup>15</sup> Thus, he argues, human rights can be understood to specify certain forms of social respect—goods, services, opportunities and protections owed to each person as a matter of rights—implied by this dignity'.<sup>16</sup> This is more urgent nowhere than for Indigenous children in order to ensure that basic protections afforded to others are realised for them.

These protections remain absent in the Australian context and the impacts of rights erosion for Indigenous children are overwhelming. Indigenous disadvantage has an early onset, with many Indigenous children falling behind even on very early childhood development outcomes. This is usually associated with the generally lower socioeconomic status of Aboriginal and Torres Strait Islander families.<sup>17</sup> Disadvantage traverses the lifespan. Although some outcomes for Aboriginal and Torres Strait Islanders have improved in recent years in a number of key areas (life expectancy, child mortality rates and the proportion of young people completing Year 12 or an equivalent qualification), Indigenous Australians continue to experience greater disadvantage than other Australians.<sup>18</sup> Giorgio Agamben's term 'bare life' can be applied to the conditions on the margins that Indigenous children and families confront on an everyday basis.<sup>19</sup>

### III Human Rights Violations Through Banishment

The idea of banishment provides a further example of rights erosion both through banishment to sites and banishment from identity.<sup>20</sup> Banishment to *sites* is physical in nature. It refers to imposed exile for Indigenous Australians, as documented in the Stolen Generations inquiry.<sup>21</sup>

Banishment from *identity* is illustrated by past practices whereby cultures, spiritual life and languages were eroded. Continuities are apparent as discussed below.

Physical banishment took place through relocation to missions, children's homes and to white foster care and adoption, as extensively documented by the Human Rights and Equal Opportunity Commission (HREOC) in 1997.<sup>22</sup> Current practices of site banishment for children include ongoing over-representation in the child protection system, out-of-home care, and institutionalisation in the juvenile justice system. Regrettably, evidence suggests that there is a trajectory from the child welfare and juvenile systems to the adult criminal justice system.<sup>23</sup> With Indigenous Australians imprisoned at such a disproportionate rate,<sup>24</sup> there is scant attention given to characteristics of the Indigenous prison population that link back to patterns emerging in the life cycle, for example higher levels of alcohol and cannabis dependency and lower levels of education than non-Indigenous peers.<sup>25</sup> Cunneen posits that Indigenous people have been victims of profound historical injustices and abuses of human rights, which he argues can at least partially be understood as state crime. Moreover, he says, contemporary justice systems are often seen in the context of the abuse of Indigenous people's human rights.<sup>26</sup>

Thus, a deficit model prevails that individualises ongoing problems faced by Aboriginal communities that contribute to child abuse and neglect.<sup>27</sup> Furthermore, judgments against Indigenous families continue, particularly under the construct of neglect. An example of this is the categorisation of extended family living or the care of Indigenous children by multiple relatives as overcrowding.<sup>28</sup> Both international and Australian data reveal that Indigenous children and young people are over-represented at all stages of child protection systems, with many contributing factors. These include the consequences of forced removal policies, intergenerational trauma and resultant socio-economic disadvantage.<sup>29</sup> For Aboriginal academic, Judy Atkinson, societal systems have functioned abusively and, for the most part, as tools of colonisation.<sup>30</sup>

Banishment from *identity* is illustrated by past practices whereby cultures, spiritual life, and languages were eroded in the 'interests' of first 'soothing the pillow of the dying race' and then assimilation approaches that aimed to eliminate Aboriginal identity. Oral history research with elders affected by the Stolen Generations, recounted stories

of children experiencing disparagement of their Aboriginal identity.<sup>31</sup> These ranged from a white father who thrashed his son for not wearing a shirt as he would be blackened by the sun, to a boy whose teacher would ridicule his culture by use of the term 'heathens'. In different guises this continues to the present day whereby rejection of the spirituality of Indigenous peoples in Australia and globally compounds marginalisation.<sup>32</sup> In 2005, Indigenous Affairs Minister Amanda Vanstone labelled remote Aboriginal communities as 'cultural museums'.<sup>33</sup> Although this statement appeared extreme it resonates with how Indigenous children are perceived by society. For example, child-rearing practices are depicted as 'unacceptable' and Australian society fails to contemplate how it might learn from such strengths as extended family caring. Denoting Indigenous children's communities as dysfunctional is likely to have a toll on their self-esteem and result in 'behavioural consequences' that then face the full force of child protection and juvenile justice authorities.

There are further identity and cultural questions connected with 'mainstreaming', aspiring to 'elevate' children from levels of disadvantage and to reach equity with other Australians.<sup>34</sup> To date a 'cost/benefit' analysis has not been applied to endeavours to increase Indigenous participation in education, lauded by many Indigenous and non-Indigenous commentators and advocates. Globally, Khoo and Walsh note that demands for justice have become more complex with issues of identity, difference and cultural recognition coming to the fore, which leave mainstream educational efforts too narrow in their conceptions of equity.<sup>35</sup> They refer to difficulties arising in Mexico whereby inequality between Indigenous and non-Indigenous people is increasing and where Indigenous populations are less able to access culturally appropriate education, face racism and xenophobia in classrooms and endure curricula that neglects their cultures and reinforces negative stereotypes.

Rather than being relegated to the past, continuities occur through Western constructs of education and judging remote communities to be dysfunctional, a narrative that is influenced by sections of the media. Disinterest and denial by mainstream Australia of collective rights is a component of a quest for a homogenised nation. Many Indigenous communities have to struggle to maintain their cultural authority and the laws and traditions that sustain such authority.<sup>36</sup> By such means Indigenous identity as experienced through Indigenous cultural norms remains in

an exclusionary zone in the Australian 'white' context, as discussed below.

#### **IV Racism and White Privilege as Human Rights Issues**

As posited by Anderson, racism 'infringes on our rights –not just our rights as Indigenous peoples but also our legal rights as Australian citizens'.<sup>37</sup> Despite the fact that the Convention on the Elimination of All Forms of Racial Discrimination was one of the earlier United Nations human rights treaties to come into force (1969 and ratified by Australia in 1975), racism remains a scourge in Australia and other countries.

Centring the concept of racism draws attention to Indigenous advocacy for the granting of rights that accord with aspirations for children and families. These include striving for what ought to be achievable goals: family restoration; political participation; legal rights; and affirmation of identity and collective rights. There are many facets to racism to be overcome including publicised individual slurs, as evidenced on the football field; institutional racism, as revealed, for example, in policy documents that fail to recognise Indigeneity; and community racism that rather than applauding cultural pluralism, sees it as a threat.

The lack of credence to systemic racism and ensuing hurts allows underlying constructs of exclusion and exception to dominate. Such approaches and policies would not be tolerated in the broader community. Or as Keating asked us to consider in 1992, when referring to children taken by their mothers as one of the inflictions of white society: 'How would I feel if this were done to Me?'.<sup>38</sup>

Fear and racism conjoin. Fear politics pervade Australia, including fear directed toward Aboriginal people for wishing to have rights over land and fear of crime. For Indigenous children, attempts to mainstream education are seen as acceptable, but efforts to maintain community, especially remote community, are continually thwarted. As McCulloch states, fear politics abound in states of emergency manufactured around Indigenous Australians in remote communities, asylum seekers and terrorists.<sup>39</sup> For Indigenous peoples, fear politics have been waged since colonisation. Indigenous peoples are seen as a threat to community safety with the media depicting criminality, sexual assaults, substance abuse and other forms of

'dysfunction'. It is rare to find a journalist who examines Aboriginal oppression and the dominance of white thinking, and how these may contribute to the current social order. The concept of race, despite its minimisation in biological terms, remains central to the articulation of the modern nation state in order to denote in-groups and out-groups.<sup>40</sup>

The Northern Territory Intervention has received criticisms for its underlying racism. Former United Nations High Commissioner for Human Rights, Navi Pali, said during her term in office that Australia is racist. In so doing she referred to the Northern Territory Intervention.<sup>41</sup> Christine Olsen writes that when Prime Minister John Howard announced the Intervention, she was immediately struck by two aspects: 'It was being done under the guise of child protection and it was as if Australia had suddenly gone back 100 years to the 1905 Aborigines Act where Aboriginal people had no power'.<sup>42</sup> She notes in particular that the 'army was rolled in to every town and Aboriginal community'. Guy Rundle comments that with the creation of a 'national emergency' about child abuse in the Northern Territory, Australia 'became the first member of the Coalition of the Willing to invade itself', something he refers to as 'military humanitarianism'.<sup>43</sup> Despite government hyperbole, the Intervention, as with the Closing the Gap campaign, failed to result in significant benefits for the lives of children. Intervention failures include lack of improvement in financial hardship and stress or on community outcomes such as care of children and school attendance.<sup>44</sup>

It is indeed puzzling as to how the majority Australian society has allowed this state of affairs to continue. Arguably, white privilege is taken so much for granted that we are inoculated against injustices that surround us. Theoretical constructs of whiteness, stemming from the work of Ruth Frankenburg allow an examination of how Australian society functions.<sup>45</sup> This frame points to how whiteness goes unquestioned and the way the 'racialised other' is treated becomes accepted and normalised. Indigenous academic Aileen Moreton-Robinson highlights the dominance and invisibility of the invisible omnipresent norm.<sup>46</sup>

White privilege does not just belong to everyday practices. Historical analyses are seeped with the notion of battlers, heroism, suffering and pioneering, which renders the Indigenous struggle invisible.<sup>47</sup> Despite the HREOC Inquiry into the forcible removal of Indigenous children, knowledge about this era of history is patchy. Denial and forgetfulness

have become features of Australia's responses to claims for Aboriginal history to be recognised.<sup>48</sup>

Demands for moral responsibility sit alongside notions of human rights, banishment, racism and white privilege. Joseph Carens' ruminations about questions of immigration and border control resonate for Indigenous peoples as he questions how those with privilege are not concerned about people who live in situations where their futures are diminished.<sup>49</sup> How can it be that a society that aspires to achievement for its children in all spheres of their lives can be apathetic when it comes to Indigenous rights and aspirations? An over-riding factor is the reluctance of white Australia to relinquish its privileged position. In taking this stance, it is unconscionable how it is seen as acceptable to have Indigenous children grossly over-represented in out-of-home care and having severely reduced life chances. It appears that the Australian mainstream, supported by sections of the media, prefers to invoke racist paradigms of unworthiness and individual responsibility, which shift the blame to Indigenous peoples for their own troubles. The idea of Indigenous capacity and strengths is diminished and the dominant narrative switches between dysfunction and the charity notion of victim to be pitied. Both are racist constructs and antithetical to human rights.

Denoting whiteness as a limitation to Indigenous rights reveals stark power inequities. The social construction of race remains 'apartheid' in nature by perpetuating notions of superiority and inferiority. These notions of inferiority are premised on discounting those who do not subscribe to Western enlightenment values of 'progress', which also accords with non-Western critiques of universal human rights.

## **V Contemplating the Future**

What can be gleaned from the overview of rights erosion in order to ensure there are prospects for a brighter future for Indigenous children and families? At a time when Western enlightenment constructs are dominant and public protest is shrinking, the future for rights realisation for Indigenous children seem bleak. Although there are some glimmers of hope, they remain minimal. For example, although there is more education in schools about Aboriginal history and Aboriginal cultures, much of this awareness stops at the school gate. Beyond, there are diminishing spaces for plurality.

The status quo reveals what Ariel Dorfman calls our inability to imagine the suffering of others.<sup>50</sup> Empathy in the political space, such as in the 1992 Redfern Statement of Prime Minister Keating, and the apology to the Stolen Generations by Prime Minister Kevin Rudd in 2008, has been a rare occurrence. Both Keating and Rudd took a small step into Indigenous shoes, but with no lasting effect.

Furthering the notion of empathy, I end this paper by pondering whether recourse to *emotion* would be a more apt approach than recourse to laws and policies alone. This is suggested in order to counter the dispassionate nature of policy construction and mainstream practice approaches to Indigenous children and families. Coming from the discipline of social work, I am increasingly concerned about 'instrumental' forms of practice that focus on Key Performance Indicators and targets, where care and compassion have been discarded and critical reflection is rarely practiced.<sup>51</sup> Even if policy makers and practitioners find the plight of Indigenous children troubling, technical solutions are so normalised that they take over from sensitivity to cultural norms. Personal and community distress are seen through a microscopic lens. Such a lens fits with dominant worldviews and provides quick fix responses to entrenched issues that instead require political transformation with emancipatory outcomes for Indigenous children. Such emancipation would require first and foremost freeing discourses and resultant policies and practices from the limitations of Western modernist ideologies.

Social work scholar, Iain Ferguson, argues that 'another world is possible', and therefore we do not have to accept the status quo.<sup>52</sup> Thus, we can envision change that brings matters of the heart to the forefront and eliminates neoliberal thinking and scientific rationalism constructs,<sup>53</sup> which have been unable (or unwilling) to contribute to alleviation of inequality and structural disadvantage. In order to centre an ethic of moral responsibility through moral outrage, Stéphane Hessel's call in his slim text *Time for Outrage* can inspire. 'Look around you' he urges and 'you will see concrete situations to provoke you to act as a real citizen'.<sup>54</sup>

A reinvigorated approach is required to bring humanity into humanitarian work and to overturn current Western-style ideologies and policies. Part of this approach is to seize upon grass roots resistance of Indigenous Australians and to overturn the 'neoliberal tricksters' and their bureaucratic logic.<sup>55</sup> Martha Nussbaum takes the question of emotion

further, arguing for humanitarian responses based on love, which can be channelled toward key commitments of a nation, such as 'inclusiveness, equality, the relief of misery'.<sup>56</sup> Alongside neoliberalism goes the contested and emotionless quest for evidence. Although evidence abounds in socio-economic indicators, this sometimes results in a reactive response, imposition, and limited consultation. Perspectives of children are rarely considered.

By invoking outrage, an ethic of care can be built. We can learn from Indigenous empathy and reaching out from a lens of understanding created by shared oppression. Examples are the deputation of Aboriginal men in the 1930s to the German Consulate in Melbourne to protest against the treatment of Jews in Europe; the reflections of Lowitja O'Donoghue who posed the question of why Australia treats its first peoples and most recent arrivals in such shameful ways;<sup>57</sup> and the group of Aboriginal people in Sydney who arrived at the Villawood Immigration Detention Centre offering 'Aboriginal passports' to a group of men incarcerated there.

Hessel reminds us that 'the worst possible outlook is indifference'.<sup>58</sup> From this the question can be posed as to whether emotional rather than dispassionate responses might be a first step for transformative justice based on reversing human rights violations for Indigenous children.

---

\* Linda Briskman is Professor of Human Rights at the Swinburne Institute for Social Research. Her areas of research and advocacy include Indigenous rights, asylum seeker rights and countering Islamophobia. Her most recent book is *Social Work with Indigenous Communities: A Human Rights Approach* (Federation Press, 2014).

- 1 Jim Ife, *Human Rights and Social Work: Towards Rights-Based Practice* (Cambridge University Press, 2012).
- 2 Robert Milliken, 'Unlocking Indigenous Incarceration', *Inside Story* (online), 31 July 2015 <<http://insidestory.org.au/unlocking-indigenous-incarceration>>.
- 3 Terri Libesman, 'Indigenising Indigenous Child Welfare' (2007) 6(24) *Indigenous Law Bulletin* 17.
- 4 Linda Briskman and Terri Libesman, 'De-colonisation or Re-colonisation: Contemporary Social Work and Indigenous Australians' in Simon Rice and Andrew Day (eds) *In the Shadow of the Law* (Federation Press, 2014).

- 5 Council of Australian Governments, *Closing the Gap in Indigenous Disadvantage* <[https://www.coag.gov.au/closing\\_the\\_gap\\_in\\_indigenous\\_disadvantage](https://www.coag.gov.au/closing_the_gap_in_indigenous_disadvantage)>.
- 6 Christine Fejo-King and Linda Briskman, 'Reversing Colonial Practices with Indigenous Peoples' in June Allan, Linda Briskman and Bob Pease (eds) *Critical Social Work: Theories and Practices for a Socially Just World* (Allen and Unwin, 2nd ed, 2009).
- 7 Australian Institute of Health and Welfare, *Australia's Health 2014* (2014) <<http://www.aihw.gov.au/publication-detail?id=60129547205>>.
- 8 Shyama Kuruvilla, Flavia Bustreo, Paul Hunt, and Amarjit Singh, 'The Millennium Development Goals and Human Rights' (2012) 34 (1) *Human Rights Quarterly* 141 ff.
- 9 Ife, above n 1.
- 10 *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 61<sup>st</sup> sess, 107<sup>th</sup> plen mtg, UN Doc A/RES/61/295 (2007).
- 11 Kent Lebsack, 'The Working Group on the Declaration 2005: The Indigenous Struggle To Include Our Unique Worldview' (2006) 10 (1) *Newsletter of the IMADR* 9-12.
- 12 Ife, above n 1.
- 13 Michael Dodson, 'First Fleets and Citizenship', in S Rufus Davis (ed) *Citizenship in Australia: Democracy, Law and Society* (Constitutional Confederacy Foundation, 1996).
- 14 Jack Donnelly, *Universal Human Rights in Theory and Practice* (Cornell University Press, 2013).
- 15 Ibid 28.
- 16 Ibid 29.
- 17 Australian Institute of Health and Welfare, *Australia's Welfare 2015: Diversity and Disadvantage in Australia* (2015) <<http://www.aihw.gov.au/australias-welfare/2015/diversity-and-disadvantage/>>.
- 18 Ibid.
- 19 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare life* (Stanford University Press, 1998).
- 20 Linda Briskman, 'A Clash of Paradigms for Asylum Seekers: Border Security and Human Security' in Bee Chen Goh, Rob Garbutt and Baden Offord (eds), *Activating Human Rights and Peace: Theories, Practice and Contexts* (Ashgate, 2012) 270.
- 21 Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997).
- 22 Ibid.
- 23 Linda Briskman, *Social Work with Indigenous Communities: A Human Rights Approach* (Federation Press, 2014).
- 24 Anthony Dillon and Mathew Lyneham, 'Growing Tragedy of Deaths in Custody', *The Australian* (online), 24 May 2013 <<http://www.theaustralian.com.au/national-affairs/opinion/growing-tragedy-of-deaths-in-custody/story-e6frgd0x-1226649501831>>.
- 25 Judy Putt, Jason Payne and Lee Milner, 'Indigenous Male Offending and Substance Abuse' (February 2005) 293 *Trends and Issues in Crime and Criminal Justice* 2.
- 26 Chris Cunneen, 'Criminology, Human Rights and Indigenous Peoples' (2007) 9 *Sociology of Crime, Law and Deviance* 239.
- 27 Dawn Bessarab and Fran Crawford, 'Trauma, Grief and Loss: The Vulnerability of Aboriginal Families in the Child Protection System' in Dawn Bessarab, Stephanie Gilbert, and Sue Green (eds) *Our Voices: Aboriginal and Torres Strait Islander Social Work* (Palgrave Macmillan 2013) 93.
- 28 Briskman, above n 23.
- 29 Philip Mendes, Bernadette Saunders, and Susan Baidawi, *Indigenous Care Leavers in Victoria: Final Report* (Department of Social Work Monash University, Melbourne, 2016).
- 30 Judy Atkinson, *Trauma Trails, Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia* (Spinifex Press, 2002).
- 31 Linda Briskman, *The Black Grapevine: Aboriginal Activism and the Stolen Generations* (The Federation Press, 2003).
- 32 Jim Ife, *Rethinking Social Work: Towards Critical Practice* (Longman, 1997) 10.
- 33 ABC, 'Vanstone Says Remote Indigenous Communities Becoming "Cultural Museums"' (2005) <<http://www.abc.net.au/am/content/2005/s1527233.htm>>.
- 34 For details about some of the controversies see Briskman, above n 23, chapter 15.
- 35 Su-Ming Khoo and Aisling Walsh, 'Re-generating Education from Below: Endogenous Tertiary Education in Alternative Development Niches' (2016) 22 (Spring) *Development Education Review* 10-24.
- 36 Libesman, above n 3, 17-19.
- 37 Pat Anderson, 'Racism a Driver of Ill Health', *The Australian* (online), 27 July 2013 <<http://www.theaustralian.com.au/national-affairs/opinion/racism-a-driver-of-ill-health/story-e6frgd0x-1226686337203>>.
- 38 Prime Minister Paul Keating, 'Redfern Speech (Year for the World's Indigenous People)' (Speech delivered at Redfern Park, Sydney, 10 December 1992) <[https://antar.org.au/sites/default/files/paul\\_keating\\_speech\\_transcript.pdf](https://antar.org.au/sites/default/files/paul_keating_speech_transcript.pdf)>.
- 39 Jude McCulloch, 'Christmas Island Detention Centre (Paper presented at the Sisters Inside Conference, Darwin, 30 June 2007) <[www.sistersinside.com.au/media/conference2007/JudeMcCulloch.doc](http://www.sistersinside.com.au/media/conference2007/JudeMcCulloch.doc)>.
- 40 Jon Stratton, 'Uncertain lives: Migration, the Border and Neoliberalism in Australia' (2009) 15 (5) *Social Identities* 677.
- 41 Linda Briskman, 'Australia's Wake Up Call from the UN: Yes,

- We're a Racist Country', *The Conversation* (online) 31 May 2011 <<https://theconversation.com/australias-wake-up-call-from-the-un-yes-were-a-racist-country-1506>>.
- 42 Christine Olsen, 'Crossing the Gap' in Rosie Scott and Anita Heiss (eds), *The Intervention: An Anthology* (Concerned Australians, 2015) 57.
- 43 Guy Rundle, 'Military humanitarianism in Australia's north' in Jon Altman and Melinda Hinkson (eds), *Coercive Reconciliation: Stabilise, Normalise, Exit Aboriginal Australia* (Arena Publications, 2007) 37.
- 44 Eva Cox, 'The Intervention – Bad Policy and Bad Politics' in Rosie Scott and Anita Heiss (eds), *The Intervention: An Anthology* (Concerned Australians, 2015) 56.
- 45 Ruth Frankenburg, *Displacing Whiteness: Essays in Social and Cultural Criticism* (Duke University Press, 1977).
- 46 Aileen Moreton-Robinson, *Talking Up to the White Woman: Indigenous Women and Feminism* (University of Queensland Press, 2007).
- 47 Ann Curthoys, 'Entangled Histories' in Geoffrey Gray and Christine Winter (eds), *The Resurgence of Racism* (Monash Publications in History, 1997).
- 48 Anna Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000* (Fremantle Arts Centre Press, 2000).
- 49 Joseph H. Carens, *The Ethics of Immigration* (Oxford University Press, 2013).
- 50 Ariel Dorfman, 'The Tyranny of Terror: Is Torture Inevitable in Our Century and Beyond?' in Sanford Levinson (ed), *Torture: A Collection* (Oxford University Press, 2004).
- 51 Christine Morley, 'Critical Reflexivity and Social Work Practice' in J Wright (ed), *International Encyclopedia of the Social and Behavioral Sciences*, (Pergamon, 2015 2<sup>nd</sup> edition) 281-286.
- 52 Iain Ferguson, 'Another world is possible: Reclaiming the Radical in Radical Social Work' in Vesna Lekosek (ed) *Theories and Methods of Social Work: Exploring Different Perspectives* (Faculty of Social Work, University of Ljubljana, 2009).
- 53 Charlotte Williams and Linda Briskman, 'Reviving Social Work through Moral Outrage' (2015) 39 (1) *Critical and Radical Social Work* 133.
- 54 Stéphane Hessel, *Time for Outrage: Indignez-vous!* (Hachette Book Group, 2010) 29.
- 55 Williams and Briskman, above n 53.
- 56 Martha C. Nussbaum, *Political Emotions: Why Love Matters for Justice* (The Belknap Press, 2013) 2.
- 57 Lowitja O'Donoghue, (Speech delivered at the CSPU International Women's Day lunch, 8 March 2003).
- 58 Hessel, above n 54, 26.