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Assistant Minister for Children Slammed as “Out of Touch with Children’s Rights”

Australian Lawyers for Human Rights (ALHR) is deeply concerned by the comments of Assistant Minister for Children, David Gillespie, that the interests of Indigenous children might be better served through adoption outside of their culture, rather than being placed within their communities.

Dr Amy Maguire Co-Chair of ALHR’s Indigenous Rights Committee said, “As a signatory to the United Nation’s *Convention on the Rights of the Child (CRC)* Australia is legally obliged to ensure that in all actions concerning children the best interests of the child are a primary consideration. Under the CRC children also have rights, as far as possible, to be known and cared for by their parents, not to be separated from them and to have their identity preserved.”

“The Minister’s comments effectively push for the permanent removal of Indigenous children from their families and culture. However it is clear following [The Bringing Them Home Report](#) that such removal of Indigenous children and separation from culture has devastating impacts and is generally not in the best interests of the child.”

Dr Maguire said, “ALHR supports *The Aboriginal and Torres Strait Islander Child Placement Principle* — in place in every State and Territory — which aims to keep Indigenous children in care placed with relatives or Aboriginal foster carers. Aboriginal child-protection organisations oppose the adoption of Indigenous children because it takes away safeguards to connect a child with their wider family and culture.”

“Self-determination is the cornerstone of an effective Aboriginal child and family system and the Assistant Minister for Children should be advancing policy initiatives that are consistent with the CRC and the United Nations *Declaration on the Rights of Indigenous Peoples* rather than making statements inconsistent with international human rights principles.”

“The work of Australia’s first and only Aboriginal Children’s Commissioner, Andrew Jackomos, revealed that children in Victorian State care had been denied contact with relatives and their culture. In February 2018 an AbSec report found that the NSW Government is failing across four out of five measures to support Aboriginal children and families. Further, the number of Aboriginal children placed with relatives and kin, or with Indigenous foster carers, has decreased in the past decade, according to the Productivity Commission. ALHR supports calls by Commissioner Jackomos for the immediate appointment of Aboriginal Children’s Commissioners in every Australian jurisdiction to investigate these failings,” said Dr Maguire.

“Rather than advocating for the permanent removal of children via adoption, Minister Gillespie should be adopting the policy recommendations of expert organisations such as AbSec. For many years AbSec has been calling for greater investment in early intervention services, to be delivered through Aboriginal community-controlled organisations.”

Dr Maguire concluded, “We cannot look at child protection issues in isolation from the other issues faced by Indigenous communities.”. “We need to look at a holistic service system. Suggesting that the solution is simply to allow for the open adoption of kids in care outside of their culture completely ignores the complex nature of intergenerational trauma and the need for investment in long term solutions that will stop the cycle of trauma.”

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ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.