

**Centre for Domestic and Family Violence Research  
Indigenous Family Violence Prevention Forum**

**Valuing Children**

**By**

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Good morning ladies and gentlemen, brother and sisters

I acknowledge the traditional owners of the land on which we are meeting today.

I would like to thank the Centre for Domestic and Family Violence Research and their Aboriginal and Torres Strait Islander Reference Group for inviting me to speak at this forum.

Today, more than ever, we need forums like this in which we can talk honestly about the issues of Indigenous family violence.

The issue of Indigenous family violence – and especially of the abuse and neglect of children – is not a new one: it has been raised for many years at the highest levels by concerned Aboriginal individuals, communities and organisations.

But while the issue was often acknowledged by those in government, until relatively recently there was little action, and less public or media attention given to it.

Now it seems that every newspaper and every television news report contains a shocking story about the abuse or neglect of Aboriginal kids.

The issue has become front-page news, and one that has come to define, in many ways, the view that non-Aboriginal Australia forms of us, and of our communities and our lives.

Today I want to briefly reflect on my experience as co-Chair of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, and as co-author of the Board's report, *Little Children are Sacred*.

I want to also talk about the previous Federal Government's 'emergency intervention' into the Northern Territory, and its effects – not just at the local, community level, but more broadly about how it has affected us all.

Last, I want to outline two key paths along which I believe we can move forward on the issue of Indigenous child neglect and

abuse: the recognition of our human rights; and an investment in early child development.

In 2006, I was asked by the Northern Territory Government to carry out – along with Rex Wild QC – an inquiry into child sexual abuse and neglect in the Territory.

Over most of a year, the team and I read a lot, talked to service providers and organizations, and most importantly, travelled to dozens of Aboriginal communities around the Territory to hold community meetings. We visited about 45 communities in various locations, we held over 200 meetings, we received 65 written submissions.

Two things struck me during the course of these community consultations.

First, was the lack of infrastructure in remote communities.

In many places, literally the only places that were functioning were the clinics.

Whether Government-run or community controlled, and despite universally being under-resourced and overwhelmed with the sheer scale of the task before them, they were open, they were staffed, and people were using them.

But in so many communities, everything else was ramshackle, damaged, or so under-resourced as to be essentially non-functional.

So, in so many remote communities, in situations of terrible poverty and disadvantage, so many of our people had virtually nowhere to turn for help when they need it.

The second thing that struck me was the attitude of the overwhelming majority of people from these Aboriginal communities who spoke to us during the consultations.

They had suffered much as a result of the historical processes in this country, and many of them had suffered violence and abuse themselves.

Many were sad, distressed and shamed by what was happening in their communities and in their families.

But they were owning the problem, they were not turning away and saying it was too hard.

They wanted to work with the professionals, they wanted to work with the government and with the service delivery organisations, they wanted to be part of the solution.

When Rex Wild and I came to write the report, we recorded as faithfully as we could what people told us, and we put forward almost one hundred recommendations to address the issues they raised.

These recommendations covered a whole range of areas – child protection services, health services, policing, rehabilitation, prevention, family support, education, housing, alcohol, employment, and more.

But for me the first recommendation was the most significant of all.

It said:

*That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, and both governments immediately establish a collaborative partnership ... to ... address the protection of Aboriginal children from sexual abuse.*

And it went on to say, most significantly, that:

*It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.*

We delivered the report in April 2007; for a while there was silence; and then in June 2007, the then Prime Minister and his Federal Minister for Indigenous Affairs announced the 'intervention' into the Northern Territory.

That was less than a year ago.

Since then we have had a Federal election: the Coalition Government was swept from office and, coincidentally no doubt, both the Prime Minister and the Minister for Indigenous Affairs lost their seats in Parliament.

The new Government has signalled a new approach to the relationship between Indigenous and non-Indigenous Australia with a formal apology to Indigenous people, and in particular to the Stolen Generations. This was a profound moment in our history, it was the first step in a national healing process and, for the new Prime Minister, a nation-building moment.

However, they have kept much of the 'emergency intervention' in place.

In terms of the future of the intervention, much will depend, no doubt, on its formal evaluation which is to commence some time later this year, I believe.

I don't want to go into detail about what, if anything, the intervention has achieved.

However, I will say that in my view, roving teams of volunteers supported by the army, visiting Aboriginal communities for short periods may make good TV, but it does not necessarily make a long-term difference, despite the no doubt good intentions of those involved.

I will also say that I do not think that those who so generously spoke to us during the consultations for the *Little Children are Sacred* report expected, or deserved, a response that was so heavy-handed and so lacking in basic human respect.

But in particular, I want to note the divisive effect the intervention had on all of us.

For some, this was a long overdue recognition of the continuing disadvantage of Aboriginal communities and the need to act decisively to end it.

For others, the intervention threatened further disempowerment of Aboriginal communities, while at the same time paradoxically

using a rhetoric of getting Aboriginal people ‘to take responsibility’ for themselves and their children.

Driven by a relentless media appetite for conflict and drama, and by the previous Government’s own rhetoric, the debate quickly became polarised.

The press divided us, whether we liked it or not, into ‘those in support’ of the intervention versus ‘those against’, between those who adopted a ‘rights based’ approach or those who focussed on the need to protect women and children.

I believe that it is problematic when the public debate about such an important issue becomes polarised in this way – yet it seems to me that this was virtually inevitable given the structure and intent of the intervention.

The unwillingness of government to negotiate with local communities about their needs and concerns, the perception that the evidence about what might work was being ignored,

and the concern that many of the changes had no relevance to protecting children: all these contributed to the conflict.

So, where does that leave us now?

And what are the pathways along which we can move forward?

Let me start with this: when it comes to family violence of any kind I – like the vast majority of both Aboriginal and non-Aboriginal citizens – can be quite clear: the state absolutely has a role to intervene to protect the victims.

But, as I said at the time, the intervention in the Northern Territory must be a way forward, not a way back.

Given this, I would like to identify two important pathways forward.

First, we need solutions that are based on our established human rights, both as citizens of Australia and as Indigenous peoples.

The recently released Human Rights and Equal Opportunity Commissions' Social Justice Report for 2006 defined a commitment to best-practice human rights as including:

- engagement and participation with Indigenous communities;
- capacity building and community development;
- the support for sound Indigenous governance; and
- the fostering and recognition of Indigenous leadership.

I endorse this approach, and particularly believe that it is critical that governments commit to genuine consultation in implementing initiatives for Aboriginal communities – as we recommended in the *Little Children are Sacred* report.

Why do I put such an emphasis on an approach based on human rights?

Well, obviously on one level, human rights provide the common moral and legal underpinnings of government action – by basing policy development on human rights standards, governments ensure that the solutions they adopt will be open, fair and just.

But on another level, a human rights approach is necessary because ultimately an approach based on respect for our rights and our history is the only one that, practically speaking, will work.

The anger, rage and distress that fuels family violence has its origin in a history of disempowerment and exclusion.

Any approach that does not recognise this, any approach which by ignoring our rights contributes further to that disempowerment and exclusion, is reinforcing the conditions that lead to family violence.

So, we need to move the debate beyond ‘top-down, get-tough’ rhetoric, to something based on our human rights, and our need, our right and our ability to find solutions for ourselves.

This is in keeping with the decision of the United Nations General Assembly, late last year, to adopt the Declaration on the Rights of Indigenous Peoples.

This landmark international standard gained strong support at the General Assembly with 143 nations voting in favour and 11 abstaining; unfortunately, Australia was one of four nations to vote against.

I believe that the present Federal Government needs to urgently reconsider the position of the previous Government on this matter and ratify the Declaration.

It affirms that Indigenous people, as individuals, are entitled to all internationally recognised human rights, but it also acknowledges the importance of our *collective* rights before we can truly be considered free and equal.

The Secretary-General of the United Nations, Mr Ban Ki-moon, described the Declaration's adoption as:

*... a historic moment when UN Member States and indigenous peoples have reconciled with their painful histories and are resolved to move forward together on the path of human rights, justice and development for all.*

For me it is a very hopeful sign that the international community is setting standards on these issues.

Of particular relevance to us is Article 22 which says:

*States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.*

At the same time, Article 19 makes it clear the conditions under which such interventions are to occur, saying that:

*States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*

I quote these in full because I think these articles – and the others in the Declaration – are of great importance to the future of the debate in Australia.

These standards now reflect international best practice and we need to see family violence interventions conducted on their basis.

The second pathway forward is to take seriously the long-term prevention of child abuse and neglect through well-resourced and comprehensive early childhood development programs for all Aboriginal and Torres Strait Islander children wherever they live.

Evidence from the field of early childhood development is now providing compelling new ways of looking at how our own personal histories can affect our pathway to becoming healthy, well-adapted adults.

It is now clear that a child's earliest years are critical for building a platform for a healthy life, and that deficits at this time are powerfully linked to disadvantage and ill health later in life.

In particular, child abuse and neglect have serious long-term health and social consequences that become more and more difficult to address as the child grows up.

And while we know that the overall issues of poverty, exclusion and disadvantage in childhood have a negative effect over the life course, we also know that quality interventions that are well-resourced and expertly delivered, can counteract these early set-backs.

Children given access to excellent early child development programs that involve parents and communities, will have

better outcomes throughout their lives, not just in terms of health, but also in terms of social connectedness.

This means we need services that work with families to address deficits in a child's development and reduce the risk of neglect and abuse through increasing parenting skills and parental social networks.

We need services that will prepare Aboriginal children for learning and which get them "ready" for school with high quality, learning-based preschool programs, that seek to involve parents and family in their children's education at an early stage. And, of course, schools need to be ready to receive our children, in the NT, they are not ready, they remain far from it.

Successful programs along similar lines have been run overseas, and there is no reason to believe that such an approach cannot work here – especially given that some

Aboriginal health services have already begun providing family and child-centred services to their communities.

This is why I am very hopeful about moves aimed at integrated, family-centred programs for Aboriginal people and at setting up and evaluating home visiting services which are being trialled by the Commonwealth at the moment.

So, I would identify these two pathways as important components of the way forward: a human rights approach, and the development of well-resourced comprehensive early childhood development services for all Indigenous children.

And in closing, I would add one more thing.

We have had the dramatically symbolic moment of the apology delivered to the Stolen Generations and to all of Australia's Indigenous peoples.

I know many of us are feeling more hope now than we have done for many years that Australia may at last be ready to

tackle the persistent disadvantage – and the violence – in which so many Aboriginal communities remain stuck.

To take advantage of this opportunity, we need to talk about the problem.

We need to address and understand all its complexities.

We need to create a space for reflection, where we can discuss and debate the issues in a broad and inclusive way.

With such an approach, we can combine the best evidence from within Australia and around the world with the creativity, flexibility and inventiveness of Aboriginal and Torres Strait Islander peoples to come up with solutions which – properly funded and supported – can move on from the painful and difficult place in which many of our families and communities find themselves.