Faculty of Humanities

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Human rights: a challenge to critical social work practice and education

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Declaration

To the best of my knowledge and belief this thesis contains no material previously published by any other person except where due acknowledgment has been made.

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university.

Signature:

Date: …………………2 April 2013………….

Abstract

This qualitative research explores how Australian social workers position human rights in practice and education and the implications of this for critical social work. It focuses on the experiences of social work practitioners who work with refugees and asylum seekers and social work academics who work in Australian universities. The central thesis of this work is that the concept of human rights, though highly contested and problematic in many ways, can make an important contribution to critical social work practice and social work education.

I interviewed twenty-three social workers – eleven practitioners and twelve academics – about their understanding of human rights, how they translated this understanding into practice, and their reflections on human rights in social work education. The findings of the research demonstrated that the social workers interviewed for this research not only shared a strong commitment to human rights, they also shared a commitment to incorporating a human rights approach in their practice. There was considerable diversity in social workers' knowledge in relation to human rights practice, ranging from sophisticated understandings to a perceived lack of competence and confidence. Significantly, social work education played a limited role in contributing to the participants understanding of the concept of human rights, which is a concern given the profession's widespread commitment to human rights both nationally and internationally.

The key recommendation arising from the findings is the imperative for social work education to move beyond rhetorical commitments regarding human rights, to in-depth explorations of human rights and its relationship to critical social work practice. This would involve embedding human rights in the social work curriculum, as well as providing opportunities to examine the concept of human rights in detail in specialist subjects where possible. Emerging from this research is the development of a framework to embed a critical human rights approach in social work practice, with the intention of opening up spaces to further debate and discuss the complex and contested ideas surrounding human rights and its relationship with emancipatory social work practice.

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I would also like to thank all of my friends, whose support and encouragement has been unwavering, especially Kerrie, Paula, Jackie and Bob who gave me extra thinking space by looking after my children at critical times. I also really valued the support of my friend Lucy, who was enrolled in a PhD at the same time as me. I am obliged to my friends Bob, Jean and Tim who read drafts of various chapters and to my sister-in-law Sue who read the first draft of my thesis. I am grateful to Tanya Simmons who provided editing guidance on a draft of my thesis. Her suggestions were particularly helpful. I am also appreciative of my colleagues at Deakin University who provided much needed moral support in the final stages of writing.

My mother deserves special thanks for her ongoing love and support and thanks are also due to my children Lily and Max who were born during the course of this research and have patiently waited for me to finish. Finally I am indebted to my partner, John, who provided unfailing support and encouragement throughout my journey. He always had faith in me and made me laugh when I needed it most.

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Acronyms

AASW	Australian Association of Social Workers
ACHSSW	Australian Council of Heads of Schools of Social Work
AHRC	Australian Human Rights Commission
ASeTTS	Association for Services to Torture and Trauma Survivors
ASWEAS	Australian Social Work Education and Accreditation Standards
CALD	Culturally and Linguistically Diverse
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CHRE	Centre for Human Rights Education
DIAC	[Australian Government] Department of Immigration and Citizenship
DIMA	[Australian Government] Department of Immigration and Multicultural Affairs
DIMIA	[Australian Government] Department of Immigration, Multicultural Affairs and Indigenous Affairs
DoHA	[Australian Government] Department of Health and Ageing
FASSTT	Forum of Australian Services for Survivors of Torture and Trauma
HREOC	Human Rights and Equal Opportunity Commission
IASSW	International Association of Schools of Social Work
ICCPR	International Covenant of Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFSW	International Federation of Social Workers
IRCT	International Rehabilitation Council for Torture Victims
LGBTIQ	People who identify as Lesbian, Gay, Bi-sexual, Transgender, Intersex, Queer or are Questioning their sexuality
PASTT	Program of Assistance for Survivors of Torture and Trauma
PCS	Personal, Cultural, Structural [Approach]
QPASTT	Queensland Program of Assistance to Survivors of Torture and Trauma

SHP	Special Humanitarian Program
SIEV X	Suspected Illegal Entry Vessel X
STARTTS	Service for the Treatment and Rehabilitation of Torture and Trauma Survivors
STTARS	Survivors of Torture and Trauma Assistance and Rehabilitation Service
TPV	Temporary Protection Visa
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VFST	Victorian Foundation for Survivors of Torture

Dedication

I dedicate this PhD to my late father Alan Nipperess and my mother Janice Nipperess.

Chapter One: The challenge of a human rights approach in critical social work practice and education

> Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he [she] lives in; the school or college he [she] attends; the factory, farm, or office where he [she] works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere (Roosevelt 1958).

Introduction

The discourse of human rights is immensely powerful. It is inspirational, aspirational and ultimately hopeful. It has been embraced by people all over the world and is discussed and debated at the local, national, regional and global level. The concept of human rights is most often used to analyse what is wrong with the world in relation to issues as diverse as capital punishment, torture, poverty, discrimination and environmental degradation. Perhaps more importantly, it articulates a vision of a better world based on the ideal of a shared humanity. The social work profession in Australia and internationally has embraced the idea of human rights. This is evident in the statements of the national and international social work associations, which have noted that human rights are fundamental to social work. It is also evident in the literature of the profession, where a commitment to the values of human rights and social justice is common. Indeed, interest in a human rights approach for practice is intensifying and there now exists a number of comprehensive articulations of human rights based social work practice (Ife 2012; Reichert 2011; Lundy 2011; Wronka 2008).

At the same time, the discourse of human rights is also highly complex and contested. Despite this, the concept of human rights is frequently presented simplistically in the social work literature, as a self-evident truth, which often ignores the domination of Western, legal, patriarchal and privileged voices in its construction. This has led to numerous and vague commitments to human rights being made in the literature,

accompanied by little critical analysis of what this actually means in theory or practice. This is exemplified in a well-known Australian social work text, in which it is stated in the introduction, 'the social work profession has had a steadfast commitment to ideas of social justice and a respect for human rights … social work has not swayed from these underlying values' (Alston & McKinnon 2001, p. xix). There is no exploration of how such a commitment is translated into practice nor is there any discussion as to what such a commitment really means to social work. There is a risk, therefore, that the discourse on human rights in social work remains uncritical and that it may have little impact on the day-to-day work of social work practitioners. In this way the human rights discourse remains rhetorical; it is trapped in the value and theory base of social work rather than translated into practice (Harrison & Melville 2010; Dominelli 2007), and consequently the emancipatory potential of a human rights approach is neglected. This research has arisen from my interest in this dilemma: the dissonance between the strong commitment to the concept of human rights in social work and the rhetorical nature of this commitment.

Despite the complex and contested nature of the human rights discourse, the obvious importance social work has attached to human rights, and the increasing interest in a human rights approach, there are still some significant gaps in the literature. In particular there is very little research that explores social work practitioners' understanding of human rights. There has also been very little research on the implications of human rights for social work education. Finally there is very little research on human rights and social work from a critical social work perspective. The goal of this research is to explore how Australian social workers position human rights in social work practice and social work education, and the implications of this for critical social work. The research goal is centrally concerned with how social workers understand the concept of human rights, how this understanding is put into practice and how the concept of human rights is explored in the social work curriculum. Emerging from this research is the development of a framework to embed a critical human rights approach in social work practice and social work education.

This chapter provides an overview of this research. First, it situates the research in the lived experience of the researcher. Second, it gives the framework of the thesis by providing an overview of the literature relevant to the research, which includes

literature on human rights and social work, literature on the theoretical foundations of the research, and literature on the specific field of practice of social work with refugees and asylum seekers. Third, it provides an overview of the research design. Finally, it outlines the structure of the thesis.

Situating the research: a commitment to human rights in critical social work practice and education

This research is grounded in my commitment to the values of human rights and social justice, and my experiences as a social work practitioner and social work educator in Australia. It forms part of my journey to understand what a commitment to human rights genuinely means and what it can offer to critical social work practice and social work education.

A personal commitment to the values of human rights and social justice

My commitment to human rights and social justice was developed long before I studied social work. As a child I grew up in a highly political family in Queensland, Australia. My father was a trade union activist at a time when the government was known for its hostile treatment of any union activity (Evans 2007). Through my father I learned about the historical oppression of the working class, their rights as workers to good conditions, appropriate remuneration and, in particular, the right to become a member of a union to protect these rights. Although I did not agree with many of his positions – and I learned over time to be more critical of the role of trade unions in achieving social justice – my experiences in and around the Australian labour movement were pivotal in developing my commitment to social justice and social change.

When I was a teenager our family was thrown into turmoil after my mother was diagnosed with schizophrenia (and later on my brother). At that time the services for people with mental illness in Australia, and particularly in Townsville where I lived, were woeful and the stigma and discrimination experienced by people with mental illness and their families was as destructive as it was common (Human Rights and Equal Opportunity Commission [HREOC] 1993). I learned the language of human

rights through this experience and my commitment to promoting the human rights of people with a mental illness commenced.

As a young adult I married an Aboriginal man and, through him and his family, I began to understand the racism that was endemic in this country and the impact that it has had on generations of families (HREOC 1997), including my partner's own. My studies in history with the noted historian Professor Henry Reynolds extended and politicised this knowledge (Reynolds 1992), particularly in relation to land rights. I began to reflect on the privilege that I experienced simply by being white.

These three experiences have been critical in shaping my understanding of and commitment to human rights. My social work education has provided me with further knowledge, skills and values in order to put these commitments into practice.

Social work practice

My social work practice directly informs this research. Since completing the requirements for my social work degree in 1994, and informed by the values that I developed prior to and during my social work degree, I have described my approach to practice as one that is committed to human rights and social justice. I worked in numerous small community-based organisations in Queensland, Victoria and Western Australia, largely with vulnerable groups, including people with a mental illness, women, Aboriginal and Torres Strait Islander peoples and refugees and asylum seekers. Although my experiences with all of these groups have influenced the way I understand and practise human rights, the area of practice that most directly informs this research is my work with refugees and asylum seekers.

I began working with refugees and asylum seekers in 1998 at a time when considerable hostility was being directed to refugees and asylum seekers, not just by the government but also the public. The impact of Australia's increasingly restrictive policies, such as offshore processing and mandatory detention, has had a profound and well-documented effect on men, women and children asylum seekers (Briskman, Latham & Goddard 2008). These policies have called into question Australia's commitment to the human rights of refugees and asylum seekers, and have been widely criticised both within and outside the nation (Burnside 2007). As a social work practitioner in migrant

resource centres in both Melbourne and Perth, I worked across the domains of practice from individual, family and group work, through to community work, management, social policy, research and education (Chenoweth & McAuliffe 2012), and at the personal, cultural and structural levels of practice (Mullaly 2010; Thompson 2006). At the heart of my practice was the commitment to human rights and social justice for refugees and asylum seekers.

Social work education

My experience as a social work educator also directly informs this research; in particular, my involvement in the development of a new subject on human rights and practice. In 2001 I commenced my academic career at Edith Cowan University in Western Australia. I was offered the opportunity of developing a new subject for the Bachelor of Social Work. I proposed a new subject on human rights called, 'Human Rights Practice', which to my knowledge was one of the first undergraduate human rights based subjects to be incorporated in the social work curriculum across Australia. I proposed the new subject based on a belief that social work students would value a specific subject devoted to human rights. This hunch was partly based on my own interest and commitment to a critical social work (Ife 1997), and partly on some research that was conducted by the Australian Association of Social Workers (AASW) (Hordern 2001). This research, which was published in the *AASW National Bulletin* at the time I was thinking about the new subject, appeared to confirm my hunch that social workers were very interested in human rights issues. The article suggested that members of the AASW were not only interested in the Association being involved in Human Rights/Social Justice issues at a social policy level, they also wished to be actively involved themselves.

When I first started thinking about this subject there was very little published on human rights and social work practice. However, this changed rapidly. In the same year Professor Jim Ife from Curtin University published *Human rights and social work* (2001), one of the first and most comprehensive articulations of a human rights approach for practice. Coincidentally, at the same time I was due to teach my undergraduate subject on human rights for the first time, Professor Ife was also due to teach a new postgraduate subject on human rights. I was enrolled in the Masters of

Social Work at Curtin University where Professor Ife taught and I enrolled in this new subject. The opportunity of simultaneously teaching a subject on human rights and participating as a learner in another setting was invaluable, and enabled me to critically reflect on my own teaching practice and participate in a dialogue on the concept of human rights, its relationship with practice and social work education. The mutual dialogue that occurred in my classroom with my students as well as in Professor Ife's class with his students, which included me, was to have a profound impact on the way I would think of human rights in relation to both practice and teaching.

Doctoral studies

My experience of teaching and learning about human rights gave me the opportunity of interrogating the concept of human rights and some of my taken-for-granted assumptions. Until I started teaching human rights and its relationship to social work, I had not thought deeply about the concept. I recited my commitment but it was through teaching that I started to reflect on the rhetorical nature of human rights in my own practice. I began to ask myself questions: What are human rights? What does it mean to be committed to human rights and what does that look like in practice? Do other social workers share my commitment to human rights and from where did this commitment come? And finally: What is the role of social work education in relation to human rights? The opportunity of pursuing doctoral studies in this area has enabled me to explore some of these taken-for-granted assumptions; these rhetorical commitments to human rights and social justice were so obvious in my own practice, but clearly were obvious in others' practices also.

Framework of thesis

This qualitative research explores the concept of human rights in relation to critical social work practice and education in Australia. There are two central questions that underpin this research. The first question is related to practice: How do social workers understand the concept of human rights and how is this understanding translated into practice? The second question relates to social work education: How does social work education in Australia provide opportunities to explore and analyse the concept of human rights?

The modern era of human rights commenced in 1945 with the establishment of the United Nations (UN). This was followed swiftly by the Universal Declaration of Human Rights (UDHR) in 1948 and a plethora of other international human rights instruments. For many people the concept of human rights is synonymous with the UN and the UDHR. However, the idea of human rights has a much longer and more complex history. The UDHR has been a source of inspiration for individuals, groups, communities and indeed nations since it was proclaimed. However, it has also been subject to critique, not the least of which highlights the domination of Western, legal, patriarchal and privileged voices in the discourse.

The social work profession is committed to the idea of human rights and this is demonstrated in the policies of the Australian and international social work associations. At an international level, the concept of human rights is considered to be fundamental to social work according to the International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) (2001). The IFSW has produced an international policy on human rights (1996) and there are also global standards on social work education that consider human rights (IFSW & IASSW 2004). At the national level, the AASW has included several commitments to human rights in its *Code of ethics* (2010a). There are also several other commitments set out in the social work education standards and practice standards. The policy documents discussed above are simply public expressions of the values and standards of the profession. Nevertheless they indicate that the social work profession, both nationally and internationally, has a firm commitment to human rights.

The commitment to human rights also appears to be reflected in the social work literature. There is a long history of social workers thinking about the concept of human rights (Hamilton-Smith 1967), but it is only relatively recently that social workers, largely academics, have considered how human rights can be incorporated into practice. Much of the social work literature on human rights is relatively superficial with claims that social work is committed to human rights with little discussion as to what this may mean. However, there are a small but growing number of social workers that have engaged with the complexity and contested nature of human rights alluded to above. A number of different human rights approaches have

developed (Ife 2012; 2010a; Lundy 2011; Reichert 2011; Wronka 2008) and human rights is considered in relation to a number of issues including practice with vulnerable groups, the relationship with ethics and international/global social work, social work education, and social work research. Harrison and Melville (2010, p. 152) note 'the social work profession has made a clear commitment to promote human rights in practice. However, there is still a way to go to build human rights into the education, everyday practice and political activities of social workers'.

This research is located within the critical social work tradition and is specifically informed by critical social theory, feminism, racism, postcolonial and whiteness studies, postmodern theorising, and green theory. While critical social work is comprised of a diverse range of approaches (Mullaly 2010; Ferguson 2008; Thompson 2006; Healy 2000; Pease & Fook 1999; Ife 1997), it is committed to individual and social transformation at its heart (Briskman, Pease & Allan 2009). Critical social work has a long but marginal history in social work (McDonald 2006). It can be traced back to Jane Addams and the Settlement House movement, but it was the Marxist and radical perspectives that developed in the 1960s and 1970s that are the basis for the contemporary approaches of critical social work today. However, the Marxist and radical social work perspectives (Gough 1979; Corrigan & Leonard 1978) were criticised for not taking into account other dimensions in their analysis of inequality and oppression. In particular the invisibility of gender and race in their formulations were criticised by feminist, non-white and Indigenous social workers (Dominelli 2002a; 2008). Critical social work approaches have since broadened to include analyses based on oppression in general (Thompson 2006; Mullaly 2010; 2007; Dominelli 2002b). Postmodern theorists have proffered one of the most sustained critiques of modernist social work, in particular the universalist grand narratives that are so much a part of modernist critical social work (Healy 2000, 2005; Pease & Fook 1999). However, postmodern critical social work approaches have also been criticised (Ferguson 2008; Noble 2004) and the limitations acknowledged by postmodern critical social workers themselves (Healy 2005). There are now a number of contemporary approaches in critical social work that are attempting to incorporate both the strengths and limitations of modern and postmodern approaches (Ife 2012; Mullaly 2010; Healy 2000). A human rights approach has developed within the critical social work tradition relatively recently (Ife 2012; Lundy 2011; Nipperess & Briskman 2009).

This research explores a human rights approach to practice in relation to refugees and asylum seekers in particular. According to the UN Convention Relating to the Status of Refugees a refugee is a person who:

> As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (United Nations High Commissioner for Refugees [UNHCR] 2010, p.14).

The 1967 Protocol Relating to the Status of Refugees is the only amendment to the Convention and removed the geographical limit ('events occurring' in Europe) and temporal limit ('before 1 January 1951'). Asylum seekers are people who have fled to another country and have applied under the Convention to be assessed as a refugee. Asylum seekers then are people who have not yet had their refugee status determined. Essentially refugees and asylum seekers are *forced migrants* as opposed to *voluntary migrants* who leave their own country for a range of economic and other reasons. Questions of definition are vexed. In the highly charged political debates that have been experienced in Australia and around the world, the claims of refugees are commonly thrown into doubt; that they are not 'true' refugees according to the UN definition. However, the distinctions are increasingly arbitrary as Papademitriou (cited in Marfleet 2006, p. 12) notes:

> both pure refugees and purely economic migrants are ideal constructs rarely found in real life; many among those who routinely meet the refugee definition are clearly fleeing both political oppression and economic dislocation.

As of the end of 2010 the UNHCR (2011) recorded a total of 10,549,686 refugees and a further 837,478 asylum seekers worldwide. The majority of refugees were located in Asia, while the largest numbers of asylum seekers were located in Africa and Europe

respectively (see Appendix A for more information on the UNHCR Populations of Concern end-2010). According to the UNHCR (2011) four-fifths of the world's refugees were hosted by developing countries and the major source countries of refugees at the end of 2010 were Afghanistan, Iraq and Somalia.

In Australia 2011, 13,799 visas were granted under the Humanitarian Program; of these, 8,971 were granted under the offshore component of the program and 4,828 were granted under the onshore component of the program (Department of Immigration and Citizenship [DIAC] 2011a). In the ten years from 2001 to 2011 the Humanitarian Program has granted approximately the same number of visas each year, though the proportion of visas granted under the offshore and onshore components of the program has varied (see Appendix B for a full description of the Humanitarian Program). Despite the small numbers of people arriving by boat, the Onshore Protection component of the Humanitarian Program has proven to be the most controversial (Gibney 2004). I will go on to show in Chapter Four that Australia treats the refugees who arrive by boat, known in popular discourse as 'boat people', very differently to those who arrive via the Offshore Resettlement program. Though most asylum seekers are granted refugee status according to the convention, they are treated with suspicion, labelled and stigmatised, and are forced to endure conditions in remote detention centres that have major consequences for their health and wellbeing (Lusher et al. 2007; Austin, Silove & Steel 2007).

The specific field of practice of social work with refugees and asylum seekers was selected because it is often conceptualised in terms of human rights (Kenny & Fiske 2009; Briskman & Cemlyn 2005; Bowles 2005). It is also an issue of particular contemporary significance in Australia, notably since 1999, following various changes to immigration legislation and policy that have significantly curtailed the rights of asylum seekers in this country (Lamey 2011; Crock & Saul 2002; McMaster 2002; Mares 2002). The Australian experience is also reflected in the international context (Castles & Miller 2009; Marfleet 2006). Although social workers in Australia have always worked with migrants, refugees and asylum seekers, it has arguably been on the fringes of mainstream practice and has focused on the individual rather than the political context (McMahon 2002). However, accompanying the general community interest in the issues facing refugees and asylum seekers in the last ten years, there has

been a recent surge in interest of social workers in this field of practice, evidenced in the increasing number of general social work texts that specifically consider social work with refugees and asylum seekers (Lynch 2011; Briskman 2012; Winton 2010; Briskman & Fiske 2009; Alston 2009; Bowles 2005; Martin 2006). There have also been a small number of social workers who have explored the link between human rights and social work practice with refugees and asylum seekers (Briskman 2010a; Briskman & Fiske 2009; Briskman, Latham & Goddard 2008).

An examination of the literature demonstrates that while the literature on human rights and social work is increasing along with the literature on social work with refugees and asylum seekers, there are still some significant gaps. First, very little research has been conducted on the implementation of a human rights approach in practice, particularly in relation to the field of practice of social work with refugees and asylum seekers. This means that that the social work profession has very little understanding as to how social work practitioners understand human rights generally, and in relation to refugees and asylum seekers specifically. Second, very little literature has been published on human rights and social work education. This is troubling given the ethical imperatives of the social work profession in relation to human rights. Furthermore, it risks trapping the discourse of human rights in the value statements of the profession. Third, very little research has been published on the relationship between human rights and critical social work.

Overview of research

A central assumption that underpins this research is that the concept of human rights, though highly contested and problematic in many ways, can make an important contribution to critical social work practice (Ife 2008) and social work education. Therefore, research which contributes to an ongoing dialogue about human rights and critical social work is important not only for social work, but for the broader community as well.

The goal of this research is to explore how Australian social workers position human rights in practice and in education and the implications of this for critical social work. The research questions are:

1. How do social workers understand the concept of human rights and how is this translated into practice?
2. How does social work education provide opportunities to explore and analyse the concept of human rights?

The first part of this research relates to social work practice with refugees and asylum seekers. Social workers work with refugees and asylum seekers in a range of settings but, for this research, social workers who worked in the eight torture and trauma services located in each state and territory of Australia were invited to participate. Eleven social workers were interviewed about their understanding of human rights, how they put this understanding into practice, and their reflections on human rights in social work education. The second part of the research relates to social work academics. There were twenty-six schools of social work across Australia at the time this research was undertaken and social work academics were invited to participate in the research. Twelve social work academics were interviewed about their understanding of human rights, and how that informs their teaching and their reflections on the value of human rights in the social work curriculum.

Significance of research

This research is important because there are a number of anticipated benefits for the social work profession specifically and the community in general. First, it is anticipated that the social work practitioners and educators who participated in the study, as well as the researcher, will benefit from the research through the opportunity of reflecting on their practice. Fook (1996, p. xiv) notes that reflective research 'can help the practitioner to uncover, articulate and develop the implicit assumptions that constitute one's practice wisdom'. Therefore, critical reflection can improve both practice and teaching. The benefits to the community in general include the positive benefit for the refugees, asylum seekers and students with whom the social work practitioners and educators directly work.

Second, it is anticipated that social work practitioners who work with refugees and asylum seekers throughout Australia (and possibly in international contexts) will benefit from this research. Given that social work with refugees and asylum seekers is an area of growing interest, literature that assists social workers to conceptualise and

explore practice in this field will be useful. As Fook (1996, pp. 5–6) notes again 'from a research point of view, any contribution to the documentation and description of social work practice is invaluable' and this view is supported by other writers who note that there is very little practice research or research on social work education (Ryan & Sheehan 2009; Ryan & Martyn 1996) and this is especially the case for critical social work (Mendes 2009). The benefits to the community in general include the positive impact on the refugees and asylum seekers with whom social workers work generally. For example, this research focuses on social work practice within Australian torture and trauma services. However, social workers work with refugees and asylum seekers in a range of others settings including Migrant Resource Centres, ethno-specific agencies, community health centres, community legal centres and government agencies.

Third, it is anticipated that there will be benefits to social workers working in other fields of practice. George (1999, p. 15) notes that 'social work educators and practitioners are not well prepared in the area of human rights, which is conceptually and practically difficult'. Given the lack of literature on social work education and practice it is not altogether surprising. Ife (2012, pp. 5–6) argues that 'a human rights perspective can strengthen social work and that it provides a strong basis for an assertive practice that seeks to realise the social justice goals of social workers, in whatever setting'. A continuing dialogue around human rights can only strengthen the social work profession, particularly given the stated importance, though contested, nature of human rights. The benefits to the community generally include the positive impact on the wider community of people with whom social workers work. For example, there are numerous individuals and groups throughout Australia who are oppressed and vulnerable, and who would benefit from services and professions adopting a human rights approach, including Indigenous peoples, people with a psychiatric disability, older people and others.

Structure of thesis

Chapter One presents an overview of the research. In this chapter I introduce the social work profession's commitment to human rights and argue that despite the contested nature of the concept, a human rights approach to social work has significant

emancipatory potential. I highlight the dissonance between the public commitments made by the profession and the often uncritical and rhetorical nature of these commitments, and argue that the social work profession needs to understand the position of human rights more fully and the implications of such an approach for critical social work to fulfil the emancipatory potential of a human rights approach. The first part of the chapter positions me as the researcher and grounds the research in my lived experience and commitment to human rights. The second part of the chapter provides an overview of the literature that informs the research questions including the human rights and social work literature, the critical social work literature, and finally the literature in relation to social work with refugees and asylum seekers. The third part of the chapter provides an overview of the qualitative research design and considers the anticipated benefits of the research. Finally, the last part of the chapter provides an overview of the structure of the thesis.

Chapter Two explores human rights and its relationship with social work practice and social work education. In this chapter I argue that there is a clear and unequivocal commitment to human rights in the social work literature, but what is less clear in the literature is how this commitment is put into practice. In the first part of the chapter I examine the social work profession's commitment to human rights from a national and international perspective. The second part of the chapter examines the international human rights instruments and institutions, and the significance of the UDHR to the social work profession. The third part of the chapter investigates the contested nature of human rights in particular the domination of Western, legal, patriarchal and privileged voices in the discourse. Finally, given that this research is based in the Australian context, the final part of the chapter looks at the literature on human rights and social work from an Australian perspective.

Chapter Three presents the theoretical foundations of this research, specifically critical social work. In this chapter I explore the emancipatory potential of a human rights approach to social work and locate this research in the critical social work tradition. In the first part of the chapter I examine critical social work. The second part of the chapter relates human rights with critical social work. The third part of the chapter investigates the theoretical foundations of critical social work including critical social theory and critical pedagogy, feminism, postcolonialism, postmodernism and green

theory. Finally, the last part of the chapter looks at the context of neoliberalism and globalisation, and proposes that a human rights approach offers a way forward in this context.

Chapter Four examines the specific area of social work with refugees and asylum seekers to contextualise the interviews with the social work practitioners working in torture and trauma services throughout Australia. In this chapter I explore the context of social work practice with refugees and asylum seekers, and relate this to human rights. In the first part of the chapter I briefly contextualise Australia's experience by exploring refugees and asylum seekers in the global context. The second part of the chapter provides an analysis of Australia's experience with refugees and asylum seekers. The third part of the chapter explores social work in relation to refugees and asylum seekers. Finally, the last part of the chapter examines a human rights approach with refugees and asylum seekers in the social work literature.

Chapter Five sets out the overall qualitative design of this research. In this chapter I examine the epistemological and theoretical basis of this research and the methodology and methods employed in the research. In the first part of the chapter, I provide an overview of the research design. In the second part of the chapter the constructionist foundation of the research is outlined. The third part of the chapter briefly outlines the critical social theory that underpins the research. The fourth part of the chapter explores the critical phenomenological methodology utilised for this research. In the fifth part of the chapter the methods utilised to undertake the research is presented, in particular the interviews with the social work practitioner and the social work academics, as well as the thematic analysis used to analyse the interviews. Finally, the last part of the chapter discusses the ethical considerations of the research.

Chapter Six presents the findings in relationship to social work practice. These findings are based on the interviews I conducted with eleven social work practitioners working in torture and trauma services across Australia. In the first part of the chapter I outline the context of torture and trauma followed by a discussion of the context of Australian torture and trauma services. The third part of the chapter briefly re-introduces the participants – the social work practitioners employed in Australian torture and trauma services. This is followed by a discussion of the key findings under

the categories of: practitioners' understanding of human rights; human rights and practice; and human rights and social work education.

Chapter Seven presents the findings in relation to social work education. These findings are based on the interviews I conducted with twelve social work academics working in Australian university social work programs. In the first part of the chapter I briefly introduce the context of social work education in Australia. The second part of the chapter briefly re-introduces the participants – the social work academics employed in Australian universities. This is followed by a discussion of the key findings under the categories of: social work educators' understanding of human rights; human rights and practice; and human rights and social work education.

Chapter Eight proposes a framework for embedding human rights in critical social work practice and education. In this chapter I reflect on the findings of the interviews with the social work practitioners and the social work academics, and propose a framework that embeds human rights in critical social work practice and social education.

Chapter Nine concludes the thesis. In this chapter I revisit the research question and draw on the findings of the research, the framework that was developed from the findings, and the relationship with critical social work.

Conclusion

The concept of human rights poses a challenge to critical social work practice and education in Australia and internationally. In the contemporary context of neoliberalism and economic globalisation, a human rights approach provides a strong moral, ethical and political basis for practice. It provides a framework for thinking about injustice and furthering social change. The profession is clearly committed to the concept of human rights and interest in a human rights approach for practice is certainly increasing. The ethical imperative of a human rights approach is clear. However, it is also clear that a human rights approach is a long way from becoming embedded in social work practice or social work education. In order to contribute to the gaps in the literature, this research explores the meaning given to human rights by social workers working in torture and services throughout Australia. This research also

explores how the social work curriculum has provided opportunities to explore human rights.

The next chapter reviews the literature in relation to human rights and social work. It discusses the social work profession's commitment to human rights and the key themes that emerge from the national and international literature. Finally it explores human rights specifically in relation to Australian social work.

Chapter Two: Positioning human rights in the social work literature

> The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance wellbeing. Utilising theories of human behavior and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work (IFSW & IASSW 2001).

Introduction

The social work profession has a long-held and clearly-expressed commitment to human rights. At an international level this commitment is evidenced in a range of policies and documents of the IFSW and the IASSW. This commitment is also evidenced at the national level, in the *Code of ethics* (2010a) and a range of other key policy documents of the AASW. Contained in these commitments is an ethical imperative for social workers to respect, protect and uphold human rights as well as to oppose any human rights violations. These commitments are presented relatively unproblematically in these documents and yet the field of human rights is highly contested. The origins of human rights are disputed and the domination of Western, legal, patriarchal and privileged voices in the discourse is critiqued. Although the social work profession has been slow to explore what the commitment to human rights means for social work practice and social work education, since 2001 there has been a steady increase in literature that considers human rights in relation to social work and demonstrates that despite the contested nature, human rights is considered to be a powerful and valued concept for social work.

This chapter explores the position of human rights in the social work literature. It begins with an examination of the social work profession's commitment to human rights. This is followed by a discussion on the importance of the UN UDHR in human rights approaches in social work. The contested nature of human rights is then critically analysed. Finally, with a focus on the Australian context, human rights in relation to social work practice and social work education is explored.

A stated commitment to human rights

There is a long history of social workers being committed to the idea of human rights both in Australia and internationally (Hamilton-Smith 1967; Healy 2008) though there is rather less evidence of how this commitment has been enacted (Mendes 2005). This commitment is demonstrated in the formal policy statements of the international and national social work associations as well as in the literature more broadly.

There are two main international social work organisations: the IFSW that focuses on social work practice and the IASSW that focuses on social work education. These two organisations have published several documents that explore human rights and social work at the international level. These documents clearly establish the social work profession's commitment to human rights. The International Policy on Human Rights, which was published by the IFSW in 1988, and republished in 1996 states in part:

> The social work profession accepts its share of responsibility for working to oppose and eliminate all violations of human rights. Social workers must exercise this responsibility in their practice with individuals, groups and communities, in their roles as agency or organisational representatives and as citizens of a nation and the world.

It documents the following human rights: life, freedom and liberty, equality and non-discrimination, justice, solidarity, social responsibility, peace and non-violence, and the environment, and locates human rights within the realm of the UN and the various conventions and declarations derived from the UDHR (1948). Teaching and Learning about Human Rights was published by the UN Centre for Human Rights (1992), in cooperation with the IFSW and the IASSW. It is one of the first books to explore in detail the relationship between human rights and social work, in particular social work education. The international Definition of social work was published in 2001 following the IFSW and the IASSW agreement upon a definition of social work. The one paragraph definition ends with the statement 'principles of human rights and social justice are fundamental to social work' (IFSW & IASSW 2001). This definition clearly and unequivocally declares the central place of human rights in social work. *Social work and the rights of the child: a professional training manual on the UN Convention* was published by the IFSW in 2002. This manual provides specific guidance to social

workers on the rights of the child according to the UN Convention on the rights of the child. Finally, *Global standards for the education and training of the social work profession*, was published in 2004 by the IASSW and the IFSW, and makes various commitments to human rights in the context of social work education. A reading of these international social work documents demonstrates that there is a clear commitment to human rights expressed at the international level of social work.

The AASW is the main national social work association that develops standards for both social work practice and social work education in Australia.[1] At the national level, the AASW has expressed its commitment to human rights in its various codes of ethics and a number of other policy documents. The first AASW *Code of ethics* was an interim version that was introduced in 1957. It was followed by the first official *Code of ethics*, which was adopted in May 1965 (Martin 1966). An extensive search of the AASW's records undertaken for this research has identified that there is no public record of either the interim code of 1957 or the first adopted code of 1965. Therefore, it is not possible to know whether any mention of human rights appear in these early iterations. However, there was no mention of human rights in the 1981 version, which is the earliest version on record. Not long after the IFSW published its policy on human rights, the AASW included a clause from the international policy in the 1989 review of the *Code of ethics*. The next review of the *Code of ethics* (1999) expanded this commitment to human rights, and in the most current version there are numerous clauses that address the social work profession's commitment to human rights (AASW 2010a). In particular, section 1.2 (AASW 2010a, p. 7) states that one of the four commitments of social work includes:

- working to achieve human rights and social justice through social development, social and systemic change, advocacy and the ethical conduct of research [this involves]
- subscribing to the principles and aspirations of the United Nations Universal Declaration of Human Rights, other international conventions derived from that Declaration, as well as other human rights documents.

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[1] There is also a national social work education organisation, Australian and New Zealand Social Work and Welfare Education and Research (formerly known as the Australian Association of Social Work and Welfare Educators). However, it has no official role in developing policies or standards in relation to social work education.

The promotion of human rights is also evident in a range of other AASW policy documents including in the *Constitution* (2010b) of the AASW in which 'promoting human rights' is considered to be a core value and principle of the company. There are several mentions in the Australian Social Work Education and Accreditation Standards (ASWEAS) (AASW 2012), in particular in the statements for mental health, cross-cultural practice, and Aboriginal and Torres Strait Islander curriculum content. References to human rights also appear in the *Practice standards for social workers: achieving outcomes*[2] (AASW 2003), *Practice standards for mental health social workers* (2008a) and the *Practice standards for school social workers* (AASW 2008b). This demonstrates that a strong commitment to human rights is clearly evident in the formal policy documents of the Australian social work profession.

However, the fact that the social work profession in Australia and internationally has demonstrably expressed a commitment to human rights does not explain how, or indeed if, this commitment is enacted. Despite the fact that the social work profession expressed a commitment to human rights as early as 1988, the social work profession both nationally and internationally has been slow to explore what such a commitment means in social work practice or social work education. The literature demonstrates that interest in a human rights approach in social work has increased substantially in recent years. However, much of the literature discusses human rights uncritically and simply assumes that social workers know what human rights are, that they are committed to the concept and that they will incorporate such a perspective into their practice. As George (1999, p. 15) notes, 'human rights are rather like motherhood. Ask people if they support human rights and they will usually say, "Yes, of course!", just as we all say, "Motherhood is a good thing"'. The commitment to human rights is often rhetorical and there is little evidence to demonstrate how this commitment is put into practice. However, in the last decade a small but growing number of social workers have begun to explore the complexity and contested nature of human rights in detail, and a number of comprehensive articulations of human rights approaches have been published.

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[2] *The Practice standards for social workers: achieving outcomes* (AASW 2003) is being reviewed at the time of writing.

In the international context some authors have considered human rights and social work in considerable detail and have published books dedicated to the subject. These include Healy and Link[3] (2012), Lundy (2011), Reichert (2011; 2007; 2006), Wronka[4] (2008; 1992) Mapp (2008) and Connolly and Ward[5] (2008). A few authors have advocated for a human rights approach more generally (Wronka & Staub-Bernasconi 2012; Staub-Bernasconi 2012; Witkin 1998) and an emancipatory approach to practice specifically (Cemlyn 2008a). Other authors have considered human rights in relation to a range of specific issues including: the environment (Hawkins 2010; Tester 2012); ethics (Staub-Bernasconi 2011); truth and reconciliation commissions (Androff 2010); international social work (Healy L 2001); the history of human rights in social work (Healy 2008); universalism and cultural relativism (Staub-Bernasconi 2010; Healy 2007; Reichert 2006); human rights instruments (Wronka 2012); religion and people of faith (Hodge 2007, 2006); social and economic justice (Bricker-Jenkins, Young & Honkala 2007; Lundy & van Wormer 2007; Staub-Bernasconi 2007; Wronka 2007); globalisation (Mohan 2007); social work education (Congress 2006; Dominelli 2007; Hawkins 2009; McPherson & Abell 2012; Steen & Mathiesen 2005); and research (Witkin 2000). Human rights and social work has been discussed in relation to particular countries including South Africa (Noyoo 2004) and in relation to a range of politicised groups including: women (Reichert 2012, 1998; van Wormer 2007; Wetzel 2007); children (Korr, Fallon & Brieland 1994; Link 2012, 2007; Roose & de Bie 2008); people with disabilities (Hutchinson 2012); people who identify as lesbian, gay, bisexual and transgender (Bailey 2012); and gypsies and travellers (Cemlyn 2008b).

While there is a plethora of international texts that explore a human rights approach in social work only one has been published in the Australian context (Ife 2012). However, there is a developing literature that considers human rights and social work on a range of specific issues including: community development (Fiske 2006; Ife 2010a; Ife & Fiske 2006; Tascón & Ife 2008); international development (Boulet 2009); activist

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[3] There are six chapters in this text dedicated to human rights and international social work. However, they also relate to specific issues so I have included this citation in relation to the specific issues rather that the general category of international social work

[4] Joseph Wronka is an American social work academic who has long considered the relationship between human rights and social work. However, both his books are written for a broader audience rather than social work practitioners and educators.

[5] Marie Connolly, a social worker, co-wrote *Morals, rights and practice in the human services: effective and fair decision-making in health, social care and criminal justice*, with Tony Ward, a psychologist colleague for human service practitioners in the New Zealand context. Connolly is now the head of social work at the University of Melbourne in Australia.

practice (Briskman 2009; Nipperess & Briskman 2009; Solas 2000); social work education (George 1999; Briskman & Fiske 2008; Nipperess 2002); cultural critiques (Skegg 2005); and ethics (Briskman & Pemán 2012; Hugman 2012a, 2012b; Ife 2010b). Human rights and social work has also been discussed in relation to vulnerable groups including: Aboriginal and Torres Strait Islander peoples (Calma & Priday 2011; Green & Baldry 2008); people with a disability (Stevenson 2010); people with mental illness (Zifcak 1994; Renouf & Bland 2005); women (Cooper, Anaf & Bowden 2006; Swensen 1995); and refugees and asylum seekers (Briskman, Latham & Goddard 2008; Briskman & Fiske 2009; Briskman 2010; Australian Council of Heads of Schools of Social Work [ACHSSW] 2006; Briskman & Cemlyn 2005; Fiske 2006). Finally, others have considered human rights extensively within texts that relate to other topics such as: international development (Harrison & Melville 2010; Hugman 2010a; Cox & Pawar 2006); Indigenous social work (Briskman 2007); community development (Ife 2002); critical social work practice (Ife 1997; McDonald 2006); and ethics (Hugman 2013). The Australian literature will be more fully explored in the final section of this chapter.

The above literature shows that some social workers consider human rights to be a powerful approach in social work. As Solas (2000, pp. 65–66) notes:

> it is evident that commitment to the protection of human rights exists, and that it is particularly in evidence amongst those who practice activist social work … what remains in question and very much in contention is what it means to believe in human rights.

This question is explored in the next two sections where the two key themes – the significance of the UDHR and the contested understanding of human rights – that have been identified in the literature are discussed.

International human rights instruments and institutions: the significance of the UDHR

> All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (Article 1, UN 1948).

The UN UDHR (1948) dominates the human rights discourse generally and the social work literature specifically. In the social work literature particularly there is an assumption that human rights are those rights that appear in the UDHR. Often when the social work literature discusses human rights it is directly in relation to the various articles of the UDHR or the particular UN conventions and declarations that were derived from the UDHR (Korr, Fallon & Brieland 1994; Kim 2010; Stevenson 2010). This section explores the development of the UDHR, the international human rights regimes and some of the key conventions and declarations relevant to social work. Finally the significance of the UDHR to human rights approaches in social work is discussed.

After a long and arduous process, on the 10 December 1948, the General Assembly of the UN proclaimed the UDHR – the first comprehensive statement of human rights. It was a direct response to the atrocities committed by the Nazis in the Second World War. Its purpose was to ensure that nothing like the genocide that was perpetrated on Jewish people could ever happen again. In the thirty articles of this Declaration a range of civil, political, social, cultural, economic and collective/solidarity rights are articulated. It is a powerful statement, one that still has the power to inspire despite the passage of sixty years. As Freeman (2011, p. 42) notes:

> Before the Second World War there was almost no international law of human rights. There are now approximately 200 international legal human rights instruments, of which 65 acknowledge the Universal Declaration as a source of authority. The Declaration is also the source of an international movement, and of numerous national movements, of political activists who struggle against oppression, injustice and exploitation by reference to this document.

Rather than a list of laws that states are obliged to adhere to, it was designed to be a statement of principles to which to aspire.

The Declaration does not provide any direction as to how the principles of human rights might be achieved so in an effort to address this, two covenants were declared, which have become the cornerstone of the international human rights regime. The UDHR, along with the International Covenant of Civil and Political Rights (ICCPR)

(1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), comprise the International Bill of Rights. Carey, Gibney and Poe (2010, p. 31) state:

> In becoming a state party to an international human rights treaty, each state party is committing itself not only to protecting human rights within its own territorial borders, but also to helping to work towards the elimination of violations of human rights, no matter where these might take place. It is this aspect, more than anything else, that truly makes human rights so revolutionary.

Many of the conventions and treaties that have been derived from the UDHR are of particular interest to social workers including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child, United Nations Declaration on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of Persons with Disabilities, Declaration on the Rights of Indigenous Peoples, Convention against the Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Convention relating to the Status of Refugees.

There are a range of institutions at the international level that are involved in human rights, notably the UN and a number of bodies located within it, including the Human Rights Council, various human rights treaty bodies (for example, the Committee Against Torture which oversees the Torture Convention) and the Security Council. In addition, there are a number of highly visible positions, including the High Commissioner for Human Rights and the Secretary General of the United Nations, as well as the International Court of Justice and the International Criminal Court. There are a number of regional structures including the African Charter on Human and Peoples' Rights, the American Convention on Human Rights and the European Convention on Human Rights. Lastly, there are several international non-government organisations that have a major role in human rights, including Amnesty International, Human Rights Watch, Médecins Sans Frontières (Doctors without Borders) and Oxfam (Carey, Gibney and Poe 2010).

The UDHR, and the various conventions and declarations derived from it, appear to provide an important reference point for social workers in their consideration of human rights and its relationship with social work practice. The international and national codes of ethics refer directly to the UDHR and other conventions and declarations, and they exhort social workers to subscribe to the principles and aspirations of these declarations. Many of these UN conventions and declarations provide the focus for social workers' explorations of human rights in practice. For example, Reichert (2011) explores the UDHR and the implications of each article for practice. She also explores the international covenants and many of the other declarations outlined above. Others use particular conventions and declarations as the focus of their analysis, such as Link (2007), who examines the Convention on the Rights of the Child.

The significance of the UDHR and the various conventions and declarations to the social work profession is clear. As McDonald (2006, p. 177) notes, the UDHR, the ICCPR and the ICESCR provide 'a clear set of foundational documents' from which to practice. However, there is often an uncritical acceptance of the UDHR and the instruments derived from it evident in the literature (particularly in the national and international codes of ethics). This uncritical acceptance of the UDHR, by its nature, ignores the fact that the UDHR, and human rights more broadly, has been subjected to significant critique. The next section will explore this critique, which is evident in the social work and general literature.

A contested understanding

The second key theme evident in the social work literature is the contested nature of human rights. While the UDHR is clearly significant to the social work profession, there is also a significant critique of human rights generally, and of the UDHR specifically, which some social workers have explored. Ife (2012, p. 16) notes:

> The best-known statement of human rights, the Universal Declaration of Human Rights, though representing perhaps one of the more remarkable human achievements of the 20 century, should not therefore be reified and seen as expressing a universal and unchanging truth.

Therefore, while honouring the immense achievement of the UDHR, it is important to interrogate the idea that human rights 'exist', that they can in some way be defined and measured, and that once they have been identified they remain static and unvarying over time and place (Evans 2011; Ife 2012). The risk of simply referring to human rights in relation to the UDHR is that the complexity involved and the critique are ignored, particularly in relation to the Western, legal, patriarchal and privileged voices that some argue dominate the human rights discourse (Ife 2012; Tascón & Ife 2008; Skegg 2005; Solas 2000; George 1999; Reichert 1998; Swensen 1995). Even though the UDHR provides an important moral and legal basis for practice (Ife 2012; Reichert 2011), it is essential that the critique of human rights generally and of the UDHR specifically is understood and explored. The social work profession, while broadly committing itself to the principle of human rights, would benefit from a deeper engagement with the critiques identified in the social work literature and in the human rights literature more broadly. This section defines human rights and then provides an analysis of each of the major critiques in turn. Finally, the implications of the critique of human rights and the international human rights instruments will be examined.

Defining human rights

Defining human rights is a challenge. Ife (2010) notes that the terms 'human' and 'rights' by themselves are contested; together though, 'human rights' is a concept that is abstract and problematic (Freeman 2011). The UDHR, and the numerous conventions and declarations derived from it, define human rights specifically: either in relation to some value, such as freedom, or in relation to a particular group, such as refugees. The following definition is more general and focuses on the idea of human rights:

> Essentially human rights are those entitlements that people possess simply by virtue of their humanity. The emphasis on humanity indicates that human rights are usually considered to be *universal* − that is, they belong to everyone, regardless of their gender, age, ethnicity, religion or sexual orientation, simply on the basis of being human. Human rights are also considered to be *indivisible* because they are all equally important. Finally, human rights are considered to be *inalienable* because another person,

government, organisation or other entity cannot take them away (Nipperess
& Briskman 2009, pp. 62–63).

Human rights being inalienable does not mean that they cannot be violated, which is
important to note. The international human rights movement provides regular evidence
of the violations of human rights around the globe, including violations in Australia
(for example, Amnesty International 2011).

A critique of the Western domination of human rights

One of the major critiques of the notion of human rights is that they are a culturally
imperialist concept (Aziz 1999). This critique draws on postmodern and postcolonial
theorising, and centres on the claims of 'universalism' on the one hand and 'cultural
relativism' on the other. Essentially a 'universalist' position argues that human rights
should apply to everyone – that human rights are universal. A 'cultural relativist'
position argues the reverse – that human rights are relative, in particular that they are
a Western construct and are therefore not necessarily applicable to non-Western
cultures. Goodhart (2005, p. 353) notes 'this debate pits [u]niversalists, who hold that
human rights reflect timeless and absolute moral truths, against cultural relativists,
who assert that moral truth or validity is an expression of the values and beliefs of a
particular culture'.

The universality of human rights is a core and defining feature of the concept. The first
basic premise of human rights is that, by virtue of their shared humanity, people
everywhere are entitled to human rights. They are universal because 'the core of what
it is "to be human" is shared by everyone' (Hugman 2013, p. 46). Alternatively,
cultural relativism celebrates the particularity of human experience. It was developed
by anthropologists 'as a pedagogical tool to challenge ethnocentric Western beliefs
and practices, and to promote an appreciation of cultural diversity' (Feinberg 2007, p.
783). Although human rights are one of the most valued tenets of anthropology, its
usage has been embraced in a wide range of other disciplines from sociology to social
work.

The cultural relativist critique of universalism is based on the claim that human rights
are biased towards Western culture and therefore the imposition of these ideas

represents another example of Western colonialism (Ife 2012; Aziz 1999). Underpinning this argument is the view that the human rights discourse reflects Western values, in particular individualism, and is grounded in Western political and philosophical thought, which has led to the proposition that the idea of human rights should not be used for non-Western cultures (Swensen 1995, p. 32).

The response to the critique of universalism found in the literature states that while it may be accurate to suggest that much of the modern discourse on human rights is based on Western enlightenment thinking, this in and of itself does not necessarily mean that there is no value in the concept (O'Byrne 2003). Ife (2012, p. 8) notes that the mere association with Enlightenment thinking is not a sufficient reason to reject the concept of human rights and other Enlightenment concepts. Indeed, he states, 'the task rather is to loosen them from the shackles of Western modernity and to reconstruct them in more dynamic, inclusive and cross-cultural terms'. Staub Bernasconi (2011, p. 339) discusses the debate between Western individualism and Asian values. She argues that the discourse often has an unreflective attribution of Western individualism to human rights and a holism to Asian values which is blind to the numerous holistic people who have contributed to Western philosophical and political thinking. She writes 'the uninformed attribution of holism to so-called "Asian values" is blind to the fact that there are, for example, two Asian Declarations of Human Rights which both accept the universality of human rights' (Staub-Bernasconi 2011, p. 339).

The development of the concept of human rights is not solely confined to the Western enlightenment period. Indeed, it has been shown that while the 'term' human rights is relatively recent, the 'idea' of human rights has existed across time and across cultures. The origins of human rights have been found in religion, philosophy, and a number of historical documents and movements (Haas 2008). Wronka (1992, p. 33) shows that the development of human rights can be traced from antiquity and although he focuses on Judaism, Christianity and Islam, he notes that other major religions and traditions have been concerned with human rights, citing Hinduism and Confucianism in particular. Ishay (1997) also documents human rights ideas in the philosophical writings of Plato, Aristotle and Cicero, in the Enlightenment writings of Thomas Hobbes, John Locke and Mary Wollstonecraft, and in the Industrial age writings of Karl Marx and Frederich Engels.

Finally, the argument that human rights is a Western construct also denies the role that non-Western cultures had in the development of the modern human rights regime. As Freeman (2011, pp. 40–41) notes:

> the Western states may have been dominant, but 'third world' states strongly supported the human rights project as a means to fight colonialism and racism, and to promote social justice … the common view that 'the West' imposed human rights on the rest is not only historically inaccurate but also exaggerates the West's commitment to human rights.

Others highlight that the cultural relativist critique can be used to justify human rights violations in the name of culture. Nagengast (1998, p. 11) argues:

> the concept of cultural relativity, developed by anthropologists to induce respect for difference, is appropriated, simplified, bastardized, and deployed by despotic states, politicians, patriarchs, and sometimes by well-meaning friends and scholars to rationalize and excuse human rights abuses.

Cultural relativists reject universal notions of human rights because they are based on Western assumptions and argue that the imposition of universal human rights is another example of Western domination. Ironically, cultural relativists have been accused of essentialising cultures by assuming that cultures are both homogenous and unchanging. In fact, Donnelly (2003, p. 86) argues 'cultures are complex, variable, multivocal, and above all contested. Rather than being static things "cultures" are fluid complexes of intersubjective meanings and practices'. There is therefore no such thing as 'a' culture; rather all cultures are 'internally differentiated' on dimensions such as class, gender, race/ethnicity, sexuality, (dis)ability (Nagengast 1997, p. 357). Finally, cultures have always been and will continue to be influenced by ideas outside the culture.

Understanding the critique of cultural imperialism and the concomitant concepts of universalism and cultural relativism is clearly important for social work (Hugman 2013; Reichert 2006). However, conceptualising the debate as a dichotomy is not helpful (Ife 2007). As with most dichotomies, presenting an argument as one of two extremes is not useful in helping to understand the complexities of a situation and certainly does not offer a way forward. In relation to human rights a 'naive'

universalism can lead to colonialism, and a 'naive' relativism can lead to the uncritical acceptance of all practices on the basis of culture. There are plainly strengths and limitations of both perspectives (Feinberg 2007; Nagengast 1998). Ife (2007, p. 94) suggests that in order to move beyond such a simple conceptualisation:

> The challenge is to develop an approach to the universalism of human rights that, while emphasizing our common 'humanity' and seeking to articulate what that humanity means, at the same time acknowledges different cultural traditions as providing different contexts within which that humanity is constructed.

Ife (2010) argues that this can be done by: conceptualising universal human rights in very general ways; distinguishing between universal rights and contextual needs; understanding human rights as aspirational rather than 'what is'; and finally being aware that universals and context coexist. In this reading human rights are both universal and contextual.

Hugman (2013) suggests that an ethically pluralist position moves beyond the binary thinking offered in much of the literature. Such a position considers that 'the claims established by both universalism and cultural relativism require attention, but without any one position trumping all others' (Hugman 2013, p. 74). This position encourages conversation – dialogue – but is also underpinned by an agreement that setting limits is important and necessary. The position is particularly useful for social workers who are required to make judgements in order to practice.

There is considerable evidence in the literature to suggest that the notion of human rights has been embraced throughout the world. While contestation remains, human rights generally and the UDHR and other 'universal' declarations, such as the two Asian human rights declarations referred to above, are nonetheless highly supported and valued. An-Na`im (1992), for example, argues for a cross-cultural approach to human rights based on internal discourse and cross-cultural dialogue. This approach acknowledges the diversity of views on human rights within and between cultures, and through dialogue seeks to construct and re-construct the meaning of human rights, particularly in cultural contexts. However, he also argues for the value of the UDHR and other international standards to be appreciated. This is because they provide an

important starting point for the kind of dialogue he envisages, and they provide important protection for scholars and activists 'in their efforts to develop and implement more culturally legitimate standards within their respective societies, and in sharing their insights with others' (An-Na`im 1992, p. 5).

A critique of the legal domination of human rights

Another significant critique of human rights is the legal domination of the human rights discourse. Freeman (2011, p. 8) notes:

> The academic study of human rights has been dominated by lawyers. This may be explained by the fact that the concept has been developed to a large extent through national and international law. The field of human rights has become a technical, legal discourse, and lawyers dominate it because they are the technical experts.

Ife (2010, p. 88) argues that justiciability – 'the notion that human rights need to be protected by law and that, for a right to be justiciable, it has to be defended through legal processes' – is an important characteristic of the human rights discourse. Clearly not all human rights are justiciable (for example, the right to health and wellbeing) and those that are not, risk being marginalised as less important as those rights that can be protected through the law.

Human rights have been usefully conceptualised as developing in three generations (Wronka 1992). Wronka ascribes the first generation of human rights to include civil and political rights. He ascribes the second generation to include economic, social and cultural rights. And he ascribes the third generation to include collective rights. Although this model is somewhat simplistic, it is useful nonetheless because it helps identify that the human rights discourse has mainly focused on the first generation of human rights – the civil and political rights. The dominance of the first generation of rights and of the law in the human rights discourse can be explained to some extent because these rights are more amenable to legal protection and defence.

There is considerable evidence that this dominance is being challenged and a range of interdisciplinary approaches to human rights is developing. For example, centres for

human rights are being established in universities the world over. Many of these centres are interdisciplinary in focus and located in the social science, humanities and arts faculties, rather than the traditional law faculty. Literature is emerging from a range of disciplines including politics, philosophy, economics, nursing and education (Freeman 2011; Carey, Gibney & Poe 2010; Chappell, Chesterman & Hill 2009), and of course social work. Clearly the law has made an enormous contribution to the field of human rights and lawyers continue to have a significant role in the protection of human rights. However, challenging this legal domination encourages a wider view of human rights: one that moves from a purely first generation (civil and political rights) focus, where lawyers dominate, to a perspective that values the second (economic, social and cultural rights) and third generation (collective rights), in which a vast range of other professions participate, including social workers.

A critique of the patriarchal domination of human rights

Feminist scholars have criticised the patriarchal domination of the discourse of human rights. The UDHR privileges the male voice (the Declaration uses the male pronoun *he*) and the male experience (Wetzel 2007). Although the rights proclaimed were for everyone, these rights reflect a male-dominated view of the world (Reichert 2007). For example, the Declaration does not explicitly refer to women and in particular the violence that is experienced by women in the private sphere largely at the hands of men. It does not reflect that women also experience significant discrimination in the public sphere, in particular in relation to economic rights. Sustained activism by women since the UDHR resulted in the CEDAW, which was ratified in 1980 and at the World Conference on Human Rights at Vienna, Austria in 1993, women's rights were acknowledged as 'an inalienable, integral and indivisible part of human rights' (Reichert 1998, p. 371–384), which is a significant achievement.

Although the literature certainly critiques the patriarchal domination of the UDHR, for the most part, feminist scholars have not rejected the notion of human rights. The literature both generally and within social work embraces the concept of human rights to continue working for social, cultural and economic justice for women. As Reichert (2006) argues, a feminist perspective is considered vital for the application of human rights to social work practice.

A critique of the privileged voices that dominate human rights

The Western, legal and patriarchal critiques are discussed widely in the general human rights literature and in the social work literature specifically. However, the area of privilege has not been debated to the same extent. In relation to the various UN conventions and declarations, Tascón and Ife (2008, p. 319) note:

> These statements of rights, laudable in their intention, are drafted and enacted by a small privileged group: politicians, diplomats, academics, and a handful of people from NGOs such as Amnesty International. This group effectively defines human rights for the rest of us. It is no longer true that this is exclusively a group of privileged white men; women, and people from non-Western traditions, are now well represented within the human rights elite, and their voices are heard within the human rights literature. But it remains an elite, privileged group. The move to include more diverse voices in the definition of human rights has stopped short of questioning this privilege, and human rights remain a discourse of the powerful about the powerless.

The authors (2008) emphasise that while human rights continue to be primarily conceptualised in legal terms and expressed in reified legalistic language, human rights will be embedded within white privilege and will protect white privilege. The authors (2008) suggest that a way forward is to construct human rights more inclusively, 'from below', that is through everyday practices and lived experiences. The community development approach to achieving human rights (Ife 2010a) will be explored in more detail later in the chapter.

A commitment to human rights is considered to be a fundamental value of the social work profession, and it would appear that the social work profession nationally and internationally is beginning to engage with what such a commitment means to both social work practice and social work education, as evidenced by the social work literature. Clearly the UDHR and the various conventions and declarations derived from it, are an important reference point for social workers writing about human rights and social work. The UDHR is perceived to be inspirational, but also something to aspire to, and provides an important basis for practice. However, it has also been

recognised in the literature that the UDHR is an imperfect document and that it and the notion of human rights in general is complex and contested. Despite this complexity, human rights is acknowledged by social work as being a powerful discourse for social change.

Human rights and social work: the Australian context

As early as 1967, Elery Hamilton-Smith – one of the first national presidents of the AASW – discussed social work's commitment to human rights and its connection with social action in the national newsletter of the AASW (which later became the *National Bulletin*). In relation to the 1967 Referendum, in which the Australian people were asked to vote for changes to the Constitution that would allow the government to make laws in relation to Aboriginal and Torres Strait Islander peoples and to include Aboriginal and Torres Strait Islanders in the Census, he said:

> I trust that our profession will accept over the coming years the fullest possible share of responsibility for positive social action in regards to human rights. This means we should give a positive vote as individuals at the coming referendum; it means we should, as a corporate body, promote any action to remove discrimination or any other issue adversely affecting humans, such as capital punishment (Hamilton-Smith 1967, p. 3).

However, it was not until 1989 that an ethical commitment to the value of human rights was first mentioned in the associations *Code of ethics*. Since then, the literature has slowly but exponentially increased. This could suggest that the ethical proscriptions of the professional association are influential in theorising about social work practice – I did not find any Australian literature published prior to 1989 that discussed the relationship between human rights and social work. Equally it could suggest that there is simply more interest in human rights unrelated to the professional ethical mandates. Most of the literature on human rights and social work that has been published relates to social work practice; very little discusses human rights in relation to social work education. This section will explore the literature in relation to human rights and social work practice, and to human rights and social work education, in Australia.

Human rights and practice

The literature on human rights and practice can be divided into four categories. The first category is literature that articulates human rights approaches in social work. The second is literature that explores the inextricable link between ethics and human rights. The third category is literature that considers human rights from an international social work or global perspective. The final category is literature that relates human rights to a number of politicised groups in Australia.

<u>Human rights approach for practice</u>

The literature describes a number of approaches to human rights based practice. Human rights and social work is explored comprehensively in the work of Jim Ife, in particular in his text *Human rights and social work* (2012), which was first published in 2001 and is now into the third edition. He provides a number of general principles to consider in achieving human rights organised around: theoretical foundations for human rights based social work (including praxis, morality, passion, ideology, history, structural disadvantage, holism, postmodernism and post-structuralism), empowerment (including dialogical praxis, participatory democracy, anti-colonialist practice, feminism, non-violence, needs and research) and contextual/universal issues (including the personal and the political, the private and the public, cultural relativism, macro and micro practice, and the global and the local). Ife also clearly identifies a number of general principles in order to respect human rights, including in the language of social work, the processes of social work, in the structures of social work and in the education of social workers. In the most recent iteration of this text (2012), he argues for a post-Enlightenment approach to social work.

Another approach anchors a human rights approach within community development. The connections between human rights and community development have been a recurring theme in the literature (Fiske 2006), particularly in the work of Ife (Ife 2010a, 2002; Tascón & Ife 2008). Ife (2010) presents a comprehensive account as to how human rights can be enacted 'from below', through community development. He identifies seven dimensions of community development and human rights: social rights and social development, economic rights and economic development, civil/political rights and civil/political development, cultural rights and cultural development, environmental rights and environmental development, spiritual rights and spiritual development, and survival rights. Ife (2010) advocates for a constructed

approach to human rights, presents a number of general principles for practising human rights from below, and explores the knowledge, values and skills that a community-based human rights practitioner should possess.

Human rights practice has often been conceptualised in terms of activism and radical practice (Solas 2000; Briskman 2009) but apart from the comprehensive work of Ife (2012; 2005; 1997) the relationship between critical social work and human rights remains largely unexplored. Nipperess and Briskman (2009) explicitly address this by providing a human rights perspective on critical social work. The authors argue that a human rights approach is not only consistent with other critical social work approaches but that 'a human rights vision builds on other emancipatory theories with particular reference to minority group rights' (2009, p. 65). A human rights approach to practice is discussed in relation to a number of groups that have struggled to have their rights realised, including people with disabilities, Indigenous peoples, asylum seekers and refugees, children and women. The relationship between human rights and critical social work will be further explored in Chapter Three which discusses the theoretical underpinnings of this research.

While each framework is different, the approaches share some similarities. First, the authors recognise that providing a model of social work practice is too prescriptive and antithetical to a human rights approach, but a general framework can assist in developing a human rights approach to practice. Second, the authors recognise that the skills required to practise from a human rights approach are not necessarily unique to human rights based social work. Third, there is an acknowledgement that a human rights approach fits within the critical tradition of social work, one that is informed by a number of emancipatory theories, including anti-racist, feminist, anti-oppressive, structural, critical postmodern and postcolonial approaches.

<u>Human rights and ethics</u>
The concept of human rights is considered to be a fundamental value of social work and the codes of ethics, whether at the national or international level, it provides the ethical imperative to protect, achieve and respect rights. However, this link has only recently been explored in an explicit sense. Hugman (2012a) investigated human rights and social justice – two values inextricably linked in the social work literature. In reference to the international definition of social work, he argued that 'the principles

of human rights and social justice were not previously emphasised in this way, but within this definition are made central to the purposes of social work around the world' (Hugman 2012, p. 372). He explored the historical development of these values and the problematic way in which they are assumed to connect, almost as though they are the one concept. Hugman (2012, p. 383) argued that both values are equally important and concluded 'that what is needed is for social work theory and practice to engage with a more conscious consideration of both principles and the difficult task of holding them together in a creative tension'. Ife (2010b) also explores the two principles of human rights and social justice from an ethical perspective. However, most of the discussion focuses on human rights rather than social justice, and little discussion occurs on the link between the two concepts.

In an introduction to a chapter on respecting rights, Briskman and Pemán (2012) explore the principle of human rights and how it can be applied in social work practice. The authors argue for a human rights based social work, one that is cognisant of the contested nature of the concept of human rights. This introduction is followed by four case studies and a number of commentaries that respond to the issues that arise in these case studies. Two of the commentaries are written by Australian authors (Hugman 2012b), and Bowles and Alston (2012). The introduction and commentaries discuss the issue of human rights in relation to the idea of practising ethically, and raise some of the practical and theoretical challenges of human rights based practice.

Human rights in the international context

Social workers in Australia have considered human rights from the perspective of international social work (Hugman 2010a; Boulet 2009; Cox & Pawar 2006) and global social work (Harrison & Melville 2010). While human rights are not the focus of their work, the authors consider the concept of human rights and its applicability for international or global social work. Many of the same themes have been explored, but in the context of international social work, such as the tension between cultural relativism and universalism. The field of international social work is growing and human rights appear to be a key theme in the literature internationally (see Healy & Link[6] 2012). Although the field is much smaller in Australia it is clear that the link between international social work and human rights is very strong. Cox and Pawar (2006) nominate a human rights perspective as one of several approaches to international social work. Hugman (2010) explores human rights in relation to international social work ethics and touches on the issues raised above, in particular the universalism and cultural relativism debate, the relationship between human rights and social justice, and the implications for international social work. Boulet (2009) also discusses the critiques of human rights and argues that:

> 'universal-thin' descriptions of rights, while having their usefulness as 'benchmarks' for minimum conditions and claims across the spectrum of cultures and social specificities, are to be complemented by 'specific-thick' negotiated understandings of what they 'mean' for the locally concrete situation within which they are to be implemented, with the aim of improving people's lives and of responding to their 'fundamental-yet-specific' needs.

Harrison and Melville (2010) dedicate a chapter to human rights, and explore feminist and cultural critiques of the concept. They conclude that it is an important concept for international social work practice, but argue that human rights is not embedded in the 'everyday practice and political activities of social workers' (2010, p. 152) despite the commitments made in the international and national codes of ethics. They argue that its potential for emancipatory practice is significant, but it is undermined because it is

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[6] In Healy and Link's (2012) *Handbook of international social work: human rights, development, and the global profession*, human rights are highlighted as a key theme. Human rights is established as a key theory and concept underlying international social work and a further five chapters in a separate section are dedicated to human rights.

almost non-existent in the social work curriculum. I will discuss this further in the education section.

Human rights with politicised groups

In Australia, a number of groups experience systematic discrimination and oppression. Increasingly a human rights perspective is being applied to practice with these groups. The literature identifies human rights based social work with a range of politicised groups, including Indigenous peoples, people with a disability, women and – of particular interest to this research – refugees and asylum seekers.

In relation to human rights practice with Aboriginal and Torres Strait Islander peoples, Australia's First Nation peoples, Calma and Priday (2011) explicitly argue that there is a clear relationship between social work and human rights. They use a human rights focus to critique the Northern Territory Intervention and they recommend that social workers utilise the UN Declaration of the Rights of Indigenous Peoples. Green and Baldry (2008) also state that Indigenous social work has human rights at its heart, although the authors do not explicate what this means. Finally, Briskman (2007) has also discussed social work with Indigenous peoples and argues that social work should respect, maintain and enshrine Indigenous rights, and ensure that its practice does not contribute to any violations of human rights.

Generally, the disability movement has articulated a human rights focus, but social work has taken some time to develop a human rights approach with people with a disability. In one of the few pieces of literature that discusses research, Stevenson (2010) describes a rights based research methodology in collaboration with young adults with Down syndrome. The author argues that the Emancipatory Disability Research principles are consistent with the UN Convention on the Rights of Persons with Disabilities and have a critical approach to research. The human rights of people with a mental illness/psychiatric disability have also been discussed in the literature (Zifcak 1994), particularly in relation to the HREOC *Inquiry into the human rights of people with a mental illness* (1993), but also generally (Renouf & Bland 2005). According to the AASW *Practice standards for mental health social workers* (2008a, p. 12), in order to address powerlessness, marginalisation, stigma and disadvantage, 'social workers recognise the impact of illness, treatment and stigma on the experience of people with mental illness and their family carers. Social work practice promotes

equity, access, and participation, and the recognition of all civil and human rights'. In relation to direct practice, the *Standards* also state 'advocacy refers to activities undertaken by social workers with clients to promote and support basic human rights, and rights access to resources, services, and information' (AASW 2008a, p. 15).

The relationship between human rights and women has already been discussed in the patriarchal critique of human rights. Although women still experience significant disadvantage both in the private and public spheres, the human rights of women has not been examined extensively in the social work literature in the Australian context. Cooper, Anaf and Bowden (2006) describe practice–research in relation to women who have experienced violence at the hands of partners, or associates of partners in bikie gangs or cults. The violence has been referred to as 'domestic violence', but the authors question whether it should be referred to as 'torture'. The authors conclude 'that the State needs to adopt a human rights rather than legal focus when addressing the issue of violence against women' (Cooper, Anaf & Bowden 2006, p. 314). Swensen (1995) discusses the application of human rights to social work policy and practice, with specific reference to female genital mutilation. As with many of these categories they are artificial in the sense that the authors discuss a range of issues. In Swensen's case he not only discusses human rights in relation to women, but he also grounds the discussion in the context of practice with refugees.

The final group that is discussed in relation to human rights is refugees and asylum seekers. The literature demonstrates that there are a small but growing number of social workers that have addressed the human rights of refugees and asylum seekers (Briskman, Latham & Goddard 2008; Briskman & Fiske 2009; Briskman 2010b; ACHSSW 2006; Briskman & Cemlyn 2005; Fiske 2006). This literature will be addressed in further detail in the fourth chapter, which explores the context of social work with refugees and asylum seekers.

The literature discussed above reflects the vulnerable groups identified in the international literature and the utility of a human rights approach with minority groups. However, there are a range of groups which are not discussed in the Australian literature in particular children, and people who identify as lesbian, gay, bi-sexual, transgender, intersex, queer or are questioning their sexuality (LGBTIQ).

Human rights and education

The social work profession has clearly identified that human rights is fundamental in social work practice. It follows then, that if human rights are fundamental, opportunities to explore the meaning of human rights and its relationship with social work practice should be provided in the social work curriculum. However, judging from the literature, very little attention has been paid to human rights and its location in the social work curriculum in Australia. Indeed, the relationship between human rights and the Australian social work curriculum remains largely unexplored. This section provides an overview of the international and national imperatives to include human rights into the social work curriculum.

International and national imperatives to include human rights in the social work curricula

The IASSW has a long history in social work education. It was established in 1928 and according to its mission statement:

> IASSW adheres to all United Nations Declarations and Conventions on human rights, recognising that respect for the inalienable rights of the individual is the foundation of freedom, justice and peace (IASSW 2011).

The IASSW has provided a clear mandate for social work educators. Along with the IFSW, it agreed to a definition of social work that states in part that 'principles of human rights and social justice are fundamental to social work' (2001) it has also in conjunction with the IFSW produced *Global standards for the education and training of the social work profession* (2004). These standards provide general guidelines for schools of social work around the world, and while not without contestation themselves, they nevertheless make clear that human rights is a central part of social work and therefore of social work education. Numerous clauses refer to human rights, including clause 8.8:

> Ensuring that social work students are schooled in a basic human rights approach, as reflected in international instruments such as the Universal Declaration on Human Rights, the United Nations Convention on the Rights of the Child (1989) and the UN Vienna Declaration (1993) (IASSW & IFSW 2004)

As with the literature generally there is an acceptance that human rights are those rights that are derived from the UDHR and the conventions and declarations derived from it.

The AASW ASWEAS (2012a), and its guidelines on essential core curriculum content including mental health, child wellbeing and protection, cross-cultural and Aboriginal and Torres Strait Islander issues, address social work education in Australia. The standards have recently been reviewed and human rights feature much more prominently than the previous iteration. In the main standards there are three general references to human rights, but the most significant change from the 2008 standards is the explicit inclusion of human rights in the graduate attributes and learning outcomes for social work courses. In particular:

> Graduate attribute 1: Demonstrated sense of identity as a social worker. Learning outcome [among others]: The ability to act in accordance with social work knowledge, values and ethics within a human rights framework (AASW 2012a, p. 7).

> Graduate attribute 4: Ability to apply knowledge of human behaviour and society, as well as the social, cultural, political, legal, economic and global contexts of practice to respond effectively within a human rights and social justice framework (AASW 2012a, p. 8).

With regards to the Mental Health Curriculum Content, the attitudes and values required include: 'A commitment to social justice for people with mental health problems, based on their human rights, and to advocacy at the individual and system level' (AASW 2012b, p. 4). With regard to the Cross-cultural Curriculum Content, in the preamble:

> Along with the necessary skills, this ensures 'social workers promote respect for traditions, cultures, ideologies, beliefs and religions amongst different ethnic groups and societies, insofar as they do not conflict with the fundamental human rights of people' (AASW 2012b, p. 16).

In relation to the attitudes and values 'an understanding of, and a critical engagement with, notions of universal human rights' (AASW 2012b, p. 17) is required. This is one of the few statements in any of the official documentation, either at the national or

international level, which alludes to the contestation of key principles of human rights and the requirement for a critical engagement. This is replicated and extended in the Aboriginal and Torres Strait Islander Curriculum Content, in the section ' 'Knowing and being: attitudes and values': 'an understanding of, and a critical engagement with, notions of universal human rights, social justice and non-racist practice' (AASW 2012b, p. 22).

All schools of social work in Australia are required to report against the standards and core curriculum content which includes these new proscriptions about human rights.

<u>The invisibility of human rights in the Australian social work curriculum</u>
As with human rights and social work practice, there is a clear ethical imperative to include human rights in the social work curriculum. However, very little has been published on human rights and social work education in Australia. The Australian experience is reflected in the international context as well, as Dominelli (2007, p. 17) argues, 'death through benign neglect seems appropriate in describing the insufficient attention given to human rights'. George (1999) was one of the first social work educators in Australia to consider the place of human rights in social work education. She questioned whether social work educators understood the meaning of human rights and the consequent implications for education and practice. George concluded that social work educators and social work practitioners are not well prepared when it comes to human rights, which she acknowledged is conceptually and practically challenging. She (1999, pp. 15–16) argued:

> understanding the principles of human rights, the debates surrounding them and the implications for practice is essential for social work educators, a step towards taking a professional position which must be grounded in knowledge rather than rhetoric.

The passage of twelve years does not appear to have changed much. Harrison and Melville (2010, pp. 150–151) also conclude that social workers struggle with putting human rights into practice and 'in this sense, human rights run the risk of remaining an academic discourse in social work rather than one that is firmly grounded in practice'. The authors argue that the limited attention given to human rights in the social work curriculum might explain why social workers find human rights difficult

to translate into practice and conclude, 'that the onus is on social work educators to "rethink" the way they teach human rights in social work and to increase its visibility in the social work curriculum' (Harrison & Melville 2010, p. 153).

<u>Principles of a human rights approach to education</u>

Only a few authors have directly considered how human rights should be included in the curriculum. Ife (2012) argued that a human rights approach clearly has implications for social work education. The most obvious implication is to explore human rights and its relationship with practice in the social work curriculum. Although Ife does not specifically state how this should be achieved, he suggests curriculum based on the theoretical explorations in his book would encourage students to think about human rights and the implications for practice. Ife (2012) also specifically addressed the processes of social work education. As was mentioned in the previous section on practice, he presented a number of general principles in relation to achieving human rights as well as respecting human rights. It is in relation to respecting human rights that Ife discusses social work education. He argues that the process of teaching is as much about human rights as the actual content that is being taught, and presents a number of principles to consider including: a critical pedagogy approach to teaching human rights; increased student choice; collaborative learning; the involvement of clients and workers in social work education; the involvement of students in assessment regimes; the opportunities of a human rights approach in field education; the involvement of students and clients in the social work curriculum; the involvement of students and clients in relation to academic appointments and evaluation.

Briskman and Fiske (2008) explored a critical pedagogy approach to teaching human rights at university. The authors argue that teaching human rights must be both inspirational and aspirational, and the central concern of human rights education is to develop a 'human rights culture'. Based on the authors' experience of teaching human rights at Curtin University, they have developed a schema for human rights education that includes the following components: philosophical, political, historical, anthropological, legal, practical. The authors note that there are considerable challenges to incorporating human rights into the curriculum, including the pressures on academics to defend their programs based on managerialist agendas, competing paradigms and the 'crowded curriculum'.

The final example of an approach of how social work has been included in the social work curriculum comes from my own teaching practice (Nipperess 2002). In this unpublished paper I outlined the development and preliminary evaluation of a new subject, 'Human Rights and Practice', which was offered for the first time in 2002 at Edith Cowan University. This subject explored the complex and contested nature of human rights from a critical teaching perspective. The subject explored a number of themes: first, it explored the notion of human rights in the social work and interdisciplinary literature; second, it explored the various critiques of human rights; third, it used the 'three generation' framework of human rights to move beyond a legalistic/first generation view of human rights; and finally, it explored a human rights approach to practice, based on a discursive understanding of human rights, which understands that human rights are constructed from lived experiences. The outcome of the evaluation of the subject content indicated that students valued a specific subject on human rights. With regard to the teaching style, students indicated that exploring human rights from a critical teaching perspective, although challenging at times, was highly valued and consistent with a human rights approach.

Steen and Mathiesen (2005) argue that social work in the US is 'behind the curve' when it comes to human rights education and it could be argued that this is the case for Australia as well, judging from the lack of literature. However, the literature, or lack thereof, is not able to indicate how, or indeed if, human rights are incorporated into the social work curriculum in Australia. Nevertheless, the dearth of relevant literature certainly suggests that there is an absence of examples of how human rights might be included in the curriculum. In addition, there is an absence of theorising that could help to explore the conceptual, theoretical and pedagogical challenges posed by a human rights approach.

Conclusion

Human rights occupies a key position in social work according to the social work policy documents and literature reviewed in this chapter. The literature indicates that the social work profession clearly values the concept of human rights. It identifies that the UDHR and the conventions and declarations derived from it, provide a set of foundational documents for social workers to guide practice. Finally, it indicates that

a small, though increasing, number of social work academics are exploring the contested and complex nature of human rights, and its relationship with social work practice.

In 1999, George (p. 15), an Australian academic, stated that 'social work educators and practitioners are not well prepared in the area of human rights, which is conceptually and practically difficult'. In the intervening years the human rights and social work literature has developed significantly, particularly in relation to practice. There is now a substantial literature that considers human rights and social work from an international and national perspective. In theory, social work practitioners and social work educators should therefore be better prepared.

There is a real risk though that human rights still remains a rhetorical concept; a concept that is embedded in national and international codes of ethics, but which has little impact on the work of either practitioners or educators. Given that there is a serious lack of research into the application of a human rights approach in either practice or social work education, it is simply unclear whether social work's commitment to human rights is rhetoric or reality. The emancipatory potential of a human rights perspective in social work is therefore minimised and largely unexplored.

This literature review has identified the importance of further research into a human rights approach in both social work practice and social work education. This research contributes to the literature by exploring social workers' understanding of human rights, and how this is translated into practice, within the context of social work with refugees and asylum seekers. It also contributes to the literature in relation to social work education by exploring social work educators' understanding of human rights and how this has been incorporated into the social work curriculum. Finally, it explores the implications of a human rights approach for critical social work.

The next chapter explores the theoretical foundations of the research. In particular it locates a human rights approach specifically within the critical social work tradition and explores the critical social theories that inform this research.

Chapter Three: Theoretical foundations: locating human rights in the critical social work tradition

> There are many challenges facing critical social work, a set of approaches that cannot be singularly defined. Yet the passion for social justice and equality underpinning critical social work is what attracts many social workers concerned about injustice and oppression. It is out of the differences within critical social work and the challenges it faces that it will continue to evolve as a set of approaches aimed at moving towards a society which is more inclusive and supportive of the various groups within it (Allan 2009, p. 43).

Introduction

The International Definition of Social Work, which was agreed to by the IFSW and the IASSW in 2001, clearly identifies that one of the main aims of social work is social change. The emancipatory role of social work is articulated through its emphasis on the empowerment and liberation of peoples, and its articulation of the core values of human rights and social justice. Social work in this sense is inherently radical (Ife 1997), but this is not to say that social work is always practised in radical ways, or that an emancipatory goal is sought by all social workers. On the contrary, the history of social work clearly shows that social work is contested. A range of explanatory theories – from psychodynamic theories to the critical theories that underpin this research – have been utilised to explain social problems and a range of diverse perspectives have developed to respond to them over the hundred or so years that the profession has existed. While an emancipatory approach to social work has been widely advocated, it has never been central to social work practice (Briskman, Pease & Allen 2009; Dominelli 2009; McDonald 2006). Although, in the context of increasing social, economic and environmental inequality exacerbated by neoliberalism and globalisation, the need for a critical approach to social work has never been more necessary (Ferguson & Woodward 2009). A human rights approach, informed by and embedded in the critical tradition, provides a way forward for the

social work profession to realise its emancipatory aims (Ife 2012; Lundy 2011; Reichert 2011, 2007, 2006).

This chapter articulates the theoretical foundations for my research. It explores the historical and contemporary context of critical social work. It then examines the specific relationship between human rights and critical social work. This is followed by a consideration of the theoretical foundations of the critical human rights approach developed in this thesis' research, including critical social theory, and critical pedagogy, feminism, postcolonialism, postmodernism and green theory. Finally, the chapter ends with a discussion of the contemporary context of neoliberalism and globalisation, and the rationale for using a human rights approach to realise the emancipatory goals of critical social work.

Critical social work

The critical tradition has a long history in social work. This history can be traced back to the Settlement House movement and the pioneering work of Jane Addams, but it was not until the 1970s that radical social work emerged as a strong critique to the more conventional forms of social work, which were highly influential at the time and derived from psychoanalytic views of social problems. A critical tradition has been particularly strong in Australia (Payne 2005) and is informed by a number of critical theories. However, it has never been central to the profession and despite its popularity it is unclear how much it actually informs practice (McDonald 2006).

Dominelli (2009) describes three key perspectives in social work: the maintenance, therapeutic and emancipatory approaches.

The role and purpose of social work according to the *maintenance* approaches, is to assist people to cope with the difficulties experienced in their everyday lives. This may mean finding appropriate services or supports, but in general it does not mean developing therapeutic relationships. Broadly, there is no role for political activism to change society. In the Australian context a case manager[7] is an example of this kind

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[7] Chenoweth and McAuliffe (2012, p. 309) define case management as 'a practice method that involves a coordinated approach to determining needs and planning supports on behalf of a client. It involves locating, brokering and monitoring services and supports, and reviewing outcomes'.

of social work: someone whose job it is to find a range of goods and services on behalf of the people with whom they work.

The *therapeutic* approaches emphasise the role of the therapeutic relationship in social work. The social worker or counsellor works with the person (or groups of people) to help them cope with whatever difficulties they face. This can involve using a range of methods or therapies including strengths-based practice, cognitive behavioural practice, narrative-based practice and solution-focused practice.

The *emancipatory* approaches are diverse but essentially highlight the need for personal, cultural and structural change. They have an explicitly political orientation and include the radical social work perspectives developed in the 1970s to a range of contemporary approaches, such as structural social work, anti-oppressive practice, human rights and critical postmodernism.

The term 'critical social work' has been used since the late 1990s to describe the group of emancipatory approaches that Dominelli (2009) outlines. The term has particular currency in Australia and will be used throughout this thesis. On occasion, other nomenclature, such as progressive social work, transformative social work and emancipatory social work, will also be used synonymously with critical social work.

Emancipatory approaches in social work are not new phenomena; they have always been evident in social work. Indeed, a history of social work shows that there has been a tension between so-called conventional and emancipatory views of social work from its inception (Mendes 2009). This history is characterised by the contrast between Mary Richmond and the Charity Organisation Society movement with Jane Addams and the Settlement House movement.

The Charity Organisation Society commenced in 1877 in the United States by an English priest. It was concerned with distributing charity and it aimed to reduce poverty. It was performed by 'friendly visitors' – mainly volunteer high socio-economic status women, who taught a range of new skills and behaviour to people experiencing poverty – but it was coordinated by high socio-economic status men (Mullaly 2007). It explained poverty according to individual character deficits, and distinguished between 'deserving' and 'non-deserving' poor. Mary Richmond (1861–1928) was particularly influential in the Charity Organisation Society and was

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instrumental in shaping the course of social work through the development of the casework method. She published *Social diagnosis* in 1917, which explored assessment, and *What is social casework?* in 1922, which was an explication of the casework method.

The Settlement House movement, also initiated by a priest, commenced in 1884 in England. It was concerned with poverty as well, but the explanation for this social problem was quite different. It explained poverty as the result of an unjust social order rather than as a result of some personal deficit. It was performed by middle and upper-class women and men, who relinquished their privileges and lived and worked with the poor. It resulted in the development of the 'self-help' model, which emphasised community development and social action. Jane Addams (1860–1935) was highly influential in the Settlement House movement in the US and was awarded the Nobel Peace Prize in 1931.

The approach epitomised by Jane Addams and the Settlement House movement falls in the category of emancipatory approaches described by Dominelli (2009) and clearly shows the long history of this kind of approach in social work. Despite this long history, emancipatory approaches were marginal in social work until the 1960s and 1970s. During this period, a radical critique of conventional social work re-emerged in the Marxist critiques of Corrigan and Leonard (1978), Gough (1979) and others, primarily in Britain, but in the United States and Australia as well; and, in many non-Western countries, the work of Brazilian educator Paulo Freire became influential. Since then, critical social work perspectives have continued to develop (Allan, Briskman & Pease 2009; Hick, Fook & Pozzuto 2005), in particular: radical casework (Fook 1993); feminist social work (Dominelli 2002a); anti-racist social work (Dominelli 2008); critical practice (Ife 1997); anti-discriminatory practice (Thompson 2006); structural social work (Mullaly 2007); human rights based practice (Ife 2012; Lundy 2011); radical practice (Ferguson 2008; Ferguson & Woodward 2009; Lavalette 2011); anti-oppressive practice (Baines 2007; Mullaly 2010); and critical postmodernism (Fook 2012; Healy 2000, 2005; Pease & Fook 1999). Taking into account the diversity of approaches in critical social work, Allan (2009, pp. 40–41) lists five principles that are common to contemporary critical social work approaches:

- A commitment to work towards greater social justice and equality for those who are oppressed and marginalised within society.

- A commitment to work alongside the oppressed and marginalised populations.

- A commitment to question taken-for-granted and dominant assumptions and beliefs.

- An analysis of power relations which serve to marginalise and oppress particular populations in society.

- An orientation towards emancipatory personal and social change.

Central to the final principle is the idea that social work is practiced at different levels. In the literature these different levels of intervention are referred to in a variety of ways, usually in relation to a binary: the micro/macro, individual/societal or personal/structural. In emancipatory social work there is the recognition that practice must occur at both the personal level as well as the structural level. Emancipatory approaches are now widely advocated – in the academic literature at least – and are increasingly evident in the social work curricula.

Human rights and critical social work

Human rights approaches have developed relatively recently compared to other critical social work approaches and include a number of comprehensive (Ife 2012; Lundy 2011; Mapp 2008; Reichert 2011, 2007, 2006; Wronka 2008) and specific articulations of human rights based practice, which will be explored further in the next chapter. Although these perspectives are diverse, they share a fundamental commitment to the value of human rights, which is expressed in a range of national and international social work policies and documents (Hugman 2012a; Wronka & Staub-Bernasconi 2012).

McDonald (2006) locates human rights approaches to social work firmly in the critical social work tradition. She notes that the strategic value of human rights based practice is very clear and gives three reasons why this is the case:

> First … it provides an unambiguous and inspiring morality and politics for practitioners made despondent by the harshness and intractability of the

contemporary welfare state … Second, it provides a framework for making conceptual linkages across the private–public divide and articulating arguments for constructive public engagement in what is increasingly cast as private domains … Finally, it provides a clear set of foundational documents in the form of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (McDonald 2006, p. 177).

Despite this clear link with critical social work, comparatively few authors have explicitly explored the relationship between human rights and critical social work. Australian author Ife (2012, 2005, 1997) has explored human rights based practice from a critical social work perspective in a comprehensive body of work. In his different iterations in relation to social work (2012) and to community work (2010), a number of critical theories have informed his exploration of human rights based practice. Ife (2005) specifically considers the connection between human rights and critical social work, and concludes that a human rights based approach meets the criteria for a critical approach to social work practice. Lundy (2011), a Canadian author, has also explicitly explored the relationship between human rights and critical social work. Lundy clearly identifies the pursuit of human rights, social justice and peace as the main concern of social work practice, and applies the structural approach to social work, a critical approach that developed in Canada in the early 1970s,. Finally, Nipperess and Briskman (2009) explicitly for these ends investigated the relationship between a human rights approach and critical social work in an Australian text dedicated to the exploration of critical social work. The authors argued that a human rights approach does not replace other critical approaches to social work, but builds upon a range of emancipatory theories and integrates them with other forms of critical social work.

A critical human rights approach in social work: theoretical underpinnings

The critical human rights approach that is developed in this research is informed by a number of critical theories including critical social theory, critical pedagogy, feminism, postcolonialism, postmodernism and green theory.

The contribution of critical social theory and critical pedagogy

Despite the diversity inherent in the critical social work approaches, most of them are informed by some form of critical social theory. Critical social theory is a large body of work, which is complex and diverse. Leonard (cited in Mullaly 2010, p. 17) defines critical social theory thus:

> A critical theory of society is defined as a theory having practical intent. As its name suggests, it is critical of existing social and political institutions and practices, but the criticisms it levels are not intended simply to show how present society is unjust, only to leave everything as it is. A critical theory of society is understood by its advocates as playing a crucial role in changing society. In this, the link between social theory and political practice is perhaps the defining characteristic of critical theory, for a critical theory without a practical dimension would be bankrupt on its own terms.

Karl Marx (1818–83) laid the foundation for critical social theory, and Engels and others continued his work after his death. However, the term 'critical theory' was first used in 1937 by Max Horkheimer to describe the work of the Frankfurt School. The Frankfurt School was a group of scholars located at the Institute for Social Research at Frankfurt University, which was originally established to explore and develop the ideas of Karl Marx. It was concerned with the promise of the Enlightenment (with its emphasis on reason, secularity and science), and the reality of the unequal social, cultural and economic conditions ushered in during the nineteenth century by the new period of history known as modernity. In contrast to the way theory was traditionally conceived in the sciences, critical social theory is characterised as historical, subjective and part of society. Although critical theory is virtually synonymous with the Frankfurt School, subsequent scholars have continued to explore and critique the ideas of Marx, particularly Jürgen Habermas. Others not belonging to the school have also contributed to the body of work, including Freire's work on critical pedagogy.

Freire (1993) explored a critical pedagogy in his landmark book *Pedagogy of the oppressed*, which was first published in 1970. In this book, and throughout his life and work, Freire explored how people are oppressed by dominant group/s. He argued that they remain oppressed because they lack a critical understanding of their situation and

consequently are unable to change or transform it. In his view, liberation can only happen through praxis – through both reflection and action:

> To surmount the situation of oppression, people must first critically recognise its causes, so that through transforming action they can create a new situation, one that makes possible the pursuit of a fuller humanity (Freire 1993, p. 29).

Oppression can occur in many unequal relationships, but Freire explored extensively how it happens in the teacher–student relationship. Freire critiqued the more traditional approach to education by likening it to the system of banking. Knowledge is 'deposited' into student's brains (lectures) and 'withdrawn' when tested or examined. This kind of teacher–student relationship is oppressive because it does not develop knowledge. Freire's view, knowledge only emerges 'through invention and re-invention, through the restless, impatient, continuing, hopeful inquiry human beings pursue in the world, with the world, and with each other' (1993, p. 53). The traditional approach to education, which is perceived as a politically neutral process, does not encourage critical reflection, action or engagement with the material presented or the teacher–student relationship. The teachers are the experts and the students know nothing: they are 'blank slates'. Critical teaching, on the other hand, recognises that education is not neutral, that it is an inherently political process, that through dialogue – which includes both reflection and action – conscientisation results, and, through praxis, a liberating/emancipatory/empowering education connects and leads to social transformation (Boyce 1996). Shor (1992, p. 17) states that:

> To be critical in such a democratic curriculum means to examine all subjects and the learning process with systematic depth; to connect student individuality to larger historical and social issues; to encourage students to examine how their experience relates to academic knowledge, to power, and to inequality in society; and to approach received wisdom and the status quo with questions.

Dialogue is the key to empowering education and mutual discussion is at the core of the approach (Shor 1992).

The radical and Marxist articulations of social work were directly informed by critical social theory, including the work of Freire. These approaches, which developed in the 1960s and 1970s in the United Kingdom, the United States, Canada and Australia, include the work of Corrigan and Leonard (1978), Gough (1979), and others. There was also a significant radical tradition based on the work of Freire in Latin America (Payne 2005). Although these approaches were diverse, central tenets include: the materialist nature of the perspectives; social structures explain social problems not individual agency; the experience of inequality and injustice are directly related to working class status; social structures which emphasise cooperation and sharing are to be encouraged; the focus is on political action and social change rather than personal change; and the importance of praxis, dialogue and conscientisation (Payne 2005). A fundamental component of these radical and Marxist iterations of social work practice was the critique of social work practice, in particular the social control functions of social work and the detrimental effect of professionalisation in relation to social work (Payne 2005).

Radical and Marxist approaches were also criticised for a range of reasons, not the least of which was the centrality of class in their analysis of inequality and injustice at the expense of ignoring gender, race/ethnicity, and other categories of social inequality, such as (dis)ability, age and sexual identity. These early radical approaches were criticised for not paying enough attention to the individual emotional or psychological impact of issues, and ultimately these early iterations of radical social work did not articulate an effective guide for practice (Mendes 2009).

The contribution of feminism

Like critical social theory, feminist theories do not represent one unified theory. Rather they represent a number of theories informed by diverse standpoints, such as liberal feminism, Marxist feminism, radical feminism and postmodern feminism. However, at its core is the emancipation of women from unequal social, material and cultural relations. Despite the diversity of approaches Weeks (2003) identifies four theoretical premises of feminist analysis. The first relates to the link between the personal and the political. Feminist theorists have recognised that the personal experiences of women are reflected in the wider 'historically and socially structured gender power relations'

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(Weeks 2003, p. 108). The second premise is that social action is required to overturn these oppressive structural relations. The third premise is a reluctance to treat women as victims, but to acknowledge women's agency. The final premise is that in order to deliver appropriate and relevant service to women, organisations need to be transformed (Weeks 2003, p. 109).

Feminist theorising has directly informed a number of critical social work approaches including in particular feminist social work (Dominelli 2002a) developed in Britain. Dominelli (2002, p. 7) defines feminist social work as:

> a form of social work practice that takes women's experience of the world as the starting point of its analysis and by focusing on the links between a woman's position in society and her individual predicament, responds to her specific needs, creates egalitarian relations in 'client'-worker interactions and addresses structural inequalities.

Examples of feminist social work practice in Australia can be found in the writings of Weeks (2003), Thorpe and Petruchenia (1990), and Marchant and Wearing (1986). The writings of Bob Pease on male privilege and dominant forms of masculinity, while not feminist, are informed by feminist theories and contribute to challenge sexism (Pease 2009). Feminist social work practice is part of the critical social work tradition, but feminism has also informed other forms of critical social work. For example, Fook, in the development of her radical casework, explicitly uses gender to explain social inequality (1993, 1990).

The contribution of postcolonialism

Critical social work has also been informed by theories on race and racism, and more recently postcolonial and whiteness studies. I will first explore the concept of race and the concomitant concepts of ethnicity and racism.

Race is 'commonly used to refer to specific populations who are thought to share certain characteristics (often said to be genetic in origin) the combinations of which allow them to be distinguished from other such populations' (Hollinsworth 2006, p. 24). These characteristics are thought to be inherent, physical and permanent (Williams & Johnson 2010). The concept of race is a historical and social construction.

Despite the ubiquity of this term in popular discourse, it has been shown to be a biological fiction – humans share similar genetic material and indeed there are more differences within groups of people than between groups of people – there is no scientific or genetic evidence of separate or different races of humans.

Ethnicity is often used in contrast to race partly in recognition that it is a historical invention, but primarily because it allows people to self-identify. Ethnicity generally refers to the shared history, traditions, values and other attributes that make people feel as though they are members of a certain ethnic group. There are no objective indicators for ethnicity; membership is based entirely on subjective factors. Ethnicity can be political, situational and negotiated (Williams & Johnson 2010).

However, there being no such thing as race in a biological sense does not mean that *racism* does not exist. On the contrary, racism does exist and is experienced by many people throughout the world (Castles, Kalantzis, Cope and Morrissey 1990). Racism is the attempt by dominant groups to exclude certain groups from the social, cultural, economic and political institutions of the society, and the rewards and status that accompany participation in these institutions. As Hollinsworth (2006, p. 6) notes 'racism is a relationship of dominance and subordination between social groups and is subject to variation over time and place. It may therefore be better to think of historically specific racisms'.

Feminist theorists critiqued critical social theory for not adequately taking account of gender in relation to exploitation and oppression. Likewise, critical social theories and feminist theories have been critiqued for not adequately taking account of race. 'Race' is therefore another concept that has been used to analyse inequality and oppression. In particular, the class-based formulations of critical social theory have been criticised for not explaining the fundamental experience of racism. Similarly, non-white and Indigenous feminists have criticised feminist theory for ignoring the experience of racism, colonisation and imperialism.

Understandings of race and racism are inextricably linked with colonisation and imperialism. Postcolonial studies are centrally interested in the experience and effects of colonisation; postcolonial studies cover a number of disciplines, in particular history, literary studies and anthropology and has recently begun to inform critical

social work. Smith (1999, p. 21) describes the experience and effects of colonisation in the following way:

> For many communities there were waves of different sorts of Europeans; Dutch, Portuguese, British, French, whoever had political ascendency over a region. And, in each place, after figures such as Columbus and Cook had long departed, there came a vast array of military personnel, imperial administrators, priests, explorers, missionaries, colonial officials, artists, entrepreneurs and settlers, who cut a devastating swathe, and left a permanent wound, on the societies and communities who occupied the lands named and claimed under imperialism.

Postcolonial studies have intellectual roots in both Marxism and poststructuralism/postmodernism (Ghandi 1998). Although the term was originally used in a hyphenated sense (post-) to explain societies following colonisation, it is now used without the hyphen to remove the historical specificity and indicate that colonisation is still very much a part of the present. This is particularly so for Indigenous peoples in a range of countries including Australia. Smith (1999, p. 24) relates the story of Roberta Sykes, an Aboriginal activist, who in speaking at a conference on postcolonial studies commented, 'What? Post-colonialism? Have they left?'.

A sub-branch of postcolonial studies, whiteness studies, is an emerging area of scholarly activity that is also having an influence on critical social work. Whiteness studies seek to uncover the taken-for-granted assumptions when discussing race, ethnicity or related concepts; in particular that to be 'white' is normal, the standard against which everyone is judged (Moreton-Robinson 2004). Frankenberg (cited in Hollinsworth 2006, p. 63) defines whiteness as:

> a set of locations that are historically, socially, politically, and culturally produced and, moreover, are intrinsically linked to unfolding relations of dominance. Naming 'whiteness' displaces it from the unmarked, unnamed status that is itself an effect of its dominance. Among the effects on white people both of race privilege and the dominance of whiteness are their seeming normativity, their structured invisibility.

Whiteness studies highlight the invisibility of whiteness in the discourse on race and racism (and for most white people). It also identifies the privilege that comes with whiteness (McIntosh 2013). These unearned social privileges are again invisible to the bearers.

The social work profession has incorporated ideas from race and racism, postcolonial and whiteness studies into specific formulations of critical social work, including in particular, anti-racist social work by Dominelli (2008). In Australia, there has been a dearth of literature that has dealt with issues of racism in relation to Indigenous or immigrant Australians (McMahon 2002). However, in the last ten years the literature, which utilises the theorising around race/racism, postcolonialism and whiteness studies, has developed significantly. Australian social work writers who have incorporated an anti-racist and/or anti-colonialist practice and/or whiteness approach in their work include: Walter, Taylor and Habibis (2011); Bennett, Zubrzycki & Bacon (2011); Pease 2010a; Harrison and Melville (2010); Quinn (2009); Fejo-King and Briskman (2009); Ife (2008); Tascón & Ife (2008); Briskman (2007); Gair, Thomson, Miles & Harris (2003); McMahon (1997); and Petruchenia (1990). The experience of racism and colonisation are two themes that are particularly pertinent to Australia, and to Australia's treatment of refugees and asylum seekers, and will be discussed in Chapter Four.

The contribution of postmodernism

Postmodernism represents a vast body of material across numerous disciplines as diverse as art and architecture, and has had a significant impact on critical social work. Crotty (1998, p. 183) notes:

> Postmodernism is the most slippery of terms. It encompasses a broad variety of developments, not only (and certainly not first) in philosophy and social sciences, but also in architecture, the arts, literature, fashion, and many other spheres of human endeavour. The term is used, and defined, in a multitude of ways. So too is the 'modernism' to which it is related by virtue of the preposition 'post', which in its turn is understood in almost equally inconsistent fashion.

The emergence of modernity is usually identified as occurring in seventeenth-century Europe. It is the period that replaced religious/feudal forms of social life. The period of the Enlightenment was celebrated for its rationality and emphasised reason, rather than tradition or emotion; its central belief was in science and progress. Emancipation from inequality and oppression was the project of the Enlightenment. Postmodernism, on the other hand, is said to have replaced or is replacing modernity and is a rejection of all that modernism is supposed to stand for. Modernism has been critiqued for its emphasis on 'grand narratives' or 'universal discourses', such as 'class', 'race', 'gender', 'human rights' and 'social justice'. These universal discourses have been critiqued for not taking account of diversity, relativity, fragmentation, uncertainty and other components of a postmodern world.

Since the 1990s, postmodernism has had a substantial impact on critical social work. In the international arena a number of social work theorists have incorporated postmodernism into critical social work approaches and include Payne and Askeland (2008), Leonard (1997) and Parton and O'Byrne (2001). In Australia the work of Healy (2005, 2001, 2000, 1999), Fook (2000, 2012), and Pease and Fook (1999) have been particularly influential. The postmodern critique of modernist social work suggests that universal discourses do not take into account difference. For example, in relation to the construct of gender, the experiences of women are not all the same because there is significant diversity within women, for example, in class and ethnicity. So is it useful to talk about the universal experience of oppression of women? Modernist social work is also criticised for emphasising the structures at the expense of ignoring personal agency. Just as postmodernism has provided a critique on modernist forms of practices, it has also been critiqued. In particular, postmodernism's rejection of the meta-narratives of social justice, class, gender and indeed human rights, and its celebration of diversity and fragmentation, risks a conservative practice that fails to address the social, cultural and economic inequality experienced by people with whom social workers work (Ferguson 2008; Noble 2004; Ife 1999).

The tensions between the modernist and postmodernist traditions in critical social work have been debated significantly over the last decade or so. Unfortunately the differences in the two perspectives have too often been presented as a dichotomy, and this is unhelpful and problematic (Ife 1999). Recently, approaches have developed that

recognise the strengths and limitations of both perspectives (Allan 2009). Ife, in his articulations of community development (2002), critical practice (1997) and human rights approaches (1999, 2007, 2010; 2012), has consistently recognised the strengths and weaknesses of modernist and postmodern practice. He urges social workers to move beyond simple binaries, whether it is in relation to modernist and postmodern practice or between universalism and relativism (2007), and develop practice that is *both* postmodern *and* still committed to some universal notions of social justice and human rights. Indeed, Ife (1999, p. 217) states that 'postmodernism need not be, and in reality cannot be, an 'all or nothing' choice for social workers'. Mullaly, in his articulations of structural social work (2007) and anti-oppressive practice (2010), also comes to similar conclusions and considers that postmodern analyses and a critique of modernity are essential in a 'revitalisation of critical social theory' (2010, p. 16). Finally, Healy (2005, p. 214) has articulated the uses of post theories in social work practices, but she also recognises the limitations and cautions practitioners and educators against an 'uncritical embrace of post theories'. As Allan (2009, p. 41) notes:

> The issue here is how to hold together the different approaches and so practise in ways that pay attention to inequitable material arrangements and their impact on individuals and communities, at the same time heeding difference and diversity while maintaining and open, reflexive and self-critical stance. This means maintaining the tensions between the different positions and working with the contradictions, debates and uncertainties that emerge.

The contribution of green theory

Green theories endeavour to explain human induced climate change and environmental degradation. Like the other theories discussed above, green theories are diverse and are interdisciplinary. Heywood (2012) describes six theoretical approaches: modernist ecology, social ecology, ecosocialism, ecoanarchism, ecofeminism and deep ecology.

Green theories have had limited impact on social work generally and critical social work in particular until very recently. A review of the environment and social work literature shows that interest in the relationship between environmental degradation and social injustice only emerged in the 1970s, and since then has largely been on the margins of social work practice and education (Molyneux 2010). However, in the last ten years the literature has expanded significantly (McKinnon 2012, 2005; Alston 2012; Alston & Besthorn 2012; Coates 2003, Besthorn 2011) including the publication of two recent texts (Gray, Coates & Hetherington 2012; Dominelli 2012) and a special edition of the *International Journal of Social Welfare* (2012), which specifically addresses environmental issues in social work. Gray, Coates and Hetherington (2012) identify a number of themes in the environment/social work literature, including the critique of modernity and capitalism, the association between critical theory and environmentalism, and the centrality of spirituality and Indigenous perspectives. Dominelli (2012, p. 3) argues for a 'green social work' that 'focuses on how responses to environmental crises must challenge and address poverty, structural inequalities, socio-economic disparities, industrialization processes, consumption patterns, diverse contexts, global interdependencies and limited natural resources'.

A number of authors also explicitly discuss environmental degradation in relation to human rights (Tester 2012; Alston & Besthorn 2012; Hawkins 2010). Tester (2012, p. 103) argued that 'climate change has serious implications for human health and access to food, water, and shelter' and therefore should be viewed as a human rights issue. However, according to Tester (2012) human rights and social work literature largely ignores climate change. Alston and Besthorn (2012, p. 65) argued that 'attention to human-rights based practice and anti-oppressive practice is the basis for social work in the area of environment and sustainability. Hawkins (2010) also critiqued the human rights and social work literature for not addressing environmental justice and argued

that the interconnected notions of environmentalism and human rights 'have yet to be fully incorporated into the core knowledge and value base of social work education and practice'. Although Dominelli (2012) considered that human rights are at the heart of green social work and are mentioned throughout the book, there is not an explicit discussion on the relationship between the concepts.

The context of neoliberalism and globalisation: human rights as a way forward

It would be difficult to argue that social work has ever operated in a context that was supportive and conducive to its work. However, since the economic crisis of the early 1970s, governments have responded with increasing conservatism and neoliberalism has become the dominant ideology, with its emphasis on individual choice, economic over social policy, and the concomitant concepts of privatisation, managerialism, competition, marketisation and corporatisation (Ferguson, Lavalette & Whitmore 2005; Rees & Rodley 1995). Many social workers find themselves practising in an environment that is antithetical to their values. In this context, the social work profession has lost its way according to Ferguson and Lavalette (2005, p. 207):

> Far from principles of human rights and social justice being at its heart, social work practice is increasingly dominated by managerialism, by the fragmentation of services, by financial restrictions and lack of resources, by increased bureaucracy and work-loads, by the domination of care-management approaches with their associated performance indicators, and by the increased use of the private sector.

Globalisation, in particular economic globalisation, has exacerbated and extended the experience of neoliberalism (Falk 1999). 'Globalisation', like many of the concepts discussed in this chapter, is a highly contested term. It is commonly thought to mean the idea of a global economy. Clearly, a global economy has always existed in the sense that there has always been world trade. However, nation-states largely regulated this trade. In recent years, world trade 'has grown so large, and transnational corporations have become so powerful' that nation-states have had much less control over their own economies (Ife 2012, p. 30). Globalisation does not just refer to the movement of global capital though. It also refers to global information sharing and global people movements, and advocates have suggested that the world will become a

more peaceful place as a consequence of all three components. Despite the promise of a more peaceful and equitable world, the opposite has been the case, and in fact there is increasing inequality within and across nations around the world (Marfleet 2006). In addition to the social and economic inequality that has been exacerbated by globalisation, globalisation has also exacerbated environmental degradation (Alston 2012; Dominelli 2012).

An emancipatory approach in social work seeks to resist (Ferguson & Lavalette 2006) and provide an alternative perspective to social work in the current context of neoliberalism and globalisation (Ferguson & Woodward 2009). Ife (2012, p. 32) states:

> In many ways globalisation is simply the logical extension of capitalism, patriarchy, modernist rationality and colonialist exploitation, and the intellectual frameworks that critique these phenomena – Marxism, feminism, postmodernism and postcolonialism – are crucial to a critique of economic globalisation and the search for a viable and equitable alternative.

A human rights approach to social work, embedded in the critical social work tradition, provides a way forward for a viable and equitable alternative, in the context of neoliberalism and globalisation.

Conclusion

This PhD research further develops the relationship between human rights and critical social work. This research is specifically informed by critical social theory, including the critical pedagogy developed by Freire, as well as feminism, postcolonial and postmodernism, in addition to the critiques of these theories. It straddles the tensions between modernist social work and postmodernist social work positions, in an attempt to recognise the strengths and limitations of both.

The current context of social work practice is uncertain. The entrenchment of neoliberalism has meant that the environment in which social workers practice has changed substantially, and is now increasingly hostile to the values of human rights and social justice which are fundamental to the profession (McDonald 2006; Ferguson 2008). The impact of economic globalisation has meant that nation-states have less and less control over their economies, and social, cultural and economic inequality and

environmental degradation are exacerbated. In this context a human rights approach, located in the critical social work tradition, is well placed to respond.

The following chapter explores social work practice with refugees and asylum seekers in Australia. In particular, it provides the specific context for Chapter Six, which explores the findings of the interviews with social work practitioners, who work with refugees and asylum seekers in Australian torture and trauma services.

Chapter Four: Social work with refugees and asylum seekers

Everyone has the right to seek and to enjoy in other countries asylum from persecution (Article 14, UN 1948).

Introduction

On December 14, 1950 the United Nations General Assembly established the office of the UNHCR. It was to be disbanded after three years on the assumption that it would have completed its work of resettling the numerous refugees and other displaced people in the aftermath of World War Two. More than sixty years later the UNHCR has not disbanded. On the contrary, as of the end of 2010 the UNHCR estimated that there were over ten million refugees, approximately 830,000 asylum seekers and thousands of other persons of concern worldwide indicating that its work is far from complete (UNHCR 2011).

Refugees and asylum seekers are people who have fled their country owing to a well-founded fear of persecution (UNHCR 2010), but the gap between the rhetoric of human rights of refugees and asylum seekers, and the reality of their treatment is widening. Some refugees and asylum seekers have experienced torture and all have experienced significant trauma, particularly in their homeland, but also on their journey to a new life and eventually in the resettlement process.[8] The social work profession in Australia has a strong commitment to human rights. However, the human rights of refugees and asylum seekers have not been central to the profession. Indeed, the literature indicates that until relatively recently social work with refugees and asylum seekers (and with migrants in general) has been on the margins of the profession (McMahon 2002).

The specific field of practice of social work with refugees and asylum seekers has been selected as the field of practice for this research because it is often conceptualised in terms of human rights by those who work in the area (Briskman & Fiske 2009; Fiske 2006). It is also an issue of particular contemporary significance in Australia. This

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[8] It is acknowledged that a range of durable solutions exist in addition to resettlement, including repatriation and local integration.

chapter therefore outlines the context of social work with refugees and asylum seekers. First, I will discuss the experience of refugees and asylum seekers within an international context. This is followed by an analysis of Australia's immigration policy in relation to refugees and asylum seekers. Then, the field of practice of social work with refugees and asylum seekers is explored. Finally, the intersection between human rights practice, and practice with refugees and asylum seekers is critically analysed.

Refugees and asylum seekers in a global context

Providing asylum to strangers has occurred for millennia, but it was not until the seventeenth century that the word 'refugee' was first used to describe the flight of French Protestant Huguenots to Britain and America (Rabben 2011). The Huguenots, like other persecuted minority groups, received a mixed welcome. Initially they were shown kindness and compassion, but very quickly they began to be stereotyped, discriminated against and excluded as 'the Other', and host nations moved to control their movements. World War One resulted in millions of refugees and laws restricting their movement were enacted in countries such as the United Kingdom and America. It became increasingly difficult for refugees to find asylum. It was not until after the horrors of World War Two that the humane treatment of refugees and asylum seekers was officially and internationally articulated in the UDHR (1948), in particular Article 14, which states that everyone has the right to seek asylum from persecution. The Declaration was followed by the UN Convention Relating to the Status of Refugees (1951) and the UN Protocol Relating to the Status of Refugees (1966) (UNHCR 2011). The Convention and Protocol established the minimum standards for the treatment of refugees and, following World War Two and the Cold War, many hundreds of thousands of people claimed and were granted asylum in countries throughout the world; the numbers of refugees and asylum seekers began to decrease to a low of 2.9 million in 1975 (Lamey 2011). However, since the late 1970s, refugee numbers have grown again to the current figure of over 11 million (UNHCR 2011; Lamey 2011). With this increase in numbers has come more restrictive policies, all with the aim of making it extremely difficult for people to claim asylum, particularly in developed nations and even in those countries that have signed the Convention and its subsequent Protocol.

Refugees and asylum seekers have become a major political issue the world over. Even though 147 'state parties' have signed one or both of the Convention and Protocol since 1951 (UNHCR 2010), increasingly they are abandoning their responsibility for refugees. Underpinned by racism and age-old notions of who is deserving or undeserving of state protection and support, many countries are becoming increasingly hostile to refugees and asylum seekers. Political rhetoric attacking refugees and asylum seekers has increased and since the 1990s restrictive immigration policies have been introduced all with the aim of preventing entry. In the context of globalisation the nation-state has asserted its right to determine who can become its citizen. Over the last thirty years, and particularly in Western countries, the refugee regime has been fundamentally transformed from welcome to exclusion (Castles & Miller 2009).

Australia's experience with refugees and asylum seekers

> We are in a panic again. This golden country, so prosperous, so intelligent, so safe and orderly, is afraid of refugees arriving in fishing boats. This is the great Australian fear, one that never really goes away: the fear of being overrun by dusky fleets sailing down from the north. Every time refugee boats appear on the horizon in any numbers, we panic. Facts then count for little. Hearts are hardened. Terrible things are done in the name of protecting the nation. Though this is not the first wave of boats and won't be the last, the politics are more rancorous than ever (Marr 2011, p. 1).

Australia's response to refugees and asylum seekers has been contradictory and highly controversial, no more so than in the last eleven years. It has been argued that Australia built a deservedly good international reputation for its commitment to human rights (Burnside 2007). However, a critical reading of this would suggest that this good reputation is illusory. Burnside (2007) argued that Australia played a major role in the formation of the UN and supported the various conventions that resulted, including the UDHR, and the Convention and subsequent Protocol. He also argued that Australia took on a major role in resettlement and has in the intervening years settled hundreds of thousands of refugees from across the world. However, many of these refugees were European and did not challenge the fundamental pillars of Australian immigration policy, which was to maintain British hegemony and a white Australia, to strengthen

the nation economically by selective mass migration, and to assert state control over the process (Fleay 2010; Jupp 2002). In the last eleven years, in particular, the nation's reputation has been tarnished further. Although restrictive policies and harsher political rhetoric were in evidence prior to 2001, the events of the last eleven years have completely thrown in doubt Australia's commitment to refugees and in particular asylum seekers. Australia is not alone in developing increasingly restrictive policies in regards to refugees and asylum seekers, as the previous section demonstrates, but Australia has a unique history. Indeed, it is not possible to understand Australia's contemporary response to refugees and asylum seekers without also understanding the history of racism that underpins the development of this nation in general (Hollinsworth 2006; Reynolds 2000), and its immigration policy in particular (Chappell, Chesterman & Hill 2009).

Australia's response to refugees and asylum seekers sits within this context of a country that was founded on racism and exclusion; a country that has gradually and only relatively recently moved to a more progressive policy of multiculturalism. There have been aspects of Australia's refugee and asylum seeker policy that the nation can be justifiably proud, for example, the resettlement program. Not all countries have one; indeed, Japan resettled its first refugee as recently as 2010 (UNHCR 2011). According to the DIAC 'since the end of World War II, Australia has accepted more than 750,000 refugees and people in humanitarian need for resettlement and protection' (2011c). But since 2001 Australia's refugee and asylum seeker policy has been highly controversial, and has been roundly criticised by the international community and many within Australia itself. This period marks the beginning of Australia's 'conspicuously harsh' (Burnside 2011) approach to asylum seekers in particular and is the context in which contemporary social work is practised.

Refugee and asylum seeker policy pre-2001

The Humanitarian Program has developed over many years and is informed by the commitment Australia made to the Convention and the subsequent Protocol (UNHCR 2010) (see Appendix B). Jupp (2002, p. 180) notes that 'between 1947 and 1972 Australia had accepted 260,000 refugees and Displaced Persons as permanent settlers. Almost all of these were escaping from communist regimes, including Russian

Christians escaping from China as well as those from Eastern Europe'. These refugees and displaced people could be accommodated because they were European and did not contravene the White Australia policy.[9] Australia continued to resettle people following numerous humanitarian crises around the world, including Hungary (1956) and Czechoslovakia (1968). However, the real challenge to both multiculturalism and Australia's emerging refugee policy was the arrival of the first Vietnamese asylum seekers by boat in 1976. These five men represented a challenge because after decades of Australia carefully controlling its immigration program, suddenly people were arriving directly on Australia's shores without going through the refugee application processes established in other countries. This would not have been unusual in many other countries in the world – countries that share one or multiple borders – but Australia is surrounded by ocean and is very difficult to get to safely. The other challenge was directly related to the ethnicity of the new arrivals – they were Vietnamese and the fear of Asians invading this largely unpopulated country was an idea that was in the living memory of many Australians at that time. Marr (2011, p. 241) notes that 'the five men on the *Kien Giang* have been followed by less than 30,000 [asylum seekers] in the years since, thirty-five years in which Australia has taken in three and a half million immigrants', but despite these relatively small numbers, asylum seekers have received an increasingly hostile reception from politicians and the public alike.

The difference between refugees and asylum seekers began to be articulated publicly and a gradual tightening of policies, particularly as they related to asylum seekers began to occur. In 1984 the Australian conservative historian Geoffrey Blainey questioned the level of immigration from South-East Asia and in 1988 John Howard, then the leader of the Liberal Party and Leader of the Opposition, suggested that immigration should be slowed down from Asia. The Labor Prime Minister Bob Hawke introduced into the public vernacular the idea of 'queue jumpers', which served to negatively differentiate asylum seekers with refugees (McMaster 2002). In 1991, a new detention centre was built in Port Hedland, a remote town in Western Australia,

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[9] The system of policy and legislation that emerged in the 1880s became known as the White Australia policy. It was built on opposition to the Chinese who came into Australia during the gold rushes of the 1850s, but remained until it was officially ended in 1972 and replaced with the policy of multiculturalism (Jupp 2002). The White Australia policy was based on immigration control and the legal exclusion of non-British, and eventually non-European peoples.

and a year later the Keating Labor Government introduced mandatory detention for asylum seekers. The *Migration Amendment Act 1992* contained significant powers to detain all asylum seekers arriving by boat until they either chose to leave the country or the Australian Government granted them an entry permit (Gibney 2004). This policy signalled the beginning of one of the harshest aspects of Australia's immigration program, of which the main aim was to prevent Australia being used as a country of first asylum.

However, it was in 1996 with the election of Pauline Hanson to the Senate and the Liberal Howard Government, that political rhetoric signalled a significant change in the way refugees and asylum seekers were to be treated. In general, there was a retreat from multiculturalism, but in particular asylum seekers were targeted. In Pauline Hanson's maiden speech to Parliament she famously said: 'I and most Australians want our immigration policy radically reviewed and that of multiculturalism abolished. I believe we are in danger of being swamped by Asians' (Hanson 1996), a speech that took Australia right back to the nineteenth century and the fear of the 'yellow peril' from the north. Pauline Hanson was to have a profound effect on attitudes to multiculturalism. Originally a Liberal candidate she was disendorsed after making negative comments about Aboriginal welfare and entered parliament as an Independent on a platform of anti-immigration. Hanson started the One Nation Party, but the party's support was relatively short-lived. Nevertheless, as Gibney (2004, p. 188) notes:

> the party's (albeit short-lived) success had shown that hostility to immigrants and asylum seekers played very well with parts of the electorate. Moreover, the blunt language of its representatives had created a new space to express views on immigrants and asylum seekers that bordered on racist.

Finally, in 1999, the Howard Government introduced Temporary Protection Visas (TPVs), which fundamentally changed the way asylum seekers were offered protection after their claims for asylum had been processed. These gradual changes set the scene for a turbulent decade in Australia's commitment to refugees and asylum seekers.

Refugee and asylum seeker policy post-2001

I will never forget the terrible and dangerous journey from Bali, five days on a fragile boat in stormy weather. I knew the dangers of the trip beforehand but I had to take the 50% risk at that time because it was better than the 100% risk of death in my country where the Taliban killed or forced thousands of young men like me to join them. Anonymous (Amor & Austin 2003, p. 23).

The year 2001 was a watershed in Australia's response to refugees and asylum seekers. A number of highly controversial events occurred including the boarding of the Norwegian ship the *Tampa*, the children overboard case and the 352 drowning deaths that occurred after the Suspected Illegal Entry Vessel (SIEV) X sank. At the same time, a number of contentious policies were introduced or further developed, including offshore processing, mandatory detention and temporary protection visas, which have all had a significant impact on the wellbeing of asylum seekers. Public policy and political leadership in relation to these events and policies, was widely and trenchantly criticised by the international community for being harsh, punitive, unsympathetic and at times in breach of international law (Burnside 2007).

The *Tampa*

The *Tampa* episode was the catalyst for a number of legislative and policy changes in the way that Australia responded to asylum seekers arriving by boat. It also directly signalled the Government's hardline stand against this group of people. On 26 August 2001, the Norwegian cargo ship the *Tampa* rescued 433 asylum seekers from a sinking ship in the Indian Ocean. The captain, Arne Rinnan, decided to take the asylum seekers back to Indonesia as they were technically in the Indonesian maritime zone, though they were only 75 nautical miles away from Christmas Island, which was in Australian waters (Mares 2002). However, following the protest of some of the asylum seekers and given that Christmas Island was much closer, he was told by the Australian search and rescue authorities that he could decide where to travel, and he decided to go to Christmas Island instead. Captain Rinnan contacted Australia for medical help on behalf of the asylum seekers, which was not provided. He then entered Australian waters and instead of allowing the asylum seekers to be taken ashore the Howard Government ordered that the SAS (Special Air Service Regiment) board the ship to prevent the ship from docking, despite the international criticism that was raging (Chappell, Chesterman & Hill 2009; Burnside 2007). An application on behalf of the

asylum seekers was made to the Federal Court and on September 11, 2001 a Federal Court judge ruled that the asylum seekers should be allowed to land and have their claims for asylum assessed. A week later this decision was overturned by the Full Federal Court (Burnside 2011). Eventually the asylum seekers were transferred to a Navy ship and the majority then taken to Nauru, a tiny island in the Pacific Ocean, part of what became known as 'The Pacific Solution', the overall aim of which was to prevent asylum seekers from reaching Australian soil. Even though there was considerable international criticism, this was not the case in Australia. In fact as David Marr (2011, p. 32) cynically noted in October 2001 'it was all hugely popular'.

Children overboard

The second episode that contributed to the Howard Government's conspicuously harsh treatment of asylum seekers, was the so-called 'children overboard' affair. On 7 October 2001 the Minister for Immigration, Philip Ruddock, claimed that children had been thrown overboard from a boat, the Suspected Illegal Entry Vessel (SIEV) 4. John Howard said on radio, 'I certainly don't want people of that type in Australia, I really don't' (cited in Mares 2002, p. 135). Despite the fact that the photos, which apparently showed the asylum seekers 'throwing' their children overboard, were taken the day after the boat had, and the claims were false, Howard and the ministers who participated in the story successfully demonised asylum seekers further in the eyes of many within the community. They fed into the increasing public hysteria about asylum seekers who arrived by boat. The Government had already linked the terrorist attack on the World Trade Centre in New York with the possibility that asylum seekers could be terrorists (Fleay 2010). Given that that the federal election was only a few weeks away and the polls were showing high support for the view that boats should be turned away, the political advantage of a tough response to asylum seekers was clear (Fleay 2010; Chappell, Chesterman & Hill 2009). The Howard Government was re-elected in 2001.

SIEV X

Not long after the children overboard claims were made, on 19 October 2001, a vessel departing from Indonesia, so-called Suspected Illegal Entry Vessel (SIEV) X, sank and 352 people on board drowned. The boat was small and overcrowded, and not long after it left Indonesia, a crack in the hull emerged. Only forty-four people survived after the engines failed and the boat capsized (Mares 2002). The asylum seekers were on their way to Christmas Island and despite the surveillance that was established after the *Tampa* incident, the Australian Government at the time claims not to have known of its existence. However, many questions remain. Did the Government know about it? Did it know how unsafe the vessel was? And could more have been done to save the people on board? Chappell, Chesterman and Hill (2009) conclude that there is simply not enough evidence, but, regardless, the Government was roundly criticised for its lack of compassion for the survivors and relatives already in Australia. Peter Mares (2002, p. 203) documents a conversation he had with a prominent Australian businessman, Neville Roach AO, who resigned his position as Chairman of the Council for Multicultural Australia:

> I felt I would not be able to respond positively to questions about Australia's immigration and multicultural policies any more, especially to overseas audiences … It would be impossible to explain why we had treated the unfortunate parents so coldly and harshly.

Offshore processing

The Government's response to the *Tampa* incident 'was cobbled together in a hurry' and became known as 'The Pacific Solution' (Jupp 2002, p. 195). It included 'Operation Relex', a naval operation with the purpose of redirecting asylum seekers arriving in boats to other countries (Fleay 2010). While the navy was not returning the asylum seekers to their country of origin, they were potentially sending them to countries that had not signed the Convention or Protocol was questionable. For those who did make it to Australia's outer territories, the *Migration Amendment (Excision from Migration Zone) Act 2001* was introduced, which effectively meant that instead of being taken to Australia to have their claims of asylum processed their claims would be processed offshore elsewhere. The Australian Government approached Papua New Guinea and Nauru, which agreed to establish detention centres for offshore processing

at Australia's cost. Nauru received many of the passengers on board the *Tampa*. Chappell, Chesterman and Hill (2009) claim that the objective of deterring people arriving on boats worked, though ultimately this was at the expense of the wellbeing of asylum seekers themselves.

Mandatory detention

Of all the refugee and asylum seeker policies, the policy of mandatory detention has sustained the most criticism in the last decade. It was introduced by Prime Minister Paul Keating in 1992 and has seen thousands of asylum seekers who have arrived by boat detained in prison-like conditions both offshore and onshore, for years in some cases. A number of international organisations including Amnesty International, Human Rights Watch and the High Commission for Human Rights have been highly critical of the policy. In May 2002, Justice Bhagwati, the envoy for Mary Robinson, the High Commissioner for Human Rights, inspected Woomera detention centre located in South Australia. He found numerous breaches of Australia's international obligations (Burnside 2007). In December 2002 a working group of the United Nations Human Rights Committee also reported on Australia's system of detention. They concluded that:

> The conditions of detention are in many ways similar to prison conditions: detention centres are surrounded by impenetrable and closely guarded razor wire; detainees are under permanent supervision; if escorted outside the centre they are, as a rule, handcuffed – escape from a centre constitutes a criminal offence under the law and the escapee is prosecuted (cited in Burnside 2007, p. 120).

In Australia, a number of government and non-government organisations, in particular the Australian Human Rights Commission (AHRC), formerly known as the Human Rights and Equal Opportunity Commission, raised serious concerns. In 1998 the Commission found that 'the policy of mandatory detention of most unauthorised arrivals breaches international human rights standards' (HREOC 1998, p. iv), and in 2004 the Commission focused on the particular issues facing children in detention and found that detention centres 'are traumatising places which subject children to enormous mental distress' (HREOC p. 2).

By 2005 changes in government policy began to occur, particularly after it was found that the immigration department had wrongfully detained Cornelia Rau, a permanent resident of Australia. With the growing criticism in the community as well as the concerns raised by the international and national organisations, a number of Liberal Party backbenchers, led by Petro Georgio, pressured their own government to release all women and children from the detention centres in 2005 (Fleay 2010). In 2008 Labor Immigration Minister Chris Evans indicated that detention would only 'be used as a last resort and for the shortest practicable time' (Evans 2008). However, this policy was not enshrined in legislation and, consequently, very few people were transferred into the community; increasing numbers of asylum seekers once again were kept detained for lengthy periods of time while their refugee claims were finalised. Further announcements in October 2010 and November 2011 resulted in significant change. Indeed, between these two announcements 4234 people had been transferred from closed immigration detention to detention in the community (AHRC 2012a, p. 15). However, despite the recent changes, mandatory detention is still in legislation and release from detention before claims have been finalised continues to be at the discretion of the Minister of Immigration. Mandatory detention also remains a key component of the opposition's policy platform. The AHRC (2012a, p. 2) concludes in its latest report:

> Australia's system of mandatory, indefinite immigration detention leads to breaches of our international human rights obligations and it has a devastating human impact. Community placement options should urgently be pursued for all asylum seekers, refugees and stateless people who do not pose an unacceptable risk to the Australian community.

Australia's immigration detention system remains one of the strictest in the world and, for the asylum seekers, it has profound psychological and physical consequences.

Temporary Protection Visas

The final policy, which has had a significant impact on the wellbeing of asylum seekers, is the policy of TPVs. The Howard Government introduced the new visas in 1999, again with the express purpose of deterring asylum seekers for making the journey to Australia. They caused significant hardship to asylum seekers mainly due

to the uncertainty that they faced upon being offered temporary protection as opposed to permanent protection. The TPV holders were offered a period of three years at the end of which they could apply for permanent protection. In the meantime, they did not have access to the same services that people on permanent protection visas had. Although they had been found to be genuine refugees, they were unable to return to Australia if they left (in contravention of the Convention), nor did they have a right to family reunion programs. They were not able to access the range of settlement services that permanent protection visa holders were offered, including English language classes, housing services and migrant resource centre support services (Leach & Mansouri 2004). A number of studies were undertaken after the policy was introduced (Barnes 2003; Marston 2003; Pickering, Gard & Richardson 2003) and they all concluded that the TPV policy had created two classes of refugees. Leach and Mansouri (2004, p. 6) noted:

> The TPV policy has effectively created two classes of refugees; those assessed offshore and granted full settlement services and permanent protection, and those assessed onshore and granted temporary protection visas with no family reunion rights and a punitively reduced access to settlement services. As a result, the TPV policy has created uncertainty, insecurity, isolation, confusion, a sense of powerlessness, and chronic health problems among this class of refugees.

This last policy highlights one of the fundamental paradoxes of asylum seeker policy in Australia – 'the discrepancy between the smallness of the size of the asylum seeker "problem" and the height of the anti-asylum seeker wall' (Manne & Corlett 2004, p. 80). On 9 August 2008, TPVs were abolished by the newly elected Rudd Government who recognised that asylum seekers had been living with considerable uncertainty and that this was not in line with their policy to treat asylum seekers with fairness and dignity (Department of Immigration and Multicultural Affairs [DIMA] 2011d). Nevertheless, a return to the TPV policy continues to be raised in the political debate by the Opposition.

Recent developments

The 'tough' stance on border protection was part of what Gibney (2004, p. 193) describes as one of the distinctive aspects of the Howard administration's response to refugees: the Government led 'offensive politics of asylum', which directly contributed to the Government being re-elected in 2001. This approach directly fed into the fear of invasion that has a long history in Australia, and taps into the underlying xenophobia and racism that can be exploited, particularly during periods of economic uncertainty (Lawrence 2007; Minns 2005). The election of the Rudd Government in 2007 seemed to signal a change in refugee and asylum seeker policy and, indeed, in early 2008, the Government announced that it would close the detention centres on Nauru and Manus Islands (Papua New Guinea). However, in 2010 Prime Minister Julia Gillard, in the lead up to another federal election, revived The Pacific Solution but this time rebadged it as the 'Malaysia Deal'. Marr (2011, p. 244) contends that Prime Minister Julia Gillard went into the election 'indulging the fearful' as this speech demonstrates:

> My view is many in the community should feel anxious when they see asylum seeker boats, and obviously we as a government want to manage our borders. For people to say they're anxious about border security doesn't make them racist, it means they are expressing a genuine view that they are anxious about our border security.

Being 'tough' on border protection and people smugglers has been the political rhetoric used by the Government and the Opposition. The Malaysia Deal never proceeded though, following a High Court decision on 31 August 2011, which determined that Malaysia would not provide sufficient protection to the two asylum seekers who were due to be transferred there, and on behalf of whom the challenge to the court was made (O'Sullivan 2011). Gillard was undaunted by the court's decision and remained committed to the Malaysia Deal, but the lack of support from the Coalition meant that the Government could not get it through parliament. Ironically, this signalled a shift to more community-based alternatives to detention[10] of asylum

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[10] *Community-based asylum seekers* have predominantly been asylum seekers who have arrived by plane on a valid temporary visa and allowed to live in the community while their application for a protection visa is processed. This is referred to as *community-based processing*. Asylum seekers who arrive by boat are detained according to the policy of mandatory detention. However, at the discretion

seekers who arrive by boat (Grattan 2011). The move to more community processing did not signal the end of offshore processing though. Despite sustained criticism, at the recent Federal Labor Party Conference, a commitment to offshore processing was officially put on its policy platform. According to Robin Rothfield, Secretary of Labor for Refugees (Victoria):

> The Labor Party made history … by passing a policy to support, for the first time, the offshore processing of asylum seekers … The sweetener – such as it is – was an increase in annual visas for humanitarian refugees to 20,000 a year, on condition of a reduction in the number of boat arrivals … In short, Labor has abandoned defending human rights in favour of trading the human rights of asylum seekers with other countries. Not in my name (Rothfield 2011).

Ninety people perished in a boat carrying more than 200 asylum seekers in June 2012 prompting Prime Minister Gillard to announce on the 28 June that an expert panel, led by Air Chief Marshal Houston, would provide a report on how to prevent asylum seekers risking their lives. The terms of reference included are below:

> The Panel will provide advice and recommendations to the Government on policy options available, and in its considered opinion, the efficacy of such options, to prevent asylum seekers risking their lives on dangerous boat journeys to Australia (Houston, Aristotle & L'Estrange 2012, p. 9).

The report was released on 13 August 2012 and recommended among other things a return to offshore processing. Despite significant community opposition (Refugee Council of Australia 2012; AHRC 2012b; AASW 2012c) offshore processing on Manus Island and Nauru recommenced.

Mathew Gibney (2004, p. 229) states 'liberal democratic states publicly avow the principle of asylum but use fair means and foul to prevent as many asylum seekers as possible from arriving on their territory where they could claim its protections'. Refugees and particularly asylum seekers have endured significant hardship: in their

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of the Department of Immigration, asylum seekers who arrive by boat can be moved into community-based arrangements while their application for a protection visa is in process. The Gillard Government began to shift more asylum seekers in detention into such arrangements from 2010–2011 (Asylum Seeker Resource Centre 2012).

homeland, on their journey to Australia, upon arrival and eventually in resettlement. Australia, like the rest of the world, has been gradually introducing more restrictive policies in relation to asylum seekers. Although there have been some positive changes, such as the abolition of the TPV policy and calls for more community detention, David Marr (2011, p. 249) offers a caution:

> there was talk among the lawyers of a new mood of generosity sweeping the nation. I urged caution. … between April 2009 and November 2010 eight polls asked if Australia was being too soft or too harsh on boat people. This is the bottom line. The figures jump about from poll to poll but the pattern is clear: about half of us want even harsher measures taken, about a quarter of us think what's done to boat people now is about right and only 10 per cent find Australia's distinctive policies too harsh. It's a tiny constituency for change.

Nonetheless people in Australia, and indeed the world over, have resisted. Community groups have sprung up, in rural and metropolitan areas, all with the express purpose of resisting the dominant discourse, and asserting a more humane relationship between the citizenry of Australia and asylum seekers (Rabben 2011; Marfleet 2006). It is in this context that social work with refugees and asylum seekers is practised.

Social work with refugees and asylum seekers

Refugee and asylum seekers have experienced significant hardship. They have escaped from unimaginable circumstances of trauma and sometimes torture. They have survived perilous journeys across seas and continents. For those asylum seekers who arrived by boat to Australia, many experienced further trauma in relation to detention, a seemingly unwelcome reception, before finally being recognised – in the vast majority of cases – as refugees and are granted the right to settle in Australia (Phillips 2011). For refugees and asylum seekers, resettlement in Australia presents yet more challenges.

Despite the fact that refugees have been resettling in Australia since the end of World War Two and asylum seekers have been coming to the country since the 1970s, the social work profession has paid scant attention to the particular issues faced by

refugees and asylum seekers. Indeed the literature indicates that social work with refugees and asylum seekers – and with migrants in general – has been on the margins of the profession both nationally and internationally (McMahon 2002; Mupedziswa 1997). Since 2001, the literature relating to social work practice with refugees and asylum seekers has increased markedly, mirroring the policy context described above. However, in relation to social work education and research regarding refugees and asylum seekers and social work, the field is still in its infancy. The professional association of social workers has only recently incorporated guidelines relating to refugees and asylum seekers in national practice standards and course accreditation guidelines. Social work research in relation to refugees and asylum seekers is very limited, and the literature on social work education in relation to refugees and asylum seekers is virtually non-existent. This section provides an analysis of the Australian social work profession's response to social work with refugees and asylum seekers.

The IFSW released a policy on social work with refugees in 1998. *The International policy on refugees* (1998) states that the social work profession has a responsibility to respond to the distress experienced by refugees worldwide, and listed the knowledge that is required for social workers to effectively work with refugees at a local and global level. The AASW has been much slower to respond to the issues faced by refugees and asylum seekers. Indeed, it took a further ten years for the AASW to formally address the particular issues experienced by refugees and asylum seekers by incorporating key recommendations into its practice standards and course accreditation guidelines.

In the ASWEAS (2012a), several references to the development of specific knowledge for practice around refugees and asylum seekers are made. In particular the guideline for 'Cross-cultural Curriculum Content' (AASW 2012b, p. 18) includes two recommendations on the required knowledge for social work practice: 'knowledge of international protection regimes for refugees and asylum seekers', and 'recognition of international politics and current affairs and their impact on migration and refugee policies and trends'. The guideline on 'Mental Health Curriculum Content' (AASW 2012b, p. 6) states that desirable knowledge for social work practice includes the 'mental health problems associated with migration, especially the experience of being a refugee'. The guideline on 'Child Wellbeing and Protection Curriculum Content'

(AASW 2012b, p. 13) outlines that knowledge for practice includes 'the range of services and organisations which are relevant to the wellbeing of children and families', including that of refugee services and organisations.

The *Practice standards for school social workers* (AASW 2008b) indicate that there are personal, social and emotional development issues, particularly for refugee students, and finally the *Code of ethics* (2010a) refers to the Convention and Protocol. Finally, in 2012 the AASW published an *Asylum seekers and refugees position paper* and 'Social workers call for a compassionate and rational asylum seeker policy', a media release in response to the Report of the expert panel on asylum seekers (2012d).

This overview of professional policy demonstrates that it is only relatively recently that the professional association has become more active in relation to refugee and asylum seeker issues.

Just as the national social work association has had little to say on refugee and asylum seeker issues until relatively recently, the profession more widely has not had much to say either. Indeed, a review of *Australian Social Work*, the Journal of the AASW, demonstrates that from 1947 to September 2012 only forty-one articles on social work with migrants, refugees and asylum seekers have been published. This is not even one article per year. Although it is true that social workers have published in a wide variety of other national and international journals as well as in text books – and this has been steadily increasing – such a paucity of articles in the national journal does indicate how Australian social workers regard social work with migrants, refugees and asylum seekers. As McMahon (2002, p. 172) notes, 'published literature, especially in a national journal, is important to a professional association. Published literature has the power to establish the issues in a discipline and to legitimise the parameters of debate'. McMahon conducted a content and discourse analysis of the first fifty years (1947–1997) of the various incarnations of *Australian Social Work*. He found twenty-seven articles relating to immigrant Australians. For the purposes of this research, a further review from 1998 to September 2012 was undertaken and another fourteen articles were found, six of which appeared in a special edition dedicated to Cross-cultural Social Work in 1998. In the last eleven years from 2001 to 2012 only eight articles were published and interestingly, given the policy context described in the above section, only two articles by Clark (2006) and Rees (2004) specifically

discussed the issues facing asylum seekers. Overall since 1947 only sixteen articles have been published in the national journal that specifically relates to refugees and/or asylum seekers (see Table 4.1). This indicates that the social work profession in Australia has paid little attention to social work practice, research and education relating to refugees and asylum seekers.

Table 4.1: Articles published in *Australian Social Work* that relate specifically to refugees and/or asylum seekers

Practice	Research	Policy
Lewis 1979	Kidson 1993	Swensen 1995
Lim 1979	Barnes 1998	
Lewis 1981	Abdelkerim & Grace 2012	
Nguyen 1990		
Nguyen 1993		
Nguyen-Carrington 1992		
Martin 1998		
Nguyen & Bowles 1998		
Cariceo 1998		
Whelan, Swallow, Peschar & Dunne 2002		
Rees 2004		
Clark 2006		

My broader search of the literature indicates that the field of practice of social work with refugees and asylum seekers in Australia is developing slowly. This is in contrast to the international situation where there are a number of relatively recent texts that consider social work with refugees and asylum seekers (Chang-Muy 2009; Hayes & Humphries 2004; Vickers 2012; Valtonen, K 2009). In 2001, a key Australian social work text, *Social work: fields of practice*, was published. In this first edition the editors acknowledged that social work with refugees was an emerging trend and issue in social work. Since then, a number of social work and human service texts have addressed this field of practice (Alston 2009; Alston & McKinnon 2005; Chui & Wilson 2006; Connolly & Harms 2009; Giles, Irwin, Lynch & Waugh 2010; Maidment & Bay 2012;

O'Hara & Pockett 2011). Indeed a book review of another significant text, *Critical social work: theories and practices for a socially just world* (Allan, Briskman & Pease 2009), noted 'the lack of a focused chapter on refugees and asylum seekers in Australia, given the significance of this as a field of progressive social work and social action' (Beddoe 2011, p. 235). Eleven years after *Social work: fields of practice* was first published, it is clear that social work with refugees and asylum seekers as a field is still developing, particularly in the area of practice. Additionally, my investigations have found that the areas of research and social work education are notably undeveloped.

Literature in relation to social work practice

The literature in relation to practice with refugees and asylum seekers in Australia is largely concerned with the personal level of practice, in particular the area of torture and trauma (Bowles 2005; Cariceo 1998; Kidson 1993; Lewis 1981; Nguyen & Bowles 1998; Nguyen-Carrington 1992; NSW Refugee Health Service & Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) 2004). Torture and trauma services are located within every state and territory of Australia and they are an important site of social work practice with refugees and asylum seekers. They are also the focus for this research. However, Westoby and Ingamells (2010) have critiqued the dominance of the torture and trauma response in practice with refugees and asylum seekers. They argue that trauma work 'however necessary at some points, is overemphasised and over-legitimised' (Westoby & Ingamells 2010, p. 1759) and this is certainly borne out in this research where seven out of the fifteen articles published on refugees and asylum seekers focus on torture and trauma. Westoby and Ingamells (2010) argue that the trauma discourse is individualised and medicalised, and they argue for a wider conception of practice with refugee groups in Australia.

Social workers have also published on a variety of other issues including those that relate to refugee children (Lim 1979), the use of volunteers in resettling Indo-Chinese refugees (Lewis 1979) and practice in refugee camps in Malaysia (Nguyen 1990). The practice skills of working directly with refugees and asylums seekers have been discussed (Lynch 2011; Winton 2010), as have other social work methods, including

group work in relation to asylum seekers specifically (Clark 2006) and community work in relation to the experience of a group of 400 displaced persons from Kosova (Whelan, Swallow, Peschar & Dunne 2002). A radical/progressive approach to practice in relation to asylum seekers (Fraser & Briskman 2005) was articulated by two Australian authors in an international text on global justice, and Martin explored cross-cultural social work with migrants and refugees from a critical perspective (2006). The specific contexts of rural practice (Briskman 2012; Alston 2009) and legal practice have also been explored (Kenny & Fiske 2009; Fiske & Kenny 2004). Finally, refugee and asylum seeker practice has been discussed in relation to its relationship with the field of international social work (Hugman 2010a; Cox & Pawar 2006).

Literature in relation to research

In relation to social work research generally, Ryan and Sheehan (2009, p. 538) conclude that:

> The findings of this study raised a number of questions about the Australian profession's involvement in research. The authors hold the view that research needs to be more incorporated into practice. Social workers should be primarily the consumers of research (i.e. they must be able to critically evaluate published research in order to inform their practice). They should ideally also be able to undertake practice research themselves, and be a disseminator of such research.

In relation to social work research with refugees and asylum seekers specifically, very little has been published in the Australian context. Hugman, Pittaway and Bartolomei (2011, p. 1271) articulate some of the issues that researchers must consider in relation to this vulnerable group, and that the 'do no harm' principle is necessary, but not sufficient, 'to ensure ethically sound research practice'. Briskman (2010, p. 351), in a social work research text, explores the concept of nation and uses an exemplar relating to people movements, asylum seekers and refugees to help argue that 'social work has an ethical and moral duty to move beyond the realm of everyday practice to explore critical issues that impact on the wellbeing of not only individuals and communities, but also the health of the nation and the world'. This highlights the political and social

change dimension of social work research. Dimasi and Briskman[11] (2010, p. 200) discuss research with residents of Christmas Island, which was undertaken in 2009 to find out 'about the views of Christmas Islanders who directly witnessed the political stance of the Australian Government towards boatpeople'; they found that there was a long history of Christmas Islanders welcoming asylum seekers. It also found that after the boarding of the *Tampa*, the Christmas Islanders were resistant to government policy particularly as it related to the asylum seekers themselves but also as it represented a threat to the island's sovereignty. In 2004, Rees (p. 259) published research on East Timorese women seeking asylum in Australia and 'found severe risks to social and emotional wellbeing associated with prolonged asylum seeker status'; Rees recommended that settlement services should be provided to asylum seekers. In 1998, Barnes published a paper on research that was conducted with 82 young Vietnamese men a number of years after they arrived in Australia, many of whom were refugees. According to Barnes (1998, p. 9), 'the aim of this article is to make a distinctly 'social work' contribution to the debate about multiculturalism and immigration that has raged anew throughout Australia since Pauline Hanson's maiden speech in parliament'. Lastly, Abdelkerim and Grace (2012) published a literature review on the challenges to employment for newly arrived African communities, which highlights a number of policy and practice implications.

Literature in relation to social work education

There is virtually no literature that discusses the implications of social work education in relation to refugees and asylum seekers in the Australian context. The IFSW (1998):

> believes that work with refugees needs to be part of the mainstream of social work education and practice. Therefore, IFSW recommends that formal social work education include refugee studies, cross-cultural counselling and access to specialised training in the counselling of refugees and victims of torture and trauma.

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[11] Although only one author is a social worker (Professor Linda Briskman), this cross-disciplinary research nevertheless contributes to the very small body of Australian research on refugees and asylum seekers by social workers.

Despite IFSW policy and more recent AASW guidelines regarding refugees and asylum seekers, only one paper exists on social work education in relation to refugees and asylum seekers (Briskman 2009). The chapter by Briskman (2009, p. 301) appears in a text dedicated to social work education in the Asia–Pacific context and discusses the role of educators:

> The role of social work is crucial. Academics have a right to speak out, which is not always accorded to other members of the profession. As educators we also had a responsibility to be role models for the next generation of social workers who we teach and influence.

Apart from this chapter, and the IFSW and AASW guidelines, nothing else has been published that debates or even acknowledges that issues relating to refugees and asylum seekers need to be incorporated into the social work curriculum.

In 1997, Mupedziswa (p. 123) criticised the social work profession generally for not demonstrating its willingness to respond to refugee issues and concluded that:

> few social workers have been involved in the field and the social work literature on the subject is limited … the profession has not yet developed a specialised body of knowledge related to social work practice with refugees, and there is little curriculum content in social work education dealing with the subject.

Since 1997 the body of knowledge related to social work practice with refugees has developed significantly, but compared to other fields of practice in Australia is still in its infancy. Social work education and research in relation to social work with refugees and asylum seekers is still under-developed. Given that social workers work with refugees and asylum seekers at all points of the resettlement process, in a range of organisations – both government and non-government – and the profession has national and international commitments to human rights, it is concerning that social work has accorded so little attention to this group. My research has highlighted the need for further research on social work with refugees and asylum seekers, and further dialogue around social work education.

A human rights approach to social work with refugees and asylum seekers

> The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human. The world found nothing sacred in the abstract nakedness of being human (Arendt 1966, p. 299).

The hypocrisy that is evident in a nation's apparent commitment to human rights on the one hand, and the increasingly restrictive refugee and asylum seeker policies on the other is not new. In *The origins of totalitarianism* (1966) Hannah Arendt, a philosopher and herself a refugee from Nazi Germany, identified the gap between rhetoric and reality. In Australia this gap is almost as wide as it was eleven years ago when the boarding of the *Tampa*, the Siev X tragedy and the infamous children overboard events occurred and demonstrated, that despite still being human, the asylum seekers were not afforded the rights that Australia had professed to protect.

This gap between rhetoric and reality can also be seen in social work's commitment to human rights and in particular its commitment to the human rights of refugees and asylum seekers. On the one hand social work proudly announces its commitment to human rights, while on the other hand there is a serious lack of literature and debate that considers the human rights of refugees and asylum seekers or the social work response to this vulnerable group. *We've boundless plains to share: the first report in to the Peoples Inquiry into Detention* is a notable exception (ACHSSW 2006). It is the work of Australian academic Linda Briskman and her colleagues at the Centre for Human Rights Education (CHRE) at Curtin University. The next section briefly overviews the *People's inquiry* and reviews the literature in relation to a human rights approach to social work practice with refugees and asylum seekers.

People's inquiry into detention

In 2005, Cornelia Rau, a permanent resident of Australia was found to have been wrongly detained in Australia's immigration detention system. The Government responded by announcing an inquiry into her wrongful detention. Many were dissatisfied with the terms of reference set by the Government in the resulting *Inquiry*

into the circumstances of the Immigration Detention of Cornelia Rau (Palmer 2005) including the social work profession:

> In response to the narrow terms of reference of the Palmer inquiry … ACHSSW … initiated the *People's Inquiry into Detention*. This was based on a view that ordinary Australians have an obligation to act when our government is unwilling to do so (ACHSSW 2006, p. 5).

Professor Bland, the President of the ACHSSW (2006, p. 4) at the time, noted in the forward of the *People's inquiry*, 'the Heads of Schools of Social Work were disturbed not just at the abuse of human rights in the specific case, but in the systematic denial of rights to a whole group of individuals in detention'. The *People's inquiry* is one of the few examples of a human rights based social work practice with refugees and asylum seekers. Its purpose was to listen to the voices of people who had been silenced, which included asylum seekers primarily, but also detention-centre workers, who were deeply concerned about the impact the policies were having on the asylum and themselves. The *People's inquiry's* purpose was also to publicly record the facts. It recommended that three fundamental changes need to occur in order to address the human rights issues raised in the course of responding to the *Palmer inquiry*: 'to remove racism from, restore human rights to and reinstate accountability for immigration policy' (Briskman, Latham & Goddard 2008, p. 26).

Literature in relation to a human rights approach to social work practice with refugees and asylum seekers

The literature on a human rights approach to social work with refugees and asylum seekers is mainly evident in the work of Briskman and her colleagues at the CHRE at Curtin University, where the research of this thesis is based.

A human rights approach to social work with refugees and asylum seekers starts with the recognition that 'although coming from diverse cultural backgrounds, all refugees desire to enjoy human rights, such as the right to life, liberty and dignity, as well as economic rights income, education and employment' (Briskman & Fiske 2009, p. 145). A human rights approach also recognises that refugees and asylum seekers have had these very human rights systematically taken from them: in their own country, in

the journey to a new country, upon arrival and even in the resettlement process in their new country (Briskman & Goddard 2007; Briskman, Latham & Goddard 2008; ACHSSW 2006). Finally there is a recognition that social workers have the ethical responsibility to challenge policies and practices that violate human rights (Briskman & Cemlyn 2005) and this can occur in all practice modalities including research (Briskman & Dimasi 2010; Briskman 2010), community work (Fiske 2006) and social work education (Briskman 2009). The emphasis in the literature is on advocacy and political activism with the ultimate aim of social change. The work of Briskman and her colleagues is extensive and provides the basis for further development around social work practice, research and social work education with refugees and asylum seekers.

There is a discrepancy between the social work profession's broad commitment to human rights and social justice, and its relative lack of attention to the human rights abuses experienced by refugees and asylum seekers – particularly given that many of the abuses have been perpetrated by the Australian Government through its increasingly restrictive policies and legislation of the last decade. Racism has a long history in Australia, but the politics of race and exclusion has been particularly influential since the election of Hanson and Howard in 1996, and this has had a direct impact on Australia's treatment of refugees and asylum seekers. However, it does not have to be this way. As Pietsch (2005, p. 117) notes:

> The continued scapegoating of refugees is not inevitable. Racism is not a natural and inevitable feature of the human psyche, but an ideology serving specific social interests, with historical roots and changing forms. The historical, politically constituted nature of refugee policy suggest that it can be challenged and that alternative policies can be instituted.

This opens up to social work the possibility of an emancipatory social work practice, which works at the personal, cultural, and structural levels to effect social change (Mullaly 2010). At the personal level, refugees and asylum seekers require individual support to ameliorate the psychological and physical impacts of their refugee experience. They also need pragmatic assistance in relation to resettlement, for example, accessing housing, education and other services. At the cultural level, dominant discourses of refugees and asylum seekers should be critically interrogated

and also challenged. Finally, at the structural level refugee policy should and can be challenged. A human rights perspective grounded in the critical tradition offers a powerful approach to working in this field.

The lack of literature on this field of practice and its relationship with human rights is significant, and provides little guide to social workers working in this area. This research will contribute to the gap in literature by exploring how social workers understand the concept of human rights within the context of practice with refugees and asylum seekers, and how this understanding informs their practice.

Conclusion

This chapter has outlined the context of social work with refugees and asylum seekers. The experience of refugees and asylum seekers was placed in a global context, highlighting that governments around the world are responding to refugees and asylum seekers in an increasingly punitive manner. An analysis of Australia's immigration policy in relation to refugees and asylum seekers demonstrated that Australia is not unlike the rest of the world in developing harsh policies in relation to refugees and asylum seekers. This is especially evident in relation to mandatory detention, where Australia has some of the harshest policies in the world. The response of the Australian social work profession to the particular issues facing refugees and asylum seekers has been slow. Indeed, the field of practice of social work with migrants, refugees and asylum seekers has been on the margins of the profession until very recently. Apart from the work of Linda Briskman and her colleagues from the CHRE, there has been very little exploration of the relationship between human rights and social work with refugees and asylum seekers. The emancipatory potential of a human rights approach with refugees and asylum seekers is undeveloped.

The next chapter describes the qualitative methodology used to answer the central research questions before presenting the findings in subsequent chapters.

Chapter Five: Methodology

> Social work research has an ethical and moral duty to move beyond the realm of everyday practice to explore critical issues that impact on the well-being of not only individuals and communities, but also the health of the nation and the world (Briskman 2010a, p. 351).

Introduction

This research responds to this gap in social work knowledge by exploring human rights from the perspective of both social work practitioners and social work educators, with the overall aim of contributing to the emancipatory goals of critical social work. The central argument that underpins this thesis is that while the concept of human rights is both complex and contested, it nevertheless provides a strong basis for practice that challenges the inequality, exploitation, domination and oppression experienced by vulnerable peoples in Australia and around the globe (Ife 2012; Lundy 2011; Reichert 2011; Wronka 2008). The social work profession in Australia and internationally has expressed its commitment to human rights, and has declared it to be a core ethical principle both in social work practice and social work education (Hugman 2012a). Although interest in a human rights approach has increased in recent times – as evidenced by the burgeoning literature on the topic – there is comparatively little Australian research that explores what human rights means for social workers, and how such an approach is applied in a practice context or social work education.

This qualitative study is informed by critical social research and guided by phenomenological inquiry. The phenomenon under study is human rights, and what this means to Australian social work practitioners and social work educators. In relation to the perspective of social work practitioners, the field of practice of social work with refugees and asylum seekers was the specific focus for the practice component of this research. The experience of refugees and asylum seekers has been identified as one of the most significant human rights issues facing Australia and other nation-states today (Briskman 2010), and after decades of being on the margins of the profession, it is also emerging as of particular significance to social work in Australia and internationally (Elliot & Segal 2012; Briskman & Fiske 2009). In relation to the

perspective of social work educators, two groups of Australian social work academics were considered: Heads of Schools of Social Work, for their experiences of human rights in relation to the program being taught at their institution; and academic social work staff, for their individual experience of how an understanding of human rights informs their teaching.

There is no claim that the 'right' method was chosen, or indeed that an overall 'truth' has been arrived at. This research is not concerned with making generalisable statements about the social work profession in Australia. Rather it focuses on a small number of social workers to inductively generate knowledge about the nature and meaning of human rights practice as experienced by these social worker practitioners and social work educators (Alston & Bowles 2012). This research makes an original contribution to the social work profession's understanding of human rights based practice and teaching, which will ultimately contribute to the overall emancipatory goals of critical social work.

This chapter outlines the process undertaken to conduct the research. It commences with an overview of the research design, which includes a clear explication of the overall goal of the research, and the two research questions that derive from this goal. The constructionist epistemology, which underpins the research, is then described, connecting this to the critical theoretical perspective already discussed. The critical phenomenological methodology is outlined, followed by a detailed description of the various methods utilised to conduct and analyse the research. Finally the ethical considerations of the research are explored.

Research design

I am interested in understanding the position of human rights in contemporary Australian social work, with the overall aim of contributing to the emancipatory goals of critical social work.

There is a clear relationship between social work education and social work practice. Social work education should ensure that graduates have the relevant ethics, knowledge, skills and competence for practice (Lishman 2012), and this should presumably include the concept of human rights, given the stated importance of the

concept to the profession. The relationship also goes the other way – the insights and reflections gained from practice should also be integral to the teaching of social work (Fook 1996). However, there is little literature that considers what social work academics think about the concept of human rights, whether it is valued and how – or if – it is included in the curriculum. There is also little research that explores what social work practitioners think about human rights, their perception or opinion of the concept, whether it is valued, and how it is actually put into practice.

The overall goal of this research is, therefore, to explore how Australian social workers position human rights in social work practice and in social work education, and the implications of this for critical social work. There are two research questions which derive from this goal. The first is related to social work practice: how do social workers understand the concept of human rights and how is this translated into practice? The second relates to social work education: how does social work education in Australia provide opportunities to explore and analyse the concept of human rights?

Figure 5.1 The research framework

Epistemology	Theoretical perspective	Methodology	Methods
Constructionism	Critical inquiry	Critical phenomenological research	Semi-structured face-to-face interviews Thematic analysis

Figure 5.1 represents the framework used to guide the research. In order to explore the overall research goal and the specific questions, I explicitly considered the epistemological and theoretical assumptions that underpinned the selection of my methodology, and the particular methods utilised. These will be discussed in detail below.

Epistemology: the constructionist underpinnings of this research

> Epistemology: the theory of knowledge embedded in the theoretical perspective and thereby in the methodology (Crotty 1998, p. 3).

The epistemological assumption that underpins this research is constructionism. This is the notion that knowledge is constructed, rather than existing in an objective fashion waiting to be discovered. This understanding of knowledge contrasts with a more objectivist view, which emphasises the idea that meaning – and therefore truth – can be found in the very nature of the object under consideration, regardless of consciousness (Payne 2005). Constructionism can be defined as:

> the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context (Crotty 1998, p. 42).

Social constructionism can be understood from a critical realist position (Payne 2005). In regards to realism, the ontological position of realism is compatible with a social constructionist epistemology – that is, that one can talk of phenomena being real as well as socially constructed. Critical realism promotes the questioning of taken-for-granted assumptions and places an emphasis on both understanding and explaining behaviours (Houston 2001; Payne 2005). If knowledge is socially constructed, it is clear that there will be different interpretations of this knowledge in different places and in different times.

The approach to human rights taken in this research is constructionist. Ife (2012, p. 14–15) identifies three approaches in the history and literature of human rights: the natural rights tradition; the legal or state obligation tradition; and the constructed rights tradition. In the natural rights tradition, human rights are 'endowed' to humans simply on the basis of their humanity. Understanding rights means understanding the nature of humanity. The second tradition, on the other hand, understands rights from the perspective of legal or state obligations; rights exist in relation to the state. It is only through the state that rights can be realised or protected.

A constructionist approach rejects the objectivist underpinnings of the first two approaches and understands human rights as being defined discursively by individuals and communities. In this approach, human rights do not objectively exist; they cannot be 'found' residing in people. Rather, human rights are socially constructed, relational and dialogical (Ife 2012), as was discussed in Chapter Two.

The constructionist epistemology not only underpins the human rights approach developed in this research, but also informs the research design. Central to constructionism is the idea that there is no objective 'truth' – that meaning is constructed, not discovered. Even though there are no 'truths', there are nevertheless ways of interpreting the world that are more useful, more liberatory. Constructionism invites a critical spirit (Crotty 1998), and the critical social work perspective that underpins this research – and in particular the human rights approach developed in the research – is consistent with social constructionism. As Crotty (1998, p. 42) notes:

> What is said to be 'the way things are' is really just 'the sense we make of them'. Once this standpoint is embraced, we will obviously hold our understandings much more lightly and tentatively and far less dogmatically, seeing them as historically and culturally effected interpretations rather than eternal truths of some kind.

This standpoint is embraced throughout the research. Through a dialogue with social work practitioners and social work academics, the meanings about human rights and social work were discursively constructed. The understanding that social work practitioners and educators have of human rights in the context of their practice and teaching, and the implications of this for future critical social work practice – specifically with refugees and asylum seekers, but potentially for social workers in other fields of practice – is explored in the final chapters.

Theoretical perspective: critical inquiry and its relationship with social work research

> Theoretical perspective: the philosophical stance informing the methodology and thus providing a context for the process and grounding its logic and criteria (Crotty 1998, p. 3).

At the heart of this research is critical social work. The particular version of critical social work that underpins this research is informed by critical social theory, including the critical teaching approach developed by Freire, feminist theories, studies in racism, postcolonialism and whiteness, postmodern theorising and Green political theories. These theoretical perspectives are consistent with a constructionist view of knowledge, and they directly inform the methodology and the methods that are used to explore the research questions. Chapter Three explored the theoretical perspectives underpinning critical social work in detail, but this section will discuss critical social work in relation to research.

Critical social work research aims not only to study the world, but also to change it (Alston & Bowles 2012; Humphries 2009). It is overtly political and takes the side of vulnerable populations (Pease 2010b; Briskman 2010a). This research is explicitly concerned with social work practice and how it can reach its emancipatory goals by using a human rights approach. It is also centrally interested in the oppression experienced by refugees and asylum seekers, a group that has been identified as particularly vulnerable not only in Australia but also globally (Briskman 2010a).

According to Pease (2010, p. 104) 'social work researchers should take sides and embrace the values of promoting social justice and human rights'. This research certainly does that, however, I am mindful of the rhetorical nature of language. Potts and Brown (2005, p. 283) argue 'while a piece of research may use anti-oppressive or positivist jargon, the words are irrelevant. It is the principles/tenets put into practice that are important to consider'. There are three tenets of anti-oppressive or critical social work research according to Potts and Brown (2005, pp. 260–263). First, such research is social justice and resistance in both process and outcome. Second, there is the recognition that knowledge is both socially constructed and political. Finally, power and relationships are central to the research process. A critical approach to

research is not unique to critical social work. As Denzin and Giardina (2010, p. 36) note 'qualitative research scholars have an obligation to change the world, to engage in ethical work that makes a positive difference'. The remaining sections of this chapter will discuss how the theory of critical social work research was put into practice.

Methodology: critical phenomenological research

> Methodology: the strategy, plan of action, process or design lying behind the choice and use of particular methods and linking the choice and use of methods to the desired outcomes (Crotty 1998, p. 3).

The qualitative methodology utilised for this research is critical phenomenology. Given the epistemological and theoretical underpinnings described above, I am not looking for "truth"; I am looking for meaning, for understanding and ultimately for the power to change (Potts & Brown 2005, p. 261). As Denzin and Lincoln (2011, p. 8) note 'qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry'. The goal of this research is to explore how Australian social workers position human rights in practice, and the implications of this for critical social work. Phenomenology is a methodology that enabled me to explore the concept – or 'phenomena' – of human rights from the perspective of those who experience the particular phenomena – in this case both social work practitioners and social work academics (Creswell 2007; van Manen 1997). The phenomenology is critical in both the process of undertaking the research as well as in relation to the outcome of the research, which is intentionally emancipatory and political (Humphries 2008).

There are no methodologies or methods that are intrinsically critical (Humphries 2008; Potts & Brown 2005), and this applies equally to phenomenology. However, critical social researchers 'reconceptualize/retool how we may use the general approaches in ways that are in keeping with our values and purposes' (Potts & Brown 2005, p. 282). I have therefore reconceptualised phenomenology to ensure that the phenomenology informing the research is critical in both the process of conducting the research and in the goals of the research. I do not contend that the methodology selected for this research was the 'right' methodology. The reconceptualised critical phenomenology

that was used to design this research was selected because it enabled me to achieve the overall research goal by understanding how social workers understand the concept of human rights, and how it is incorporated into both social work practice and social work education from their perspective. Importantly the research methodology is consistent with the theoretical and epistemological assumptions underpinning this research (Crotty 1998).

A defining characteristic of phenomenological research is to describe the experience of a phenomenon from the perspective of the people who experience it (Dowling & Cooney 2012; Merriam & Associates 2002). While a key element of phenomenological research is therefore concerned with the lived experiences of the research participants, it is also concerned with the lived experience of the researcher. While a human rights approach in social work is valued highly – at least in the academic literature and professional statements – there is little Australian research that explores how practitioners and educators understand the concept of human rights, and how they put it into practice in whatever context. It is therefore difficult to determine how social workers position human rights. This research explored the meaning of human rights from the perspective of social work practitioners and social work educators.

I focused on the lived experiences of social work educators, as well as social work practitioners who work with refugees and asylum seekers in Australian torture and trauma services. This particular field of practice was selected because of my practice experience in this field, and a deep understanding of the oppression experienced by refugees and asylum seekers, not only in Australia but also throughout the world, and a commitment to social change. This research explicitly draws on 'social work ethics, theories and expertise in research to challenge inequity and to advocate for social change by examining national and international issues that directly and indirectly impact on the profession' (Briskman 2010, p. 351).

A second key element of phenomenology is that consciousness is not separated from the person who experiences the phenomenon; rather the 'intentionality of consciousness' is a core assumption and reality is what the participant perceives it to be (Carey 2012; Creswell 2007; Kvale 1996). This is derived from the constructionist epistemology that was described earlier. Meaning is not discovered but constructed by

people in relationship to the particular phenomenon being investigated (Crotty 1998). Social workers' understandings of human rights are not separate from their experience; the two are intimately related.

The third element of phenomenological research is the notion of 'bracketing', putting aside preconceptions:

> Phenomenology suggests that, if we lay aside, as best we can, the prevailing understandings of those phenomena and revisit our immediate experience of them, possibilities for new meanings emerge for us or we witness at least an authentication and enhancement of former meaning (Crotty 1998, p. 78).

In reality it would be impossible to completely 'lay aside' one's understandings of a phenomenon (van Manen 1997), and given that this is research grounded in the critical tradition, I would argue not desirable, because of the explicit critical value orientation of the research. In this research, the idea of looking at phenomena with 'fresh eyes' is embraced. Creswell (2007, p. 62) argues that it might be more appropriate to refer to 'suspending our understandings in a reflective move that cultivates curiosity'. In the first chapter I reflected on and described my interest and lived experiences of human rights and social work practice and education, and where relevant, I introduced my personal understandings throughout the text of this thesis (Merriam & Associates 2002). In the data gathering process I have endeavoured as much as possible not to impose my understandings of human rights on the participants. This approach encourages reflexivity in both the researcher and with the participants of the research (Converse 2012).

The commitment to critical research is thus stated overtly in this research, and the position taken in this research is that it is more ethical to be explicit about the values and perspectives held by the researcher, rather than suggesting the researcher is objective and value-free. Humphries (2008, p. 119) notes that:

> Of course one should not allow personal values to distort or bias the conduct or interpretation of research, but critical researchers argue that the best way to maintain vigilance against these problems is reflexivity and open-consciousness about beliefs and values.

It would be highly contradictory to espouse human rights goals while conducting research in a way that flouts those rights. Therefore as noted by Witkin (2000, p. 214) 'issues of power, participation, voice, disclosure, and relevance become relevant to the discourse on methodology'. Participatory and inclusive language has been used throughout the thesis, such as referring to 'participants' rather than 'subjects', or by simply referring to social workers or social work educators (Reinharz 1992).

Converse (2012, p. 31) notes that 'the goal of phenomenological research is not to create results that can be generalised, but to understand the meaning of an experience of a phenomenon'. While the findings of this research are not generalisable, the rich and detailed information gained from the social workers will nevertheless afford insights for social workers working in other fields of practice, as well as for social work education.

Methods

Methods: the techniques or procedures used to gather and analyse data related to some research question or hypothesis (Crotty 1998, p. 3).

Phenomenological research is most commonly carried out using semi-structured interviews with comparatively small numbers of participants who have experienced the phenomenon (Carey 2012; Converse 2012; Larkin, Watts & Clifton 2006; Merriam & Associates 2002). This method was used in two different ways to explore the overall goal of the research and the central research questions: semi-structured face-to-face interviews and semi-structured telephone interviews. Semi-structured face-to-face interviews were used with social work practitioners and social work academics, and a semi-structured telephone interview was used with the Heads of Schools of Social Work. Thematic analysis was used to analyse the data (Braun & Clarke 2006). This section will outline the interview method. It will then explore the sampling and recruitment processes undertaken to interview the social work practitioners and the social work educators (including the Heads of Schools). It will also describe the characteristics of the participants. Lastly it will explore the ethical considerations related to the research.

The semi-structured interviews

Phenomenological research is most commonly carried out using semi-structured interviews because they enable participants to voice their experiences, beliefs and values on a particular issue or phenomenon (Carey 2012). Given that there is little published research on how social work practitioners and social work educators understand, and therefore practice, the concept of human rights, face-to-face semi-structured interviews were selected as the primary method. This provided the opportunity for social workers to explore their understanding and experience of human rights in social work practice and social work education. Semi-structured interviews are particularly useful for topics where there is little prior knowledge about what people think in relation to the particular issue (Alston & Bowles 2012).

The semi-structured telephone interview was designed to gain an overview of how social work programs currently explore human rights, from the perspective of the head of the program. This general information was aimed at contextualising the more in-depth information from the interviews with the social work academics. A semi-structured telephone interview was selected as the most effective and efficient way of gathering such general information from the Heads of Schools, who are known to be particularly hard to access given high workloads.

Merriam and Associates (2002, p. 93) note that 'although documents can be a source of data, the phenomenological interview is the primary method of data collection wherein one attempts to uncover the essence, the invariant structure, of the meaning of the experience'. Semi-structured interviews are flexible and allow a combination of pre-planned questions which function as a guide and the opportunity for spontaneous questions (Alston & Bowles 2012; Carey 2012).

I developed an interview guide for each of the three groups I interviewed, which included topics to cover and suggested prompts (see Appendix C). I took notes during the telephone interview with the Heads of Schools of Social Work and checked these notes with the participant before ending the interview. In relation to the face-to-face interviews with the social work practitioners and the other social work academics, these were recorded, with permission, and transcribed by the researcher.

Sampling

In order to answer the first research question – how do social workers understand the concept of human rights and how is this translated into practice – social workers working in torture and trauma services across Australia were invited to participate in the research. The sample for the first group of participants was drawn from the population of qualified social workers who work within the eight torture and trauma services located in each state and territory of Australia. The torture and trauma services were specifically selected because they represent a relatively small number, are located across Australia, are funded specifically to provide a range of services to refugees and asylum seekers, and employ social workers. A non-probabilistic sampling strategy was employed for this research, utilising both purposive and snowball sampling techniques (Alston & Bowles 2012; Kumar 1996). Ten social workers from six of the services responded to the researcher to express a willingness to participate in the research. A further social worker, from an additional service, was interviewed following snowball sampling identified further participants. I ceased arranging interviews once saturation point had been reached, meaning that little new information was being obtained (Alston & Bowles 2012). In total eleven social work practitioners were interviewed in a two-year period between 2009 and 2011.

In order to answer the second research question – how does social work education in Australia provide opportunities to explore and analyse the concept of human rights – social workers working in Australian universities were invited to participate in the research. There were twenty-six Schools of Social Work located in universities across Australia at the time this research was conducted. Again, a non-probabilistic sampling strategy was employed for this research, utilising both purposive and snowball sampling techniques (Alston &Bowles 2012; Kumar 1996).

Following the initial contact with the universities, I interviewed five Heads of Schools (four by telephone and one face-to-face) and eight other social work academics (all face-to-face). A snowball sampling technique was utilised to identify a further four social work academics. Again, I ceased arranging interviews once saturation point was reached. A total of twelve social work academics and five Heads of Schools were interviewed for this research during a two-year period between 2009 and 2011.

Recruitment

I invited social work practitioners working in Australian Torture and Trauma Services to participate in the research by the following methods. First, I wrote to each Director of the Australian Torture and Trauma Services to explain the research program, invite agency support and to distribute Information Sheets and Consent Forms to the social workers on staff (see Appendix D, E and F). The purpose of the information sheet was to explain the aims of the research, the nature of involvement and invite participation. It was written in plain English to provide basic information on the research, the nature and reason for the participant's involvement, a range of inclusions (for example participation is voluntary and participants can withdraw at any stage) and confidentiality. The researcher's contact details were provided and social workers who decided to participate in the research were asked to complete the Consent Form and return it to the researcher. Once a social worker expressed an interest in participating in the research, I called or emailed them to arrange a suitable time and place for the interview, and answered any questions regarding the research or process.

I invited social work educators working in Schools of Social Work located at Australian Universities to participate in the research by the following methods. First, I wrote to each Head of School of Social Work to formally explain the research program, invite participation in the telephone interview and to pass on Information Sheets and Consent Forms to the social work educators on staff who might be interested in participating in an in-depth interview on human rights (see Appendix G, H, I and J). The purpose of the information sheet was to explain to the social work academics the aims of the research, the nature of involvement and invite participation. Similar to the information sheet for social work practitioners, it was written in plain English, included the nature and reason for the participant's involvement, a range of inclusions and information on confidentiality. The researcher's contact details were provided, and academics who decided to participate were asked to complete the Consent Form and return it to the researcher. The researcher telephoned each Head of School and social work academic that expressed interest in participating in the research to arrange a suitable time and place for the interview, and to answer any questions regarding the research or process.

Data analysis

Thematic analysis is a widely used method of analysis in qualitative research. According to Braun and Clarke (2006, p. 79) 'thematic analysis is a method for identifying, analysing and reporting patterns (themes) within data'. It can provide a rich, detailed and complex account of data, which can be used across a range of theoretical and epistemological positions (Braun & Clarke 2006). In relation to this research, thematic analysis is consistent with the constructionist epistemology and particularly suits the critical phenomenology that informs this research design (Converse 2012). The six phases of thematic analysis described by Braun and Clarke (2006) were used to guide the thematic analysis conducted for this research.

The 'data' being interpreted are the face-to-face interviews with the social work practitioners and educators, which were recorded and transcribed by the researcher, and the notes from the telephone interviews with the Heads of Schools. The data corpus (all of the data collected for the research) comprises three data sets. The first data set is the interviews with the social work practitioners, and this set is comprised of eleven interviews (items). The second data set is the interviews with the social work educators, and this comprises twelve interviews. The third data set is the interviews with the Heads of Schools. These three data sets were analysed separately. The first two data sets were analysed explicitly in relation to the research questions: social workers' understanding of human rights; social workers' practice in relation to human rights and human rights and social work education. Several themes were identified in each of these categories for each data set.

In relation to the third data set, the themes that were identified related to the context of social work education as a whole, rather than the experiences of individual social work educators. I decided not to use this data in the final analysis, as the contextual information that was obtained from the interviews was not detailed enough to be meaningful in relation to the overall research question. This points to the need for further research to explore how the Australian social work curriculum as a whole includes human rights.

According to Braun and Clarke (2006, p. 82) 'a theme captures something important about the data in relation to the research question, and represents some level of *patterned* response or meaning within the data set' (italics in original). The question of prevalence is particularly pertinent to thematic analysis. There are no rules in

relation to prevalence, though I was mindful to ensure that there were a number of instances of the theme across each data unit. In my analysis, I have used a number of conventions to indicate prevalence such as 'the majority of participants', 'many participants' and 'a number of participants' (Braun & Clarke 2006, p. 83). On occasion there were themes that were not particularly prevalent, but that I considered important, because they captured something significant in relation to the research questions. This is consistent with my critical phenomenological methodology, which focused on the lived experience of participants that cannot be quantified. An example of this is the theme about a perceived lack of confidence in relation to putting human rights into social work practice, that was raised by one person, but it was particularly significant to this social worker and is interesting in terms of the overall goal of the research.

I conducted the thematic analysis by first familiarising myself with the data in each of the data sets. In relation to the first two data sets – the semi-structured face-to-face interviews – I initially transcribed the interviews verbatim then read and re-read the data to search for meanings and patterns within the data. I undertook the same process of active and repeated reading with the notes, which comprised the third data set (Braun & Clarke 2006). I took notes in this first phase, identified possible codes or themes in the data, and then in the second phase, I generated initial codes manually (Braun & Clarke 2006, p. 88). In the third phase I sorted the codes into themes and then I reviewed these themes in phase four to ensure that data within the themes were meaningful, and that there were clear distinctions between the themes (Braun & Clarke 2006). The fifth phase involved defining and naming themes. The final phase involved writing up the analysis. In the following two chapters I present the analysis in relation to the first two data sets.

Characteristics of the participants

Social work practitioners

The eleven participants interviewed for this study were mostly over fifty years of age (64%) and mostly female (73%). Just over half of the participants identified with a diverse range of ethnicities, but Anglo, or a variant, was the most commonly cited ethnicity (five out of eleven). The majority of participants gained their social work

degree in Australia (eight), mostly as a graduate qualification (45%). There was an enormous range in the length of time that each participant had been a qualified social worker – from one year to over thirty-six years – with the majority having had over ten years of experience (64%). Most of the participants had some kind of postgraduate qualification (73%), but only two of the social workers had postgraduate social work qualifications, and three participants had only one qualification. Just over half of the participants were Counsellor Advocates, the remaining five participants held middle management or management positions. For most of the participants (82%), their tenure at the torture and trauma agency was their first experience in the field of social work with refugees and asylum seekers (see Appendix K for more detailed information on the characteristics of the participants).

Location

The participants interviewed for this study came from seven out of the eight torture and trauma services located across Australia. In order that anonymity is guaranteed, the state agencies from which the social workers came cannot be named. The majority of participants were located in the capital city where the agency is based. Only one participant worked outside of the capital city in a rural/regional location.

Age

The eleven participants interviewed for this study were mostly over fifty years of age (64%). None of the participants interviewed were younger than thirty years old.

Ethnicity

The social workers interviewed for this study came from a diverse range of backgrounds. Five people were born overseas and migrated to Australia as an adult. The remaining participants were either born in Australia or grew up in Australia, and mostly identified their ethnicity as being Anglo or a variant of Anglo (Anglo, Anglo–Australian or Anglo–Celtic). Only one person who was born in Australia did not identify as being Anglo and identified as being Chinese–Australian. Ethnicity is an identity marker that is based on self-identification and does not equate neatly with country of birth.

Gender

Of the eleven social workers interviewed, eight identified their gender as female (73%) and three identified as being male (27%).

<u>Social work education</u>

The social workers interviewed ranged quite dramatically in the length of time they had been a qualified social worker – from one year to thirty-six years. The majority of the participants had been qualified for more than ten years. This is important to note, though it does not necessarily equate to actual experience, as some social workers may have taken time out of social work for substantial periods of time for child rearing, working in other areas or travel.

Four of the social workers interviewed gained their social work qualification overseas, and of these four, one was required to complete an Australian (Graduate Entry) qualification after assessment by the International Qualification Assessment (IQA) unit of the AASW. A graduate entry social work qualification was the most common social work qualification (45%). Only three of the social workers interviewed completed a four-year Bachelor of Social Work in Australia.

In relation to qualifications generally, for three of the social workers interviewed, their social work degree was their only qualification. The remainder (eight) held a variety of other qualifications including Bachelor and Master-level degrees and Graduate Diplomas, gained before or after their primary social work qualification. Of this range of qualifications, only two were social work specific (Masters of Social Work), with others being related to advanced practice in counselling, psychotherapy and management.

Position and role

Of the eleven social workers interviewed, six were employed as Counsellor Advocates, three were employed in middle management positions and two managed the entire agency. The roles that they undertook were therefore considerably diverse, reflecting their particular positions. The social workers were employed on either a full time or part-time basis.

Length in field

For the majority of social workers, the length they had worked in the broad field of social work with migrants, refugees and asylum seekers, equalled the length of time they had worked in the particular torture and trauma agency. Only two people had experience in the field longer than the length of time they had been employed in the organisation. One social worker had worked in the agency for six months but had worked in the field for four years, and another social worker had worked in the agency for nine years but had worked in the field for thirty years. The majority of participants had worked in the field for between two and nine years.

Social work academics

Twelve social work academics were interviewed for this research. They were located in universities across Australia (with the exception of New South Wales), and just over half of the participants worked on metropolitan campuses. Half of the social work academics were over fifty years of age and identified as Anglo or Australian, and three quarters of the group were female. They possessed a range of tertiary qualifications, but the majority were qualified as social workers following the completion of a four-year social work degree. In addition, most of the participants either possessed or were enrolled in a PhD. In general the social work academics interviewed for this study were highly experienced, with just over half being qualified over twenty years. Most of the social work academics were employed on a full time basis within the university from lecturer through to Associate Professor (see Appendix K for more detailed information on the characteristics of the participants).

Location

Of the twelve social work academics that were interviewed for this study, seven (58%) were located in universities or campuses located in capital cities, and five (42%) were

located in universities or campuses located in regional areas. Social work academics were represented from universities from each state and territory of Australia with the exception of New South Wales.

Age

Half of the participants were aged fifty or over and half were aged between thirty and forty-nine years.

Ethnicity

The social work academics that were interviewed came from a diverse range of backgrounds. Most of the participants (58%) identified as either Anglo (which included Anglo or Anglo–Celtic) or Australian. The remaining 42% identified with a range of diverse backgrounds, including one participant who identified as being an Indigenous person from a country outside of Australia.

Gender

The majority of the social work academics (75%) interviewed for this study were women.

Social work education

The length of time that social work academics interviewed for this study had been qualified, ranged from five to forty-three years. Only one social work academic had been qualified for less than ten years. Two of the social work academics interviewed for this study obtained their social work qualification overseas. The remaining ten (83%) social work academics obtained their qualification through an Australian university. Of the Australian qualified social work academics, the four-year Bachelor degree was the most common qualification. The remaining three Australian qualified academics had first degrees in Arts (two) and Education (one) before commencing a two-year social work qualification either at the Bachelor level or the Masters level. In relation to post-graduate qualifications, six of the social work academics interviewed had a PhD, five were enrolled in PhD studies and one was enrolled in a Masters course (in a similar field to social work). In addition, four social work academics possessed Masters degrees, two of which were in social work.

<u>Position and role</u>

Of the twelve social work academics interviewed, two were sessional staff members and the remaining ten held a range of positions including lecturer (six), senior lecturer (two) and Associate Professor (one). In addition, a range of other responsibilities were held, including Field Education Coordinator and Head of Discipline. The majority of the social work academics had ten years or less experience with the university that currently employs them. Only three of the social work academics had experience teaching at another university. The majority (nine) of the social work academics were employed on a full time basis (75%), one person was employed at 0.6 FTE and – as was stated above – two of the participants were employed by the university on a sessional basis.

Ethical considerations

According to Hugman (2010b, p. 163) 'research in social work that does not potentially benefit service users in some way, however indirectly, does not accord with the profession's ethics more generally'. In addition, research must also be inherently ethical. This research was low risk according to the National Health and Medical Research Council (NHMRC) National Statement on Ethical Conduct in Human Research and was assessed as such by the Curtin University of Technology School Human Research Ethics Committee. The Form C Application for Approval of Research with Minimal Risk (Ethical Requirements) was approved on December 5, 2008. Following the expiration of the original ethics approval, a further extension was granted in 2011.

It was highly unlikely that the social work practitioners or social work academics would experience discomfort as a result of the research, as they were experienced social workers used to discussing their work with both peers and supervisors. Informed consent was an integral part of the research. According to the National Health and Medical Research Council (2007) 'the guiding principle for researchers is that a person's decision to participate in research is to be voluntary, and based on sufficient information and adequate understanding of both the proposed research and the implications of participation in it' (p. 19). An Information Sheet and Consent Form were provided to each participant to ensure that this principle was upheld.

Confidentiality was also assured by not including any identifying information in the final thesis. Androgynous pseudonyms were selected to further protect participants.

Conclusion

This chapter has described the process that was undertaken to explore the central research questions. It has demonstrated that the overall approach to the research is consistent epistemologically, theoretically, methodologically and methodically. I now move from the development of the research idea and research design to enactment. The next chapter discusses the findings in relation to the interviews with the social work practitioners then Chapter Seven will discuss the findings gained from the interviews with the social work educators.

Chapter Six: A human rights approach in practice: social workers working with refugees and asylum seekers in torture and trauma agencies

> I was tortured for many years and spent two years in prison. I was tortured and watched my friends tortured and executed. They covered my eyes for six months. We were not allowed to sleep and were allowed only one shower per month. When I came to Australia I felt guilty for being here and I did not trust anyone, not even my family. At [my local Forum of Australian Services for Survivors of Torture and Trauma (FASSTT) agency] I got counselling and went to a support group. Over time they helped me to find the right doctors and specialists for physical help. They helped me to forget about my past, and to trust people again, be independent and think there could be a future for me and my children. In the group I met people from other places who had been through the same experiences. I never thought I could trust a stranger, but I did. Now I feel something released from my body and I feel happier and more comfortable [FASSTT member agency client] (FASSTT 2011, p. 3).

Introduction

The literature reviewed in Chapter Two demonstrates that social workers have a long-standing ethical commitment to human rights. What is less clear from the literature is what this commitment actually means in relation to social work practice and social work education. This chapter explores the experiences of eleven social workers working in torture and trauma centres throughout Australia. In particular, it focuses on how these social workers understand the concept of human rights, how this understanding informs their practice with refugees and asylum seekers, and the implications of this for social work education. First, I will introduce the context of torture and trauma, followed by an overview of the Australian torture and trauma services. I will then briefly re-introduce the participants, followed by a discussion of the findings from the interviews with the social work practitioners in three sections: social workers' understanding of human rights; social workers' practice in relation to

human rights; and social workers' reflections on the relationship between human rights and social work education. Finally I will discuss the implications of the findings for social work.

The context of torture and trauma

The eleven social work practitioners who were interviewed for this study work in one of the eight specialist torture and trauma rehabilitation services, located in each state and territory across Australia. The primary mission of each agency is to assist people who have experienced torture and trauma. These individual services are part of a national network known as the Forum of Australian Services for Survivors of Torture and Trauma. This section will outline the context of social work practice within these agencies.

Refugees and asylum seekers have been forced to leave their homes in order to escape the violence of war and persecution. They have experienced significant trauma in their homeland and for many, this has included torture. Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) defines torture as:

> any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity … (UN 1984).

This international treaty prohibits the use of torture worldwide, and as of May 2010, 146 nations had ratified the UNCAT. Torture is state sanctioned violence. It is a political act and is designed to destroy individuals and whole communities. Men, women and children have been subject to both torture and trauma. According to Bowles (2005, p. 253):

Physical torture commonly reported includes beatings, forced standing (often while naked), bondage, suffocation, burnings, electric shocks, sexual abuse, mutilation and submersion in or irrigation with cold water. Psychological torture can include sleep disruption causing disorientation; sensory deprivation, hallucinations, and paralysis caused by drugs; solitary confinement; denigration and insults; sham executions; false accusations; prolonged interrogations; and being forced to watch loved ones being raped, tortured, or killed.

FASSTT (2001) estimates that prior to arriving in Australia, approximately 25% of refugees have been tortured, either physically or psychologically.

Trauma is a term that has wide usage in the professional literature – both within social work and in other disciplines, such as medicine and psychiatry – and in popular discourse (Marlowe & Adamson 2011). Like the notion of human rights, it is a complex and contested term and is often used uncritically. It can also be problematic, especially given its close connections with Post Traumatic Stress Disorder, which was first included in the Diagnostical and Statistical Manual (DSM) of the American Psychiatric Association in 1980 (3rd edn). There is a burgeoning literature that seeks to engage the complexity of the concept, and to move beyond the dominant conceptions of trauma. While acknowledging the complexity of the concept, for this study the definition of trauma, as it relates specifically to refugees and asylum seekers, is defined as:

the pain, distress and suffering that … clients experience relating to, or arising from, their forced-migration journey. This usually includes war or civil conflict, and/or human rights abuses or violence motivated by religious, ethnic or political reasons (FASSTT 2011, p. ii).

According to the Victorian Foundation for the Survivors of Torture (VFST 2007, p. 47), examples of traumatic events experienced by refugees and asylum seekers include threats to life, death squads, witnessing of mass murder, disappearances, perilous flight, forced marches, extreme deprivation, persistent and long term political repression, refugee camp experiences and deprivation of education.

Torture and trauma can have a significant impact on physical and psychological health and wellbeing, both in the short and long term. Physical consequences are numerous and include everything from brain damage through to scars and disfigurement and sexual and gynaecological dysfunction (VFST 2007, p. 48). There are also numerous psychological consequences:

> A high percentage of torture and trauma survivors suffer from extreme levels of depression and anxiety which manifest in many ways. These can include sleep disorders, recurring and intrusive memories, poor self-esteem, difficulty in concentrating, sadness, fear, anger, guilt, psychosomatic complaints, and breakdown in family and personal relationships (FASSTT 2011, p. 3).

These consequences can have a profound impact on the ability of refugees and asylum seekers to settle in Australia, including learning a new language, accessing employment and connecting to the community (FASSTT 2011). There are also significant intergenerational impacts.

The first organisation to provide specific services to survivors of torture was established in Denmark in the mid-1970s. Since then, services have been established all over the world and are represented by the International Rehabilitation Council for Torture Victims (IRCT). There are more than 146 members of IRCT in seventy-three countries (IRCT 2012), including the eight Australian torture and trauma services.

Australian torture and trauma services

Each of the eight specialist services is located in the capital city of each state and territory of Australia (see Table 6.1). They were established in different ways and they all have slightly different organisational structures, for example some are organisations in their own right while others are programs within larger organisations. Nevertheless, they all share a common purpose and are funded by the Australian Government Department of Health and Ageing (DoHA), through the Program of Assistance for Survivors of Torture and Trauma (PASTT). This program is designed to:

> improve access to mainstream services for survivors with high needs. PASTT funding contributes to the provision of short- and longer-term

complex counselling and case management, as well as the infrastructure required to maintain a national network (FASSTT 2011, p. 2).

Table 6.1 State and Territory Members of the Forum of Australian Survivors of Torture and Trauma

Forum of Australian Services for Survivors of Torture and Trauma	State
ASeTTS (Association for Services to Torture and Trauma Survivors)	Western Australia
Companion House	Australian Capital Territory
Foundation House (Victorian Foundation for Survivors of Torture)	Victoria
Melaleuca Refugee Centre (Torture and Trauma Survivors Service of the Northern Territory)	Northern Territory
Phoenix Centre (Phoenix Support Service for Survivors of Torture and Trauma)	Tasmania
QPASTT (Queensland Program of Assistance to Survivors of Torture and Trauma)	Queensland
STARTTS (Service for the Treatment and Rehabilitation of Torture and Trauma Survivors)	New South Wales
STTARS (Survivors of Torture and Trauma Assistance and Rehabilitation Service)	South Australia

Although FASSTT agencies are the only recipients of this particular funding program, these agencies also receive substantial funding from the various State and Territory Governments, as well as other funding sources, for example philanthropic organisations and local government (see Appendix L). FASSTT agencies provide a range of direct and indirect services to refugees and asylum seekers who have experienced torture and trauma. The direct services include counselling, advocacy and group work. The indirect services include providing training on torture and trauma to other service providers; developing resources; advising government; community development; conducting research; and raising community awareness (FASSTT 2011,

p. 4). Social workers are employed throughout these services in a range of positions, from counsellors through to managers.

The eight torture and trauma services located around Australia are the only specialist rehabilitation services for people who have experienced torture and trauma. They are connected to each other through a national network and are part of an international organisation of rehabilitation services for torture survivors. According to Bowles (2005, p. 262), in relation to social work practice in torture and trauma settings 'the overt emphasis of practice on human rights abuses is congruent with the social work *Code of ethics* that demands commitment to the principles of social justice'.

Re-introducing the participants

As outlined in Chapter Five, the social workers interviewed for this research were diverse. They were mostly over fifty years of age, mostly female and ethnically diverse. They were all qualified social workers, but also held a range of other tertiary qualifications, the highest being Masters level. Most of the social workers interviewed had been qualified for more than ten years, and had worked in the field of refugees and asylum seekers for more than two years. Two of the social workers had extensive experience with over twenty years in the field. The participants held a range of positions within the agency, with the majority being Counsellor Advocate positions (see Chapter Five for a more detailed overview of the demographic characteristics of the participants of this research).

Social work practitioners' understandings of human rights

I have shown in Chapter Two that a commitment to human rights is clearly articulated as a key value of the social work profession. It became clear from the interviews, however, that participants' understanding of and commitment to human rights had little to do with social work. Indeed, for the majority of participants, their interest in and commitment to human rights was developed prior to their social work education – through their family, their spiritual life, prior working experiences and from their lived experience generally. Participants did not cite social work education, social work professional organisations or social work literature as a major source of their understanding of the concept of human rights. For many, social work education

confirmed their values and commitment to human rights rather than created them. On the whole, it did not provide the opportunity to explore the concept of human rights in any depth.

In relation to social work practitioners' understanding of human rights, there were five themes that I identified from the interviews: the complex, contested and contextual nature of human rights; the significance of lived experience to social workers' understanding and commitment to human rights; the limited contribution of social work research and literature to the understanding of human rights; the contribution of the practice context to knowledge development; and the limited contribution of national and international human rights instruments and organisations to social workers' understanding of human rights.

Human rights: a complex, contested and contextual concept

The social work practitioner's identified that the concept of human rights is complex, contested and contextual, which reflects the literature reviewed in Chapter Two. Within this overall theme there were five sub-themes: the difficulty of defining human rights; defining rights according to the resources and qualities necessary for a good life; notions of protection and promotion; the experience of vulnerable groups; and a belief that human rights are international and not as relevant to Australia.

Human rights: the difficulty of conceptualising human rights
Participants generally found the idea of human rights difficult to define; a nebulous concept which they believed in but nevertheless found difficult to conceptualise.

> *Yeah, well when I read your letter I thought 'Jeepers how am I going to answer this?' because I've never really sort of summarised it (Jesse)*

> *I'm well aware of the term and I probably use it and it gets thrown around here and it's always … human rights this … but what does it all mean? (Sam)*

For some it was not necessary to try and define the concept because of its contextual basis.

In words it's difficult to define, because I think people, and I think in language, I think it's contextually based. But I guess I don't even bother to try and work it out because I think having spent time in a number of different countries and different contexts in Australia human rights is different for different people. Even as an intruder going into any of those places, you know, my human rights are different to the people that live there all the time. So in that sense … I think it all adds to the kind of understanding so whether you talk about the more global descriptions or definitions or talk about how its related to peoples contexts I think it's all relative. But I don't spend much time thinking about it these days (Kim)

In part, the challenge experienced by the practitioners related to the conceptual dilemmas inherent in the concept (George 1999), in particular the debates regarding universalism and cultural relativism, but also the rhetorical nature of the concept. George (1999) argued that human rights is conceptually difficult, and as a result practically difficult, and this has direct implications for social work.

Defining human rights: the resources and qualities necessary for a good life

When communicating their understanding of human rights, participants articulated the 'resources' people need to live a good life, like clean water, health care, shelter and food. They also identified the 'qualities' people need to live a good life, including respect and dignity, that are equally considered to be part of human rights. These resources and qualities were conceptualised as rights, and for the participants these rights should be available to all people.

I always figure that, you know it's this business of everybody has a right to a certain standard of living, a certain degree of safety, clean water, a certain level of health care, shelter, these most fundamental things that we need to survive. And the people that come to us, this has just been totally compromised for them and so what we are dealing with is the impacts of that (Jesse)

The things which should also be part of, which are a part of social work practice, including respect for the person, their dignity, their participation in all aspects of life and that everybody has those rights, so yeah, the usual

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kind of rights to appropriate shelter, protection and security, food and everything else. I guess it's a kind of merge of things that are written but also a right to have a peaceful and just existence in a way that's fair to everybody ... (Kim)

The way I see it is that every client, everybody has the same rights as everybody else too. And that everybody should have the best possible access to services regardless of their circumstances and that's something that's really important to me (Quinn)

The universality of the concept of human rights was clearly an important component in trying to define human rights. The practitioners also understood human rights beyond the dominant conception of human rights being simply about first generation or civil and political rights (this was negated to some extent in practice as I will discuss later). Kim demonstrated a commitment to the universality of human rights, but also acknowledged the relative dimension of human rights claims. This reflected the debates in the literature, which explore the idea of moving beyond the dichotomy of universal or culturally relative positions, to a position which is both universal and culturally relative (Ife 2007).

Human rights violations: notions of protection and promotion

The participants identified how people's rights can be violated, and this was an important part of their understanding of human rights, and related particularly to their work with refugees and asylum seekers. The direct implication of this for the social work practitioners was that human rights needed to be both protected and promoted.

Persecution and war related trauma are violations of human rights and deprive people, because of the damage caused by trauma people aren't able to realise their potential as people and so therefore the counselling ... helping people to recover (Nat)

They've had their human rights abused on so many levels not just from where they've come from but in a lot of cases here as well. For example, there's not many asylum seekers in [capital city] because it's just not a good base, there's not a lot of services, one of my clients is a young asylum seeker and you know when he walked in the door he had nowhere to live,

he had no income, you know really terrible situation and still facing the
idea that he couldn't stay (Sam)

The idea that human rights can be violated, and therefore require protection and promotion, has direct implications for social work practice. I showed in Chapter Two that being committed to human rights is a core value of the social work profession in Australia and internationally. But such a commitment can risk being rhetorical unless there is also an equal commitment to act. The practitioners viewed their role as ameliorating the effects of the human rights abuses that the refugees and asylum seekers had already experienced, and to work to ensure that they experienced no further abuse of human rights once in Australia.

Human rights, disadvantage and marginalisation: the experience of vulnerable groups
Participants discussed the idea of human rights in relation to particular vulnerable groups including children, Aboriginal and Torres Strait Islander peoples, women, refugees and asylum seekers

Human rights does tend to be documented or brought together for these
sort of groups, children, all the rest of it ... I guess it's because all of these
groups are perhaps more marginalised so you begin to talk about rights
because then you talk about justice and you talk about fairness and it's an
idea of accessing something or gaining something, that other people are
assumed to already possess easily (Kelly)

Then I think there are certain rights that people have, like accommodation
for example a safe place to live, which through the work that I have done
I have seen for lots of people that's not the case, things are not how they
should be, especially through the work with Indigenous people (Quinn)

The human rights of women and children is very similar and child abuse
and sexual abuse is human rights violations. But it's on a different scale,
because it's on an individual scale rather than a political or mass sort of
scale. Having said that I also think that there are structural conditions
within the Australian society that allows child abuse and sexual abuse to
happen and domestic violence ... (Drew)

Human rights are accepted as universal, insofar as they are meant to apply to everyone. There is recognition, however, that there are some people who are particularly vulnerable to human rights abuses, due to their membership of a particular group or category (Nipperess & Briskman 2009).

<u>Human rights are international: the relevance of human rights to Australia</u>

The majority of participants believed that there was a difference in the way human rights is understood in Australia in comparison with overseas. Some, like Jesse, identified this distinction in their own thinking, while others identified this idea in the perception of human rights in the wider community:

> *But what I would immediately associate it with would be people who've come to Australia, migrated here for whatever reason but of course if I was to stop and think for a bit longer I'd be actually it applies everywhere but maybe we don't necessarily call it human rights when we are, you know advocating on behalf of a homeless woman or something. But we might if it was a homeless woman from Somalia who's only been in Australia for three weeks. I don't know why there should be a distinction there but that's the way I think about … (Jesse)*

> *I found here I was astonished that human rights has such limitations … and to me the fundamental thing is that we don't have a Bill of Rights, in Canada it is repeated all the time. People comment on anything as a human right, so a student in a classroom has a right to have a lunch and books and that kind of thing and you'll hear that word. If you are working in rehab with a person with a disability, it is their human right to have a house to live in the community. And you hear not just social workers, but people talking about their human rights much more openly. So I didn't get it when I came here when I didn't hear the word and then when I do its only linked to fields like this. And then even when it's linked to fields like this it's not really integrated in what you do and how you do it. So yeah sometimes although it's two English speaking countries it's so different it's unbelievable to me. (Charlie)*

[In relation to Amnesty] When I read about all of that stuff, that's all good but when I look at the same time what the conditions are in remote Aboriginal communities, I say what the hell are you doing, it is here within this country where things are terribly wrong. And what are you doing here is just not enough and you don't have the power to do anything here (Quinn)

The participants highlight that there appears to be an implicit assumption in Australia that human rights is something that is more relevant to international contexts – in particular that human rights relate to war and events that happen outside Australia's borders. This belief also reflects the literature about the dominance of first generation rights thinking – that human rights relate to civil and political rights which has less relevance for the Australian context. This may in part explain why human rights is often included in international social work courses and texts, and less likely to be included in a subject that deals with poverty or health, which is considered to be second generation rights. Reichert (2011) argued that one of the reasons why there has been so little discussion on human rights in social work in the United States, is the inclination to view human rights as political rights. Another reason was the belief that human rights are international not local. It is evident from this research that this view of human rights is not just applicable to the American context, but is equally relevant to the Australian context. The implication of this is that more information on human rights, and its relationship with social work, would help practitioners to extend their thinking beyond the dominant first generation conceptions of human rights, to a conception that also embraces the second and third generation of rights.

A commitment to human rights: the significant contribution of lived experience to social workers' knowledge and values

Almost every social work practitioner interviewed for this study identified that their commitment to and understanding of human rights was developed prior to their social work studies. Participants may not necessarily have used the language of human rights, but the underlying values were developed in their family, from their spiritual commitments, from previous work experiences, from a different cultural context – from their lived experience generally.

The participants cited lived experience as informing their commitment to and understanding of human rights. Their exposure to politics, injustice, and activism all contributed to their value development, which for them equated with the concept of human rights.

I think human rights is more … in my life than in my social work practice … social work practice, if it's a paid position, then that part of it comes and goes but the human rights is embedded in the who I am … So I was an activist before I was a social work student, and even during the training I held those values of human rights and associated practice much more strongly than social work … (Kim)

I think through my upbringing, through reading about different theories, how people should live together, like with Marxism and all that kind of stuff that you read through when you are a bit younger and you put some kind of a world view together. And I think it's something that has developed over a long period of time. And I think to be exposed to injustice … how should the world be like, how would you like to be treated, how do you want to be treated, how do you want to treat other people (Quinn)

Probably I've had a strong interest in politics, links to Amnesty and different sorts of issue groups so it's always been in my vocabulary, whether I've understood exactly or not is another story (Sam)

The social workers interviewed for the study cited the influence of family on the development of their commitment to and understanding of human rights.

My Dad was a real humanitarian, he was a teacher and we were raised near [town]. [It is] a very big [Aboriginal] community and he was pretty much if you heard any racist talk he'd be onto it. … And mum was really gentle as well. Mum wasn't an educated woman but she was very much like, the Aboriginal community's been devastated by white people, she had that analysis (Piper)

I think it's a very firm sense of fairness which probably goes back into the family and into the growing up and being the youngest of four. You get a

pretty precise view of fairness out of all that. And probably Catholic, probably Irish, the cultural history and the religious history that goes with the idea of rights ... so there's a good deal that comes from the family background (Kelly)

It comes from family really ... my mother is very strongly committed to human rights so I guess it comes from her really ... my dad ... there was quite a lot of trauma in his family ... I guess it's kind of all rooted in that to be honest (Dale)

For some, a commitment to human rights was developed in other cultural contexts.

I think it was core. In Canada it was taught. People have, there is a Bill of Rights. People understand it. The general Joe in the public understands it ... I grew up with a much, it must be, because that's what I carry with me, much stronger embedded in everything we do. Because I spent half my life there working with people with disability, we were fighting for rights everyday (Charlie)

I'm sure that my value system comes from when I grew up. And growing up in post-war Germany, and feeling absolutely outraged about Germany's treatment of Jews and other minorities ... and I guess that's where a lot of it came from at the time. And also the whole outrage of Fascism (Drew)

Organised religion and spirituality were also considered to be of significance in developing a commitment to the concept of human rights.

I have a mixed faith spiritual background and I guess there are strong elements of both Christian and Buddhist principles and values embedded in my thinking now ... for me maybe that's part of the answer to the question of how we work out about conflict or about building peace or about how real rights are obtained. And it's to do with how people have organised their thinking and their lives and their rituals and ceremonies (Kim)

> *Suppose it's basic religious values, I feel like they're human rights values*
> *(Dale)*

Values and ethics are core to the social work profession, as I demonstrated in Chapters Two and Three. Chenoweth and McAuliffe (2012, p. 65) define values as 'standards of behaviour' and ethics as 'the moral principles that govern a person's behaviour or how an activity is conducted'. The profession of social work has articulated core values, which in Australia are: respect for persons; social justice; and professional integrity. As it has already been noted the principles of human rights and social justice are considered to be fundamental to the profession internationally, and this commitment is also reflected in the Australian *Code of ethics* (2010a). The findings demonstrate that the values and ethics developed early in the participants lives are compatible with the values and ethics expressed by the social work profession generally, and underpin their understanding of and commitment to human rights specifically.

Human rights and social work: the limited contribution of the social work profession in the development of social workers' understanding of human rights

For most of the social workers interviewed, social work education, organisations or literature did not play a great role in developing or informing their commitment or understanding in relation to human rights. In particular, many of the participants believed that their social work education did not cover human rights at all. There were three clear exceptions. However, of the three social workers who recalled human rights being included in their education, two were educated overseas. The other Australian trained social worker who recalls being educated specifically on human rights was by a lecturer who had a close connection with Professor Jim Ife, a well-known Australian advocate of a human rights approach in social work.

> *My social work education … actually what we learned about human rights*
> *is the Declaration … and we would talk about all the values, ethics and*
> *you know human rights concept in our, I think, first year social work*
> *education … so we discussed about all this kind of thing in tutorial because*
> *some people would think this is not universal, some people would think*

this is universal apply to everybody (Riley – overseas social work educated participant)

But under that whole thing would be the concept of a human right to have a family, to live in a decent home, to be able to look after your children. It was there everything. Our work with First Nations people, is about human rights (Charlie – overseas social work educated participant)

One of my principal lecturers … [had a connection with] Jim Ife, so there was a very strong human rights … that approach to human rights has come very strongly through the education because of that connection I think (Kelly – Australian educated participant)

For some of the social workers, they felt a commitment to human rights was implied in their course, but not overtly discussed.

When I started social work I was around 30 years old … I think the discussions we had there about human rights and to look at it from different angles was certainly very, very helpful for me to become more clear what it is about and what it means. But I think I had read about human rights before and I had discussions before just not as in depth as in my studies (Quinn)

Left movement strong in Germany so we probably wouldn't have mentioned human rights as human rights, but we did talk a lot about the inequalities and barriers to employment, or barriers to wealth, or barriers to citizenship (Drew)

It was an assumption at Monash the same way as it was an assumption with me, until I got your letter and I sort of went, 'I'll have to think about this' (Nat)

A sense of disillusionment was expressed by the practitioners in relation to the lack of opportunities to pursue a human rights agenda in their social work education.

Well I got nothing. I was talking to the woman who is doing her placement here about it because we went to the same uni, and I was interested to

know well how has it changed and doesn't sound like it really has. We got virtually no area specific training. It was all of this really generalist stuff around social policy and social work practice and group work that's it (Jesse)

In some ways I became quite disillusioned with social work education that I went through because it didn't relate to the major issues that I saw important at the time both through my own personal experience of racism and discrimination in Australia but much more so the treatment of Aboriginal people and the invasion of Vietnam and Cambodia by American and allied troops so those things were much more important to me (Kim)

[In relation to the Student Christian Movement] …far more stimulating than anything else that I was doing at uni … I was more inspired by SCM … we were a bit more involved in human rights struggles than you could be in social work (Dale)

In relation to the social work organisations, including the national AASW and the IFSW, participants did not believe that they contributed to their understanding of human rights. Only one participant was aware of the IFSW, and the majority of the participants were not members of the AASW. Nor did they have knowledge of the various human rights clauses that appear in the *Code of ethics* (either the 1999 or 2010 editions), or indeed any of the other AASW policy documents, such as the *Practice Standards* (2003).

Only a few of the participants referred to the social work literature on human rights, despite articulating an interest in human rights.

I tend more to look at management books, I'll read some things like Linda's [Briskman] study, and what she did was absolutely fantastic. I mean that was live research, that's the best thing … that to me was the best piece of social work I've seen in Australia, in the 20 years I've been there. I just thought it was brilliant. So yeah I read some of those [social work literature]. But to run an agency I mostly rely in management stuff more. (Charlie)

Interestingly, one participant, who had not read any literature on human rights, prepared for the interview by reading Jim Ife's *Human rights and Social Work: Towards Rights based practice* (2001), and reported being very engaged with the ideas, in particular the idea of the Three Generations of Human Rights framework. Prior to this interview this participant had not been exposed to the human rights and social work literature.

The social workers interviewed believed that their understanding of human rights came from disciplines other than social work (as well as their lived experience which was explored in the previous section).

> *Anthropology has a great deal to say because anthropology is actually quite critical of the notion of human rights, as it is bequeathed to us by the Enlightenment and defined in those very narrow sort of like individualistic, all that. Anthropology would be quite critical of that and take a much more culturally relativist position (Kelly)*
>
> *I think I brought that background and that belief system into my study, rather than the study shaping that but with my first degree [Bachelor of Social Science] that really shaped a lot of my beliefs (Sam)*

It would seem from the experience of the Australian educated social work practitioners, that if a social work educator has a particular interest in human rights, opportunities would be provided to students to explore the concept in greater detail. The implication is that without individual educator passion and interest, it is not included in the curriculum, at least in the experience of most of the social work practitioners interviewed for this study. This has particular implications for the social work profession, which expresses a clear direction that social workers must work to achieve human rights, and yet there is limited opportunity in the social work curriculum to explore what this means, theoretically or in relation to practice. The lack of opportunities to explore the meaning of human rights and the implications for practice helps to explain why social workers are not well prepared to practice from a human rights perspective (Harrison & Melville 2010; George 1999). Briskman and Fiske (2008) suggest that human rights should be taught with passion, but the inclusion of human rights in the curriculum ought not rely on individuals being passionate about

human rights. Such an approach would be ad hoc and there would be no guarantee that students who had not been exposed to human rights prior to the social work education, could complete their social work education without exploring what is considered to be a *fundamental* value of the profession. The further implication of this is that the emancipatory potential of a human rights approach is minimised.

Human rights and practice: the contribution of the practice context to knowledge development

Practitioners identified that much of their understanding of human rights, particularly in relation to the human rights of refugees and asylum seekers, comes from their experience in the actual agency. The practice wisdom gained simply through working with refugees and asylum seekers and hearing their stories was significant. Working within a multidisciplinary team of workers, many of whom have had refugee backgrounds, was also identified as important in developing an understanding of what human rights meant in the context of working with this particular group.

> *Well it's come from my work here because I've had to have some sense of it I suppose. But again I'm talking about it in this broad conceptual way where we call ourselves a human rights organisation. So researching about well what human rights abuses for example have happened in some of the countries that our clients are coming from and turning it on its head, so if that's a human rights abuse, then a human right must be this. ... So I would think, right I've got a client coming from Former Yugoslavia or West Africa or Afghanistan, I need to do a bit of research, so I would use like the ... International Council against Torture anyway, they have a really good web page, Amnesty, you know some of the Reuters, the big news providers and read about what's happening ... Not from my training, no but from my practice ... yep, and sort of piecing it together to with the themes that come under the work with clients and I've been really fortunate that a number of my colleagues here have done offshore work. So you get to hear about their take on it as well but that's where the learning's happened (Jesse)*

But knowledge for me mainly comes from working with refugees to learn from their stories (Riley)

Working in the field I'm working in now, I'm constantly confronted with it (Drew)

Prior to working in the organisation, one participant noted how little knowledge they had in relation to the international context.

So that's it, you know like, prior to that I just sort of had this reasonably vague idea that there was a lot of bad stuff happening outside Australia. But it's been shocking to realise how parochial I am still, in relation to the work that I do and were it not for some of the stories people tell me I wouldn't have a clue. Like where is East Turkistan, or Kurdistan or certain provinces of large countries that we know well, I would never had any idea of what was going on (Jesse)

In Chapter Four, I explored the lack of attention to migrant, refugee and asylum seeker issues in the Australian social work literature, yet social workers work with this group in a range of agencies, including generalist agencies and more specific services, such as the torture and trauma services that are the context of this research. It would seem from the experiences of the social workers interviewed for this research, that their knowledge of this field is limited and indicates that there may not have been sufficient opportunities to explore this field of practice in their social work education.

Human rights and the legal and organisational context: the limited contribution of national and international human rights instruments and organisations

The social workers interviewed barely referenced the human rights instruments or organisations – internationally or nationally. They were mentioned in passing, accepted, but were not seen as a reference point in their understanding.

Yeah definitely, Charters and Conventions, reading and magazines (Piper)

I accept the definitions or the meanings that are expressed in the conventions … (Kim)

Yeah, but don't ask me to quote it! I haven't looked at it for a really long time … well it was one of those things that I thought you know I kind of need to know a bit about what that is, I can't even remember the specifics of it now but it seemed like an important thing to know and who is signatories to certain conventions and all of that because of course some of the people that we have contact with are coming from countries where none of that stuff is in place to protect people (Jesse)

Well it's in the back of our calendar every year, it's down our [hallway] if you take it apart, it says everyday rights that everybody has (Charlie)

Some of the participants discussed the influence of the international non-government organisations and their role in informing their understanding of human rights. For the majority, their involvement in these other organisations, in particular, was not an active or contemporary involvement.

It's interesting. The first political organisation I ever joined was actually Amnesty International and I was only 16 (Drew)

Been a member of Amnesty International (Dale)

The human rights discourse has been criticised for its top-down emphasis on the UN and its various conventions and treaties (Ife 2010a), in particular the UDHR. It would appear from the experiences of the social work practitioners interviewed for this study, that these international declarations did not play a significant role in their understanding of the concept of human rights. Very little mention was made of the Australian human rights legislative or institutional context either, for example the Australian Human Rights Commission, the various reports produced by the commission detailing the abuse of human rights in an Australian context, or the declarations to which Australia is a signatory. While these declarations are not a significant source of understanding they are nonetheless taken for granted, accepted and implicitly valued.

Discussion

Chapter Two articulated the importance of human rights in social work. These earlier chapters also articulate that the concept of human rights is both contested and complex. Given this, it is surprising how little impact social work has made on participants' understanding of human rights. This relates to social work education, social work organisations and social work literature. Only three participants considered that they had the opportunity to explore human rights in their social work studies, and two of these participants were educated overseas. The third was exposed to a lecturer who had a direct relationship with Professor Jim Ife, one of the key authors on human rights and social work. This indicates that Australian social work has not provided sufficient opportunities to explore human rights for the Australian-educated interviewees, and when it has, it has been ad hoc and relied on the enthusiasm and interest of individual social work educators. Clearly this cannot be generalised to all social workers working in torture and trauma services – or indeed all Australian social workers – because of the small number included in the study. It is important to note that the majority of the social work practitioners interviewed for this study qualified more than ten years ago and the results may have been different had these social workers been educated in the last decade. However, the results of this research is consistent with the findings of the literature review, which concluded that although the literature on human rights and social work is increasing, there is still a dearth of literature that explores human rights in relation to social work practice and social work education.

The research interviews indicate that a commitment to human rights was formed long before the participants commenced their social work studies. For the most part the participants' social work education confirmed their values, rather than developing them. However, it cannot be presumed that everybody has been exposed to these ideas prior to their social work education. Clearly, the study of social work values, and in particular human rights, is important for all social work students, not just those who enter social work with these values. From the research, it is evident that commitment to various values such as respect, dignity and social justice is inextricably linked to the concept of human rights. Therefore, enabling students to explore these values and their relationship with each other would seem to be imperative.

Human rights and practice

The social workers who were interviewed for this study were clearly committed to the concept of human rights, and they were also committed to utilising the concept in their practice. However, a human rights approach to practice was not clearly articulated by the social workers interviewed. Despite this, they did offer a range of examples of how they incorporated the idea of human rights into their practice. In relation to the connection between human rights and social work practice, I identified six themes from the interviews: a commitment to incorporating human rights into social work practice; the primacy of advocacy; the importance of relationships; the significant role of community education and community development; the challenge in human rights based practice; and the necessary knowledge and skills for human rights based practice.

Human rights: commitment to human rights in social work practice

A strong theme that was identified from the research is the participants' commitment to the concept of human rights and its incorporation into their practice. Participants also identified how integral human rights are to social work in general. The social work practitioners talked about human rights being 'fundamental' to social work and that it should pervade every aspect of practice.

The strong connection between social work and human rights was evident in the interviews. Human rights was considered to be a core value of social work, and human rights was seen to be a natural fit for social work, despite few of the social workers interviewed being aware of the Australian *Code of ethics* (2010a) imperatives or indeed the IFSW (2001) statement.

> *The way how I see social work, I can't see social work without human rights. I think the way how I operate is I don't have a strong religious background or anything like that, so my values come from somewhere else and that would be human rights. The belief that human beings have certain rights regardless from where they come from. I'm aware of some of the difficulties that creates but that's what drives me … I think social work without human rights is like an empty vessel. I think social work without human rights becomes something like bureaucrats that follow somebody else's ideas how the system should work and becomes a tool of the system*

... Whereas social work from my point of view is there to support the people that live there and because human rights for me directly linked to the people, to me its unthinkable to separate social work and the people. I really think social work becomes too bureaucratic without the value system like human rights (Quinn)

For some of the participants a commitment to human rights was important because of the particular issues faced by refugees and asylum seekers. Practitioners conceptualised the experience of refugees and asylum seekers in terms of human rights abuses. Refugees and asylum seekers experienced human rights violations in their country of origin, on their journey to claim asylum and once arriving in Australia, as was demonstrated in Chapter Four. The experience of asylum seekers in Australia – especially as it related to the policies of mandatory detention and offshore processing – and the psychological trauma that results from this experience were all viewed as human rights abuses. Practitioners were passionate about the plight of refugees and asylum seekers in Australia and were committed to social work practice in this field.

The detention stuff I was absolutely passionate about because it was just so, I've worked in detention centres and ... having kids who don't know when they're going to get out, the psychological trauma that creates, I was just so embarrassed and angry (Piper)

I'm astonished that Australians are not talking out more about how these people get treated. For me I don't understand why. And I don't understand why social workers are not up in arms about what is going on (Quinn)

They should have the rights to seek asylum in other countries, they shouldn't be subject to torture and trauma, they shouldn't be subject to arrest and exile, So when I work with them I think it's really inhuman and unfair ... and what I'm doing is trying to do is to help them regain control over their lives ... (Riley)

Participants also talked about the importance of human rights for the entire organisation. This is reflected in the organisational literature of the FASSTT services as many refer to human rights in their mission statements (2011). While Ife (2010)

critiques a top-down approach in human rights work, it appears there was significant value in developing a culture of human rights in the organisation from the top down.

> *I mean we talk about ourselves as a human rights organisation (Jesse)*

> *I mean I guess working in that field of refugees is, in a lot of ways, it's about human rights and because people come here because of human right violations. So basically what our service is trying to do is assisting people in the recovery of human rights violations ... What that means is to assist, the way we work is actually empowering people to make their own choices, giving them enough information so they can make their own choices assisting people to rebuild their lives with dignity. Because their dignity and respect are one of the core values if you like within the human rights system (Drew)*

> *We began with a strong human rights focus ... It would be fair to say it pervades the organisational culture (Nat)*

> *Of course definitely. Because we are working, I can say what we are doing is human work, I mean human rights work. Because most of the client actually are denied of basic human rights so this is totally relevant to us (Riley)*

For the participants, a commitment to human rights, which was evident throughout the organisation, provided the moral and ethical basis for action to protect, promote and restore the respect and dignity that was compromised by the human rights violations experienced by refugees and asylum seekers.

Human rights equals advocacy: the primacy of advocacy in human rights based practice

For many of the social work practitioners interviewed, human rights practice equalled advocacy, whether at the individual, national or international level. The torture and trauma services recognise the importance of both counselling and advocacy in the direct work undertaken with refugees and asylum seekers. The six social workers employed as Counsellor-Advocates made a clear distinction between the counselling

role that they undertook and the advocacy role. Human rights practice, for most, clearly fell in the advocacy part of their role.

Advocacy has been defined as 'taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy schemes work in partnership with the people they support and take their side' (Action for Advocacy cited in Ferguson & Woodward 2009, p. 124). This definition accords with the social work practitioners' understanding of the term. Advocacy at the individual level was viewed by the social work practitioners as obtaining the services that refugees and asylum seekers required to settle into Australian society effectively. This was seen as human rights work. Individual advocacy, according to the participants, was also about directly advocating for asylum seekers, in particular supporting their application for refugee status and permanent residence.

And that partly is I think to support this notion that we have to be holistic and do the advocacy as well as the counselling side of it. You know we often go head to head with other major players involved in, like migration settlement, you know the education, English classes provided, all of those sorts of institutions just to try and keep practice as client friendly as we can. It doesn't work necessarily but it's part of the commitment ... We also work closely with Red Cross for example and where they have to be impartial we can do the more politically active part I guess (Jesse)

Well at [torture and trauma agency] we work a lot with asylum seekers and we've been doing a lot of reports for people in the detention centre, boat people who have been arriving, you interview the person in depth and then try to write this report that will try to break someone's heart and get them to give them a visa ... I would see that as human rights practice (Dale)

So you know, for me working here, yes we call ourselves a human rights agency but how we deal with peoples human rights every day is in, all our positions are not just counsellors but they are advocates and so you do have that tussle with some professions that just think they want to work therapeutically and don't want to do the advocacy. Well a lot of that

advocacy is about human rights ... Part of that builds the trust, if you get that right then you are going to go deeper therapeutically. So yeah, I think it's fundamental and we try to build it in (Charlie)

In Chapter Three, I discussed the different levels of social work intervention in relation to critical social work. These levels are most often presented as a binary – micro/macro, individual/societal or personal/structural. For some social work practitioners interviewed for this research, there was the conviction that human rights advocacy work mostly happens at the macro level, and counselling happens at the micro level, and there is a tension between these two levels of intervention. Sam, in particular, indicated an inability to work at the structural levels and described a feeling of being ineffectual as a result.

I guess it's a more micro level that I'm working at the moment, although I don't lose track of the bigger picture I just don't know if I'm really working in an effective capacity to try to work at the high levels ... At the end of the day I struggle to make changes on those higher levels (Sam)

Other social workers interviewed did not view macro level intervention as a major role of the organisation within which they worked.

So I guess for us, everywhere we look it is human rights but in much more practical fundamental things. It gets really discouraging for staff if all we talk about, and a bit of the old culture was this, was 'Oh immigration needs to change and temporary protection visas stuff is all wrong and look what it's doing'. And it is and yes but you can become a victim in that. Our whole job is not to go out there every day and change that because we have 2000 clients to see. That's our job. So we speak on their behalf. We try to work outside ... but there are probably better than us to be doing, in the meantime you do your best here ... (Charlie)

For others, the two levels of intervention did not have to be mutually exclusive.

They're not mutually exclusive. People can be strong advocates and prefer to work with individuals and groups [and] can also be strong [in] human rights, as people are here (Kim)

In relation to working at a national and international level, the majority of social workers interviewed did not see this as part of their job. The two managers interviewed certainly viewed advocacy at these structural levels as an important function of the organisation, though not at the expense of the people that the agency works with directly.

> *And nationally. So if the policies are here we would make sure nationally that somebody is sitting on the right immigration committee ... So how we do that is a more structured way. We are part of the International Rehabilitation Council for Torture, the IRCT in Copenhagen. ... So we are part of that, global 130 agencies worldwide, they have a voice. Now that's where we connect to ... So up here you have people that have a voice in lots of governments around the world that want to end torture. I want to be with them! You have the people with the Istanbul Protocol that are actually documenting torture. I want to be with them. They're working in a lot of countries where you know you can be killed on the way to work; I want to work with them. So you've got that and then we have the national organisation [FASSTT] which is quite good too (Charlie)*

> *Then also on a national and international level advocating for the rights of asylum seekers and refugees. So I think it has got many different levels to it. You know one is at the individual service provision level but the other is also about the local community and the next one is about the national and international arena (Drew)*

The idea of 'heroic activism' is relevant here (Healy 2000). According to Healy 'the heroic activist is a deeply gendered representation which is of limited relevance to the activism of those who are Other to the white, middle class and able-bodied male, and for those who are located in positions of limited authority within their organisational contexts' (2000, p. 135). One practitioner explicitly connected the national and international advocacy with male workers:

> *And they're boys and that's what they do and that's all fine. So we work at it there because my main job still is the 2000 people that come through our doors (Charlie)*

Marston and McDonald (2012) extend this argument to the experience of new graduates. The authors argue that the professional identity offered in social work education is that of a social change agent. New graduates experience a disconnect between their social work education and the realities of practice in a neoliberal context. This was the experience of Sam, described above, who was a relatively new graduate, and experienced the feeling of not being effective at practising as a change agent, due to mostly working at the individual level. This disconnect came from the perception that social workers *should* be working at the structural level while finding this difficult to achieve due to the constraints of the role, the organisation, the funding of the role and the restrictions imposed by the government.

One participant criticised the lack of activism in the social work profession. As I demonstrated in Chapter Four, the AASW has been relatively slow in advocating specifically for refugees and asylum seekers at the national level. Indeed a policy on working with refugees and asylum seekers was only developed as late as 2012.

> *Why aren't we [the profession] out there in the media more, like the AMA [Australian Medical Association] is? (Piper)*

Burnout was raised as a particular risk inherent in human rights advocacy work by the same social worker, and was offered as explanation for not engaging in activist practice.

> *As I speak I also feel a little of shame. Is that there is an essential quiet life mentality about us, anything for a quiet life. You know we do absorb ... pain and I kind of need to go home and regroup (Piper)*

Clearly, the link between human rights practice and advocacy in social work practice – in particular individual advocacy – is very strong. Marston and McDonald (2012, p. 1036) argue that radical practice is often conceptualised as occurring mainly at the structural level, with a consequent devaluing of the smaller-scale activities in which social workers are often engaged. The disconnect between the 'heroic' activist social worker and the realities of everyday social work practice can often inspire guilt and inadequacy, as was demonstrated by Sam. Marston and McDonald (2012) argue for a more 'humble' conception of political agency, and for most of the social workers

interviewed for this research, it was this humble conception of political agency, of human rights advocacy that resonated.

Human rights in the everyday: the importance of relationships in human rights based practice

For many of the social workers, human rights practice occurred in their everyday work and in the relationships they developed with the people with whom they worked. The practitioners correlated human rights with the values of treating refugees and asylum seekers with respect, dignity and honesty. One practitioner highlighted in particular the value of long-term relationships in demonstrating human rights practice.

> *I also have a caseload of long term people actually some of whom I've seen off and on for 20 years, who have been very badly tortured or lost a lot of relatives or something like that, some of them were activists and who've had their lives ripped up … so I stick by them … so I feel it's really one small contribution you can make to human rights work internationally if you look after people who have really suffered from it … I think it's definitely part of practice just in the way you treat people, just treating people with respect and dignity and being honest with people (Dale)*

> *For me I understand it in terms of relationships …So the practice part is I should be treating my staff or my colleagues in the same way that I would be working with clients, in the same way I would be treating the enemy in a war, in a way … What I'm trying to work towards and what I used to teach was, whether its international development projects or humanitarian work or work with individuals here, or how we treat each other as colleagues it should be the same relationship of equality, of giving everybody a go, of allowing people to speak, so I tend not to, even though I'm the coordinator or team leader here, I tend to hold back to allow other people to express their points of view as I do in my community work (Kim)*

The valuing of everyday relationships is contrasted with advocacy, which is viewed as more adversarial and counterproductive to relationships based on respect. This supports Ife's (2012, 2010) argument that despite the value of advocacy in social work,

there are also potential problems, in particular the adversarial and disempowering nature of the practice, based on its legal origins. Ife (2010, p. 201) specifically argues that 'traditional "human rights work" has largely been understood from the perspective of advocacy ... However, practising human rights is much broader than advocacy'.

No I don't like to read this stuff [reports by Amnesty International]. For me it's too extreme. And I like to use human rights more like in everyday situations in everyday life. I know there's the bigger picture. I get the feeling that if social workers in Australia are not working closely with human rights ideas, the system itself probably won't take those ideas either and therefore that whole system is too big to fight with. Whereas human rights in everyday life I can have an influence there. I can talk to people, I can work with people, I can support people. I know that in the big picture that won't have a big impact but at least some people might hopefully improve their lives (Quinn)

If you want to actually have a relationship with all of these different systems and promote wellbeing, if you go down that very strict role, very narrow view, it's not likely to get you very well, so I suppose I don't tend to use it in that way. I suppose I would use it if I was in a pure advocacy role ... say for instance if you're having trouble with a system, care and protection springs to mind, that you might, it would be rare for me to come in with that very strong position ... but it would be part of the conversation (Kelly)

The UN declarations and conventions did not appear to be a significant part of the practitioners' human rights practice. While the value of various conventions and declarations was expressed, they were not used in everyday practice with refugees and asylum seekers.

The ways that rights are allowed or not allowed or suppressed I see in terms of relationships with power ... so it's broader than just the individual rights and certainly the values or the human rights convention level of policy, while important doesn't give us the information or confidence to deal with what's happening at a more local level ... I used to work at the

Centre for Refugee Research at … and they were really strong in a number of conventions. It was a feminist centre, so CEDAW the discrimination against women, the rights of children, I think to some extent showed me that those things are important to know about but in practice … I see the conventions as less useful, as important as, how people treat each other on an individual and community level (Kim)

The language of human rights was not used extensively by the practitioners. For some, this was because there was little shared understanding of what human rights meant.

I tend to use more simple language because I'm not even sure how I would define it … But again it's really nebulous, like you said it's applied in so many different ways and we've never sat down as a team for example and had a discussion about 'ok what is this, what do we think this means?' particularly in regards to practice (Jesse)

Well I guess we do. Possibly not, we don't say 'Oh this is a human right' but we do in the sense that we are talking about peoples history that they've been through and that we are trying to assist them to recover that. And also advocacy with government (Drew)

For some practitioners, human rights language was perceived to be alienating and not appropriate for certain clients. In cases where clients already used human rights language, it was deemed appropriate.

Mmm, it depends. For example, that guy, the Burmese guy, he already got that kind of terminology saying that 'These people, you know doing this thing to the children, to the monk, to the elderly people, they're actually a violation of human rights' so if I have this kind of client you know I can use the same kind of terminology to reflect back on the same level … but for the lady who was raped I didn't really use that terms. But somehow I will reflect to her that it's actually not your fault, it's unfair what happened to you. It's actually a violation of human rights but I didn't really focus on that (Riley)

For one social worker, the language of human rights was viewed as a barrier. It was viewed as a concept that interfered in the relationship; something that was considered to be adversarial. The discourse of human rights has been criticised for being dominated by the law, and in this case, human rights language was viewed as part of the legal discourse of human rights which, is inaccessible and risks being alienating (Ife 2012).

> *It would be rare for me to use the word rights with the children directly … but it would be part of the conversation … how things are, how they're treated, how they would like to be treated, how that might be fostered within the family, within school … And with schools, again I wouldn't say to a school 'these kids have a right to do this and that' because I think that takes an adversarial view and … maybe that comes from the idea as rights being this sort of legal base thing … It's all about rights, it's all about access, it's all about social justice, it's just that I seldom use it in those simplistic terms, explicit. But it's implicit I suppose … You've got a human rights discourse like any other discourse we are in relationship with it, so what's our relationship with it? … I don't want to put human rights between me and other people but I want it to be a part of the conversation with other people. So that's what I mean when I say I don't go into families 'here's our rights of children, you have to do this, you have to do that and you have to do this' because that would be putting human rights between us (Kelly)*

Kelly advocated going beyond the universalist/cultural relativist dichotomy by entering into a dialogue as a way forward, which was discussed in Chapter Two.

> *I would be interested going, well here's my relationship of the idea of what is fair and good and just for children, what's your idea, how do we negotiate within the context which has a legal point at which both of us have to be within … That then, I think promotes the opportunity for me to talk in a way that recognises the difference, recognises the cultural difference, doesn't try to impose anything, because I think for a lot of the families we deal with, that imposition has happened a lot to them … But really when we have the conversation we agree, there's a lot in common.*

> *They have exactly the same ideas or similar, and we just need to negotiate*
> *how we are going to do this within the legal thing (Kelly)*

Eleanor Roosevelt said in 1958 'Where, after all, do universal rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world'. The social workers interviewed for this research clearly valued human rights practice at this everyday level of personal relationships.

Human rights in community: the significant role of community education and community development in human rights based practice

Community education and community development was another area in which human rights practice occurred. Community education was used to provide information, raise awareness and challenge racism within a broad range of communities including schools and health and welfare services.

> *All you can do [in relation to ongoing discrimination in schools] like we*
> *did training with the schools, we go out to the teachers we give them our*
> *power points and they are all gob smacked when they see the reality of*
> *what some of the families have been through. And they do kind of, you can*
> *almost see them changing in their attitudes right there in front of you*
> *because they've literally had no idea (Piper)*

> *But it is also bigger than that, it's not just individual people that we work*
> *with. It's also about, for example, creating awareness within the general*
> *community so that discrimination because of race doesn't happen … I*
> *guess that's another thing that we do here as well, in terms of, arguing for*
> *access and equity towards mainstream services for example health*
> *services consistently resist using interpreters … so we do a lot of training*
> *… (Drew)*

Ife (2010) explores the value of using a community development approach to achieve human rights, and argues that the concepts of human rights and community development are intimately related, and indeed one cannot do without the other. Although there was widespread agreement that community education was a valuable

part of human rights practice, one social work practitioner raised a caution in relation to the efficacy of community education in bringing about institutional change.

> *Well I think it starts from the top … I think they [Department of Immigration] had to because they got caught, quite frankly I don't believe it all comes from this nice little 'Let's educate people it'll be nice'. … And I think for the Australian public, when they realised an Australian citizen could end up in detention [Cornelia Rau] … even the hardest person might go, 'we just might have a problem here'. But I think they knew they had to clean up their act (Charlie)*

In addition to community work, which was identified by the participants as a key component of human rights work, there are seven other domains of practice: individual work; work with families and partnerships; group work; community work; social policy practice; organisational practice, management and leadership; research and evaluation; and education (Chenoweth & McAuliffe 2012). Most of the social work practitioners interviewed were involved in one or more of these domains, although few of the participants discussed their involvement in social policy practice or research.

Human rights are complex, contested and contextual: the challenge of human rights in practice

The social workers interviewed for this study raised the complex and contested nature of human rights. For example, both Jesse and Charlie discussed the ethical conflict associated with a human rights approach in an immigration detention centre. The particular facility mentioned by both Jesse and Charlie – the Christmas Island Immigration Detention Centre – is located on the Australian territory of Christmas Island, which is 2600 kilometres north-west of Perth, Western Australia and 500 kilometres south of Indonesia. This detention centre has been the focus of considerable controversy in the last twelve years.

> *I'm going to work on Christmas Island for three weeks because our director is running a short term torture and trauma intervention service there. OK, that raised a dilemma we were like 'Can we actually say we are a human rights organisation and yet then be involved in a detention*

centre?' But the counter argument was 'Well this is a much more humane set up then what we've seen before and the idea is actually get in early to get the services in place before people are even more traumatised by the settlement stuff'. So that's been the rationale. I'm going to be interested to see what the reality is (Jesse)

Where we sometimes have difficulty with human rights issues is where we go more systematically because we're caught in the bind of being paid by people like immigration so we tread an interesting line there ... But I don't want it bogged down so much that I don't do the job with the people that are here. It's just like Christmas Island. Yeah we're up there and we're doing a job because, yeah well maybe we shouldn't be because it's detention and all the rest of it. But give me a break, if we go up as we did the week before Christmas, we did 28 assessments, well how many people moved into the community next week? 28 (Charlie)

Other challenges were highlighted, including understanding human rights within the context of conflict, differences in language and culture.

One area of tension for me I guess, how do I understand the concept of human rights in the context of conflict (Kim)

Of course it's not simplistic ... when you're working with kids in torture and trauma we're dealing with language barriers, there's differences across culture, there's differences across age, there's an enormous power difference in the relationship and you're negotiating also with the child within the context of the family, within the context of the school. And so in all of those contexts my view would be, it's like Ife's view of saying human rights, really what we are talking about it, what does it take for people to be really human to realise their humanity (Kelly)

The various critiques of human rights discussed in Chapter Two, were raised by some of the social workers, in particular the dominance of the legal and Western voices. The social work practitioners were interested in engaging with these critiques and reconstructing human rights according to a more discursive understanding (Ife 2012).

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Working cross culturally there's also criticism from some of the more collectivist cultures in terms of basically saying that human rights are very individualist based and that we really need to find a way how to rethink them in a way that they actually fit with a more collectivist culture (Drew)

The other thing that occurred to me [after reading Ife] ... which I hadn't even heard of, the Asian critique or stuff like that, but it was immediately extremely familiar because of the communities we work with and it pertains totally with the kind of cross-cultural work that we do ... It's of total relevance to our daily work, to our daily challenges of cross cultural work with collective cultures, the care and protection issues, the gender issues, and the way that we have to try and build bridges and help people negotiate (Nat)

Kelly describes going beyond the dominant legal view of human rights practice to a broader conception of human rights.

The dominant view of human rights would be the legal view ... For most social workers they would see human rights work at the end of, if you are pursuing a case on discrimination, if you are advocating for access to, or you are trying to change the legal systems or trying to get the laws enforced ... would very clearly be rights based practice. So probably in terms of our work, because we have a combination title, counsellor advocate, certainly the human rights stuff clearly even with the narrow definition is down the advocacy end of that but I think we take a broader view of that (Kelly)

The postmodern perspective and its relationship with critical social work was also raised by one social worker – interestingly the person who raised this argument was the same person who had explored human rights in detail during their university studies. The discussion about 'strong' or 'weak' postmodernism is discussed in the literature in relation to the universal/culturally relative debate. Critical social work has endeavoured to incorporate the strengths of postmodernism without eschewing all universal principles.

I think the critique that they [postmodern theorists] bring is really valid when it comes to this traditional Enlightenment view of human rights and certainly human rights when it's used as something that ... is something that the West has said that we want to enlighten others about ... and that seems to be to me a kind of misuse of it, you know anything can be used that way ... And so that I think is the danger, we can't just blindly believe in it and that's it. We have to say well here it is, it's in our Code of ethics, how do we negotiate this ... What I disagreed with was the idea that social work could have, critical social work I'm talking about, could have a strong postmodern view except when it came to human rights. Where that's a bottom line, that's a given, and I didn't like that, because I think if you do that you open the way to actually use that in a way that's not ok (Kelly)

One social worker who worked in a regional outreach location identified that human rights is contextual, in particular in relation to political, historical, economic, geographical and cultural factors. In this particular community, the social work practitioner identified a strong undercurrent of racism and the challenge this provided to practice.

And for me a big question in that is what context you're in because we are in [state] and [it is] quite a different environment to other parts of the world historically. It has changed but it still to mind requires a certain kind of tap dancing in order to get some wins or get some gains ... Yes, we've got a very conservative population dating back to the days of [state premier] who is still loved and adored. By the older people who are still alive ... You know, to my mind [regional town] moved on a little bit, shifted gears a little bit but you know at one particular stage here it was a little bit white is right ... So you know it's sort of about being intelligent about that ... That's right and you brace yourself for reactions now what with unemployment down you sort of think 'Oh boy it's going to get a bit ugly now there's more competition for jobs and so forth. And that's where you know historically we've had the unions come and say 'No more immigration' ... You know some of my life has been about developing other strategies to survive in a conservative environment and in a way that is

still getting outcomes … You know what worries me about that is that you could be sort of like saying you are not tackling the task. But you are doing it in such a range and diversity of ways. It's all about demonstration. So you know we are demonstrating that the Sudanese are a viable hard working people with great integrity. I guess if we're kind of labelling everyone in town as a bunch of racists we wouldn't get far, we wouldn't get far at all (Piper)

In Chapter Three, the context of neoliberalism and globalisation was discussed. The point was made that although it would be difficult to argue that social work has ever been practised in a conducive environment, human service organisations have changed significantly worldwide, particularly since the 1990s in Australia, and are increasingly hostile to social work practice, particularly emancipatory forms of social work practice. Government agencies have become increasingly corporatised or privatised and non-government agencies have become increasingly bureaucratised. As a result, social workers find themselves pressured to conform to the goals of the state (Lundy 2011). The particular challenges of human rights practice in the neoliberal context, was discussed by two social workers.

My organisation was started by social workers … [the current director] And she's a lovely person but she's a bureaucrat. Whereas … had heart and soul and so the organisation had heart and soul. For me as a social worker … I was just kind of like 'Oh this is blessed country' … it just felt fantastic. And I've seen the organisation …it's had expansion and there's so many more requirements but you know we sit around talking about data requirements and deadlines … and for me the soul is seeping out of the organisation … (Piper)

I think it ought to be the same but in the bureaucracy it's very hard to do the human rights social work because they are trying to stop you doing it or they don't reward you for doing it (Dale)

The complexity of human rights and the contested nature of the concept were raised by a number of social work practitioners. In addition, the challenges of working in increasingly bureaucratic organisations brought about by the neoliberal context,

working in traditionally conservative geographic areas, the influence of racism on the practice context, and working in detention were all raised as particular issues for human rights practitioners. Despite the complex and contested nature of human rights practice – as it was demonstrated at the beginning of this section – a commitment to human rights was viewed as a highly valued basis for social work practice. This supports McDonald's (2006, p. 177) argument that human rights based practice 'provides an unambiguous and inspiring morality and politics for practitioners made despondent by the harshness and intractability of the contemporary welfare state'.

Human rights knowledge and skills: confidence in human rights based practice

A strong theme that emerged out of the research is the participants' perceived lack of knowledge and skills in relation to human rights and social work practice. For some, this translated as an overwhelming lack of confidence in their abilities, and also that of the profession of social work.

> *Here and now. Keeping people in the present, here and now. And so for me that kind of validated that you know I'm nervous to go there. I don't feel like I've got the skills. I feel I'm really good at getting women's dinners happening, that was great [provides an example of organising a women's dinner for the local African refugee women] So that is my forte I think … There's a whole quantum degree more self-respect for psychologists than there are for social workers. You say you a social worker, and I think they think you're a church volunteer (Piper)*

Participants reported that they received little professional development on any topic, let alone on the specific topic of human rights and social work.

> *Could I say to you that I feel like I wish I could read one of those books you're talking about then have another talk with you … cause I sort of feel out of touch. Well I actually don't know what you're talking about … Look I have to, this is my deep dark confession is that probably being regionally based, I got back to [capital city] at one stage and tried to catch up with what was going on with the profession, but it is difficult to get this sort of professional development stuff … but I would have to say that really I*

haven't bought a lot of texts, and I've really been restricted to journal
subscriptions. I read the journal from time to time … Well I've always
loved the job, it's more that I feel guilty about the fact that I don't keep up
theoretically. I don't have the books and I don't go to the conferences ...
and professional development we've got a budget $300 a year … I don't
know about CPE [Continuing Practice Education]. I get scared about that.
It scares me. Shit, I can't actually say I've done this, this and this ... I've
read one article written by a social worker in this field (Piper)

Many of the social workers interviewed viewed participation in the research as a form
of professional development, as well as contributing to the field of social work through
research. Human rights and social work practice was an area that they were interested
in, and they felt that the research process would help them to develop their knowledge
and skills.

And whenever I talk about things to do with my practice, having to
articulate it helps me to think a bit more about why, how all of those really
important questions (Jesse)

I feel appreciative of being needled into actually giving it a bit of thought
… In the NGO, you've worked in it, there's no money, you're under such a
lot of, you're barely able to take time to think at all … (Nat)

Not only was there a lack of professional development opportunities, there was also a
lack of supervision, which again means that there are few opportunities to explore
issues related to practice, especially in relation to human rights.

[Do you have supervision?] Not really. This is such a horizontal
organisation, which is really good. So we've got a director and then you've
got us workers. We do have access to a social worker for supervision
externally and she actually used to work here so she's got a lot of
experience in trauma and refugee work as well. So we can see her x
number of sessions a year. But again the demands of the work mean that's
not easy … I've probably had supervision, God three, I'm just thinking
about, people might freak out about this! But once every six months

maybe? ... Formal supervision I'm talking about. We've done heaps of debriefing and so on (Jesse)

And well, the other thing that won't be there is enough supervision. I mean we have some scary people that have been here that we've had to get rid of and their practice is nothing short of shocking ... [and you've been able to identify it through supervision?] ... Yeah, but as an agency sometimes not soon enough I don't think ... I just feel they are unprepared and I feel bad for them but on the other hand I can't slow the agency down, they've got to pick up pretty darn quickly ... And there's too much of social work supervision which is so much about that person. It's nothing about what they are doing with that client (Charlie)

This supports George's (1999) argument that social workers are not well prepared for human rights work. This lack of preparedness has translated to a lack of confidence in some of the social workers interviewed for this research.

Discussion

The findings above indicate that the social workers interviewed for this research were highly committed to the concept of human rights and believed that it should be fundamental to social work practice. A key theme was the significance of advocacy in human rights work. For the most part, social work practitioners engaged in individual advocacy. Although there was also an understanding from some of the social work practitioners that advocacy should occur at the structural level, for most it was not prioritised. Another key theme was the perspective that human rights based practice occurs in the everyday relationship with clients, staff and the community. A relational approach to practice is in stark contrast with advocacy, which is often enacted at the national and international level. Achieving human rights through community development was another key theme. Human rights were acknowledged to be complex, contested and contextual, and this made putting them into practice difficult. Finally – directly related to the challenge of human rights based practice – is the lack of confidence in their knowledge of human rights and how to put it into practice. The implication of this is the need for more opportunities in the social work curriculum to explore the meaning of human rights and how it can be incorporated into practice.

Human rights and social work education

All of the social workers interviewed believed that it was important to include human rights in the social work curriculum. How this was to be done varied, but most of the practitioners believed that it should be covered in a separate subject, in order to explore the contested and complex nature of the topics. They also believed that it should be embedded across the curriculum, in the subjects that are taught, in placements, in assessments and the teaching and learning approach of social work academics. A range of information was identified as important to include: general information on human rights, the history of human rights, specialist information on refugees and asylum seekers, theory and practice. Finally, participants believed that further research in the area was required.

In relation to human rights and social work education, four themes were identified: the fundamental position of human rights in the social work curriculum; the value of specialist and embedded approaches; the necessary core values, knowledge and skills; and the value of human rights research.

Human rights: the fundamental position of human rights in the Australian social work curriculum

Including human rights in the social work curriculum was considered fundamental to the social workers interviewed for this study, particularly given that most described a lack of human rights education in their qualifying social work degree. The reason for including human rights varied, but the opportunity to explore the complex, contested and contextual nature of the concept was one key reason. In addition, the importance of understanding the particular issues faced by refugees and asylum seekers was raised; and finally the taken-for-granted assumptions associated with the concept was explored.

> *Well I think that an analysis of what that means would be really important*
> *for people. Yeah, like any big conceptual or philosophical idea, it's good*
> *to critique it, pull it apart, look at it from a range of different perspectives.*
> *Yeah, I mean seeing as it's in the tome [the Code of ethics] and everything,*

it probably really should be, really should be quite central to some of what we are taught while we are training to be social workers (Jesse)

I think it's very important especially in Australia because we have so many refugees coming into Australia and people really don't have a lot of knowledge of what happened to them (Riley)

I think it is important because it is problematic. Because it's problematic … because we have a self-satisfied view of we already do that, it's in our ethics, so we don't need to worry about it … we can't take it for granted (Kelly)

Little has been published on human rights in the Australian social work curriculum, but what has been published suggests that social workers are not well equipped to practice from a human rights perspective (Harrison & Melville 2010; George 1999), and this is supported by international literature (Dominelli 2007). Including more opportunities for exploring human rights in social work education would address this deficit.

Human rights and the social work curriculum: the value of specialist and embedded approaches

The question of how human rights should be included in the social work curriculum elicited various responses, but almost all social work practitioners argued for a discrete subject dedicated to exploring the complex and contested nature of human rights and its relationship with social work.

I think to get it started there probably needs a proper course in it. Call it what it is and teach people and go through how it links, you know from everywhere from drug and alcohol to child protection whatever I think it would be a fantastic course. Bring in people who integrate it … Too often we go to that 'Oh we just integrate it into everything', like that's bullshit, it never happens. So I'd have a proper course 101 first year. If you are in social work you're about human rights and social justice … (Charlie)

It would probably need to be a whole unit, wouldn't it? … purely and simply because it does or should pervade every area of work … I think you would make a pretty good start if there was a unit (Nat)

An actual course then that would supply the focus, structure it (Kelly)
Just maybe that it's one of those really big conceptual headings that would benefit from being demystified. Like ethics you know, we did Law and Ethics so let's unpack terms like human rights in social work practice. You know you talk about feminist practice well what's human rights practice, just for example (Jesse)

Including human rights in another related subject was raised as a possibility. International social work was selected specifically because it was perceived to make the task of studying human rights easier.

Well maybe there could be a subject on international social work because I think that's an easier way to learn about it, you can see glaring injustices in other countries, and maybe that's an easier way of thinking about it (Dale)

Others identified the importance of it also being embedded across the curriculum, but there was recognition of the risks that went with embedding course material.

Well it should be embedded in the whole course (Drew)

The danger of it being embedded is that it becomes assumed and then it's not examined … and I think that is not helpful and I think, as you say, it's this throwaway line … (Kelly)

One participant acknowledged the importance of field placements, but again the risk of relying on one teaching approach was highlighted.

Have a proper course, getting some links to practice would be really good and field placements that can actually do some of that would be really quite good … but I don't think the placements should have to teach them everything (Charlie)

This supports Ife's (2012) argument that including a human rights approach in social work required more effort than simply including information on human rights. It also requires attention in all aspects of education including field placements. Similarly, considering the problematic relationship between assessment and a human rights approach was raised by one participant. In particular the question at the heart of Kim's comment is what is it that is being assessed, knowledge about human rights approach or a value position consistent with a human rights approach.

> *The conflict for me then is to have assessment based on that. So how do you assess whether somebody understands it or not. I mean are you assessing the academic understanding and the production of the academic papers or are you asking people to reflect on their values or the values of others...(Kim)*

How the teaching and learning was conducted was also of significance for one of the social work practitioners. In particular, the importance of incorporating the lived experience of refugees and asylum seekers was advocated. At the same time it was recognised that this can also be exploitative to have, and the importance of developing relationships between the teacher and the refugees and asylum seekers was advocated.

> *To answer that question is difficult because it brings into question ways of learning and teaching ... What I prefer is ways of sharing peoples stories, my stories, students stories and other peoples stories ... so I suppose in the same way learning about human rights maybe for me best in the context of learning from people who either have been denied those rights but not setting them up in a way that exposes them, but allowing people to tell their stories about it... I suppose the tension for me then is ... the relationships that you set up ... that's important ... so getting people to participate and modelling how you could do that kind of work...(Kim)*

In other words, including human rights in the social work curriculum does not just mean inclusion of the theory and philosophy of human rights and how it relates to social work practice. It also means paying attention to the processes of human rights education to ensure that a commitment to human rights is consistent with how it is being taught. A critical teaching approach developed by Freire (1993) and Shor (1992),

and further developed for social work by McMahon (1993), provides a framework for thinking about how the oppressive student–teacher relationship can be minimised in assessment and the style of teaching (for example encouraging dialogue and discussion rather than the tradition lecture situation).

Human rights teaching and learning: core values, knowledge and skills
A number of topics were suggested as important to include in any subject on human rights, although one social worker identified the difficulty of articulating what should or should not be included.

> *Bloody hell, goodness me, that's really hard. I'm not sure. I think that maybe what should be put in there is opportunities for people to work out what it means for them and how it might be applied in ways they haven't thought … It's like when you study ethics, you need enough to get you curious and then you have to kind of hope people will go off and do some of their own homework about it and get more informed. So I feel like with human rights, you have to teach people enough, challenge their assumptions enough, rouse their curiosity enough, that they go off and start to develop this as part of the way they think and part of the way they practice. So I know that's not a very specific answer but it would be hard for me to say this and this but not these things (Jesse)*

The importance of international political history and the theoretical and philosophical underpinnings of human rights was considered important. Friedman (2011) argues that there is a 'mountain' of literature on human rights, most of it from political, legal and philosophical perspectives. Incorporating this material into the social work curriculum was considered to be essential by the social work practitioners interviewed for this research. This is supported by Briskman and Fiske (2008), who suggested that human rights education should include philosophical, political, historical, anthropological, legal and practical elements.

> *There should be more … of that understanding as to the historical factors as to why these tribal communities are so devastated, why the countries are ruined. You know like I'd want to do a triple degree in African history*

... to have this fundamental understanding of why the damage has been done and I don't think social work incorporates that much at all (Piper)

I think one thing is the theory, just what are human rights as a beginning and discussions on what that means (Quinn)

Given the particular context of practice – social workers with refugees and asylum seekers – the social work practitioners considered that information on refugees and asylum seekers was considered particularly important.

And I think they need to know the refugee experience and also cross cultural counselling. Maybe not particularly applied to refugees it can be applied to immigrants ... and also it's important to have some specialised training in the counselling of people who experience torture and trauma ... could be a master's degree (Riley)

From the context of this agency ... I guess for people to understand more about refugee and torture and trauma issues could be done in different ways ... not to expose and make vulnerable those people who have those stories and life histories. But to also say this is what it is, luckily here we have staff members who have those experiences ... maybe it means employing people to tell their stories (Kim)

Stuff on the boat people ... human rights in Australia (Dale)

And then look at the different fields of social work and put it in that context to illustrate what that then means on the ground or for people who are working in policy. I think if you take a client's approach, put the client in the centre, or you try to be the client and then with the knowledge what human rights means look at ok what would you expect, or what would you expect under these circumstances. What would need to be delivered so that the human rights are met. I think with an approach like that you hopefully would ...in peoples mind about human rights and how it would look in practice and what could be achieved (Quinn)

One social worker raised the lack of skill that social workers had in counselling generally, and in relation to torture and trauma in particular. This social worker

considered that trauma work is an area of potential boundary violations and believed that clinical teaching at university does not equip practitioners for this complex work. Other participants raised the connection between the philosophy of human rights and the lack of ability to practice from a human rights perspective.

> *They're not getting the fundamentals on anything let alone human rights … Some of them will talk [students] oh they've done a subject on human rights and they're off on the philosophy and the this and that, but they don't get how to put it into practice (Charlie)*

Another participant recommended a range of subjects being provided in a social work degree.

> *I guess what I would like to see if I were back in social work education is to see a diversity of courses being allowed as part of the degree …[eg some humanitarian law subjects also] … body somatic area, so not psychology but dance movement therapy, music therapy, art therapy or any other body based practice … (Kim)*

Human rights research: the value of academic and practice research

Further research in the area was considered to be important and was most clearly articulated by Charlie.

> *More people doing their masters and PhD's would be really good (Charlie)*

For the majority of the social work practitioners interviewed for this research, the opportunity of contributing to human rights research was one of the key reasons given for agreeing to participate in this research.

> *I think, I just try to help with the research (Riley)*

As noted earlier, the social work practitioners interviewed did not discuss conducting their own research within their agency, or indeed engaging in further post-graduate research. This supports the literature discussed in Chapter Four, which suggests that

research needs to be more incorporated into social work practice (Ryan & Sheehan 2009).

Discussion

The importance of human rights in social work education was a theme that came through the research. The findings that have been discussed in previous sections indicate that social work practitioners find the concept of human rights nebulous, complex and contested, and some expressed a lack of confidence in their knowledge of human rights, and its relationship with practice. Despite this, there is also a great deal of interest in and commitment to the concept. Providing the opportunity to explore human rights in further detail in the social work curriculum was highly valued by the social work practitioners interviewed for this research.

In relation to how this should be achieved, the social workers interviewed believed that it should be included both as a separate subject and embedded throughout the curriculum in all subjects, as well as in approaches to teaching and learning. The participants wanted to include material on the history of human rights violations, specific information on refugees and asylum seekers, theory and importantly practice. In addition the value of further research in the area was noted.

Implications for social work practice

The findings from this research show that social work practitioners working with refugees and asylum seekers are highly committed to the concept of human rights in their practice. A number of themes were evident from the research. First, that even though human rights is considered widely to be a fundamental value of social work, very few of the social workers developed or furthered their understanding of human rights through social work, either through their education, social work literature or social work organisations. This is despite the ethical imperatives evident in the *Code of ethics* (AASW 2010a) and other national and international policy documents, and the increasing literature on human rights and social work discussed in Chapter Two. Rather, most of the participants gained their understanding of and commitment to human rights through their lived experience, highlighting the importance of values and ethics developed in the family, in spiritual and other contexts. While there was a high

commitment to human rights, there was not a correspondingly high knowledge of human rights generally. A few practitioners had a highly sophisticated understanding of human rights, while others felt a distinct lack of knowledge and therefore confidence. The findings of this research support the argument that social workers in Australia are not well prepared for human rights practice (Harrison & Melville; George 1999).

The second broad theme related to human rights and practice. The social workers were all committed to the idea of human rights in practice but how this looked varied between each practitioner. For the majority of the social workers, human rights practice equated to advocacy, which mostly occurred at the personal or micro level of practice. In practice this meant advocating for refugees and asylum seekers to gain services and other resources. Few of the practitioners considered it their role to participate in advocacy at other levels and this caused tension for some. It seems that there was no clear articulation of how the commitment to human rights was translated in practice but for the majority of social work practitioners interviewed, human rights based practice was relational. It occurred in the everyday relationships between the social workers and the refugees and asylum seekers. For most the language of human rights was rarely used, and some, especially given the complex and contested nature of the concept, expressed a lack of confidence in their ability to practice from a human rights perspective. The findings of this research challenge traditional conceptions of critical or radical social work, which emphasises the notion of social worker as change agent, which is highly gendered and disconnected from the realities of social work practice (Marston & McDonald 2012; Healy 2000). It also challenges the traditional emphasis on advocacy as the only way to engage in progressive human rights based practice (Ife 2012).

The third broad theme connected social work practice with social work education. The social work practitioners interviewed for this study overwhelmingly believed that human rights should be included in the social work curriculum. This related to their general commitment to the notion of human rights, the recognition of the complexity and contested nature of the concept, but also because of the particular issues faced by refugees and asylum seekers in contemporary Australia, and indeed around the world. It was also related to practitioners' perceived lack of social work education on human

rights and its relationship with practice. In general, practitioners believed that the concept of human rights was important enough to require a specific unit dedicated to exploring the history, ethical and philosophical underpinnings of the concept, as well as specific information on vulnerable groups such as refugees and asylum seekers, and most the connection with social work practice. The social work practitioners also believed that given that human rights is a core value of social work, it therefore needs to be embedded in the social work curriculum, not just in the content of social work education but in the way social work is taught, in fieldwork, in assessments, in policies. The findings of this research support Harrison and Melville's (2010) argument that in order for human rights to be embedded in the everyday practice of social workers, human rights needs to much more visible in the social work curriculum.

Conclusion

The findings from the interviews with social work practitioners working with refugees and asylum seekers demonstrate that human rights occupy an important position with these social workers. However, while some of the social work practitioners explicitly considered the relationship between human rights and critical social work, the majority did not. Human rights as a form of progressive practice was largely unexamined. These findings are supported by the literature discussed in Chapter Two, that the relationship between critical social work and human rights is largely undeveloped (Nipperess & Briskman 2009; Cemlyn 2008a). Clearly articulating and further developing this relationship remains a challenge for critical social work.

The next chapter explores the connection between human rights, social work practice and social work education.

Chapter Seven: Human rights in Australian social work education

> In order to raise the profile of human rights in social work practice, it will be first necessary to raise its profile in social work education (Harrison & Melville 2010, p. 153

Introduction

This chapter explores the experience of human rights from the perspective of twelve social work academics working in Australian university social work programs. In particular, it focuses on how these educators understand the concept of human rights, how this understanding informs their practice generally and in relation to teaching specifically, and the implications of this for social work education. First, I will introduce the context of Australian social work education. Then I will discuss the findings from the interviews with the social work academics, in three sections: educators' understanding of human rights; educators' teaching practice in relation to human rights; and educators' reflections on the relationship between human rights and social work education. Finally, I will discuss the implications of the findings for social work.

Introducing the context: Australian social work education

Social work, and social work education, do not have a long history in Australia, and indeed internationally. Camilleri (2001, p. 16) notes:

> Social work as a profession was born 'modern'. The first social worker was appointed in 1894 as an almoner at the Free Hospital London. Educating practitioners was formally located in universities in 1903 with the first full course in social work at the London School of Economics.

The origins of Australian social work are often linked to the establishment of the Almoner Department in 1929 at the Royal Melbourne Hospital. Gleeson (2008) suggests that social work has a longer history, and cites the establishment of the NSW Board of Social Study and Training in 1928 as the first social work training organisation in Australia. According to Lawrence (1965, p. 34), who published one of

the first histories of social work and social work education in Australia, seventeen people from fourteen organisations decided to form a Board 'to establish and control a specialised educational course for social workers'. Nonetheless, it was not until 1940 that social work education was offered in universities in Australia, with the establishment of the social work program at the University of Sydney (Camilleri 2001; Agbim & Ozanne 2007).

Since the first course was established at the University of Sydney, another twenty-five universities across Australia now offer social work education. Courses range from four-year Bachelor degree programs, to a diverse range of double degrees through to Masters qualifying social work degrees, along with the full range of Masters programs, Masters by research, professional doctorates and Doctor of Philosophy programs. Over the years, the four-year Bachelor degree has been established as the norm (Napier & George 2001), though eighteen of the twenty-six universities now offer a qualifying two-year Master's degree as an alternative to the four-year undergraduate program (Ozanne & Bigby 2007).

In the last twenty years, the university sector across Australia has experienced significant educational reform. Overall student numbers have significantly increased, which has been accompanied by an increase in the proportion of international students (Cooper 2007). The impetus to respond to globalisation and internationalisation has also meant that schools of social work are forming international partnerships, which result in Australian social work being taught in a range of international contexts (for example Monash University commenced a Bachelor of Social Work in Singapore in 2004). To respond to this changing university environment, courses are increasingly being provided in distance mode using a range of traditional and flexible teaching strategies.

The AASW was established in 1946 and gradually took on the role of establishing standards for qualification and accreditation of social work programs (Napier & George 2001). According to Lawrence (1976, p. 23):

> The AASW played a significant role in shaping the pattern of professional education that emerged, especially in the later post-war years, and also in

providing employers with the only general standard of who was a professionally qualified social worker.

The AASW first adopted a Statement of minimum educational requirements for membership of the AASW in 1966 (Lawrence 1976). The most recent incarnation of this document is the Australian social work education and accreditation standards (ASWEAS) (AASW 2012a). The ASWEAS document clearly sets out both the role of the AASW and the requirements for social work programs in Australia. Having described the context of social work education in Australia, I will now explore the findings from the interviews with the twelve social work academics.

Re-introducing the participants

As outlined in Chapter Five, the social work academics interviewed for this research were diverse. They worked in universities across Australia (except New South Wales) with just over half working on metropolitan campuses. They were mostly female, ethnically diverse and exactly half were over fifty years of age. They possessed a range of social work qualifications and the majority of participants either had been awarded a PhD or were enrolled in a PhD program. The participants were very experienced, with just over half being qualified for twenty or more years. Most of the social work academics were employed full time from Associate Professor through to casual lecturer (see Chapter Five for a more detailed overview of the demographic characteristics of the participants of this research).

Social work academics' understandings of human rights

The social work academics interviewed for this research held a diverse range of understandings in relation to the concept of human rights. Similar to the majority of the social work practitioners interviewed for this research, the majority of social work academics did not cite their own social work education as responsible for developing their understanding of human rights. The social work academics described a range of sources for their understanding of human rights but their experiences as teachers and researchers in social work education, not surprisingly, has offered a range of diverse opportunities to explore the notion of human rights in further detail. In particular, of the twelve social work academics interviewed, four were directly involved in teaching,

or had taught, one of the specific human rights subjects offered at Australian universities.

The social work academics interviewed raised the importance of their values – in particular their commitment to social justice – which were developed prior to their social work education. The influence of their family, spirituality and lived experience generally, on the development of their values was particularly significant. For many these values were consistent with the value of human rights, and for many, the difference between social justice and human rights was difficult to distinguish, and the two terms were often used interchangeably.

In relation to social work academics' understanding of human rights, I identified five themes: the complex, contested and contextual nature of human rights; the significant contribution of lived experience to social work academics' knowledge and values; the limited contribution of the social work profession in the development of social work academics' understanding of human rights; the contribution of practice with vulnerable groups; and the contribution of the experience of teaching human rights to social work academics' understanding.

Human rights: a complex, contested and contextualised concept

Similar to the social work practitioners, the social work academics considered that the concept of human rights is complex, contested and contextualised. Three sub-themes were identified from the interviews: the challenge of conceptualising human rights; defining human rights as the resources and qualities necessary for a good life; and the relationship between human rights and social justice.

Human rights: the challenge of conceptualising human rights
The complexity of human rights was raised by the social work academics interviewed. The literature has identified that human rights is a complex topic, and this complexity related to philosophical and ethical considerations.

> *I think the complexity of the whole issue around human rights has been unfurling my whole life. I'm probably not a whole lot less confused. A little bit but not a whole lot. I basically think human beings are self-centred and part of that needs to happen so that the species could continue but that we*

are constantly at odds with ourselves in what we will share or give up. It's not easy (Kerry)

The critique of human rights was raised by a number of social work academics. One of the social work academics discussed their uneasiness with the concept of human rights in general, and in particular the critique provided by postmodernism and post-structuralism on universal and culturally relative principles.

I think I've become too post-structural in the sense that I don't think that people have an inner core self, that essentialist notion, because human rights are often attributed as something someone owns regardless of their context. I find that aspect doesn't sit very well (Ali)

Others discussed some of the critiques of the human rights discourse, in particular the Western domination of human rights.

Jim Ife came in towards the end of my studies with his books and his knowledge and he started talking about community work and connecting human rights to that sort of model of practice. I connected to that but I didn't like his very Western view of it, his Western lens. He took a lot of things for granted. I think he took class for granted quite a bit and those other layers of oppression, you know age, gender, ethnicity and even things like caste groups (Ashley)

Other critiques in relation to the UN and the various declarations were mentioned by some of the social work educators interviewed. The UDHR is over sixty years old and Ashley believed that it should be reviewed.

I think with human rights teaching and human rights understanding … there's a lot of assumptions that are embedded in human rights as described by the United Nations, based on Western values and based on political agendas of the time. We haven't revisited the Human Rights declaration and I think we are due to do that (Ashley)

But because you've got those declarations I think that does help and while that might, the only downside of those is they tend to de-personalise and

somehow often de-humanise although that sounds like a contradiction,
they take the kind of personal edge from it (Lee)

Ashley further explored the tension between universalist discourses and cultural relativism that was explored extensively in the literature in Chapter Two (Hugman 2013; Ife 2007; Reichert 2007; Staub-Bernasconi 2010). Balancing universal notions of human rights with a view that human rights vary between cultures is challenging, as Ashley demonstrates.

That is the macro but the micro context is different. We can't end up with
multiple declarations of human rights. It isn't going to work, we're going
to allow dictatorships again, we're going to allow torture, you know all
sorts of horrible human things (Ashley)

Finally, the contribution of critical theory in exploring the complex and contested nature of human rights was discussed by one of the social work academics. The contributions of the various theories was discussed, but the theory of particular value to this social worker is postcolonial studies, including whiteness studies (Moreton-Robinson 2004; Walter, Taylor, & Habibis 2011).

Critical social work is about the only theoretical school of thought where
I find that we are not paralysed in multiple truths in action. The basis of
critical/radical social work is we observe, we think, we act, we do it all
over again in cycles. And I like that and I think human rights requires us
to do that. Because the way that we are violating human rights today is
very different to the way that we were violating them even in World War
Two. There are very nuanced ways of respecting or disrespecting human
rights these days ... I don't think postmodernism is what we can pin things
on, I don't think structuralism is enough, I don't think feminism is enough
... this idea of postcolonialism, I really like this idea of postcolonialism
and looking at whiteness (Ashley)

The critique of human rights ranged from being apprehensive about even using the concept, to utilising a range of critical theories to contribute to the exploration of the complexity and contested nature of the concept.

Defining human rights: the resources and qualities necessary for a good life

The social work academics interviewed for this research expressed their understanding of the concept of human rights as something 'basic', 'core' or 'fundamental' to all people.

> *Bit more complicated than just getting a bill of rights ... but I think what I am really clear about is that every person regardless of their social position or their economic status or anything else is entitled to some basic kind of goods and services and resources (Morgan)*

> *A human right is an opportunity that is yours by dint of existing, living and breathing (Shannon)*

These rights were conceptualised in terms of the 'resources' that people need to live a good life, like food, water, shelter and clothing. The social work academics extended the understanding about human rights beyond traditional first generation civil and political rights.

> *Your basic human rights are about food, shelter, warmth, clothing you know and depending on where you live you might include education and so forth. It's not just about people in refugee camps that are starving and torture comes in many forms (Lesley)*

> *So I suppose for me human rights is about having fundamental resources and opportunities that should be open to everybody (Lee)*

The social work academics also articulated human rights in terms of the 'qualities' that people need to live a good life, including respect, dignity and reciprocity.

> *Human rights are a lot about reciprocity, mutuality, what you give back to the world to defend those rights so they are not commodities ... Having been through what I've been through in my life, I think there are some core human rights around the violation of your freedom, the violation of your body, of your sense of self, these are core universal experiences that must not be ... 'handled'. Because that's what's happened. A lot of really core human values have been handled by postmodernism and almost diluted to*

nothing. We can't do that to some of the essential fundamentals of the human condition, respect, dignity you know safety, freedom (Ashley)

Social work academics considered that human rights were complex, contested and contextual, and there was an acknowledgment of the various critiques of human rights. Still, social work academics argued for an understanding of human rights that included a commitment to the universal nature of some resources and qualities.

<u>Human rights and social justice: an intimate relationship</u>

The social work academics interviewed found the distinction between human rights and social justice hard to draw, and the two terms were often used interchangeably. This is reflected in the literature, which also conflates the two terms.

I can't think of a distinct definition for social justice. It is very similar to human rights … Access to accommodation. That comes into my justice thinking whereas with human rights I don't think about how you do it, it just needs to be done. When I think of social justice it's about 'Well, who pays, how is that arranged, whose responsibility is it', that comes into my justice thinking (Jamie)

I find it really difficult actually … I don't know that I do it all that much (Jules)

It's a question of language … I think that a perspective of the world which puts social justice at the core of every activity has been part of who I am from the time I was a child. Now part of this is religious … It seems to me that there is some kind of transcendent meaning of human existence what has to do with one participating in the goodness and the positive concepts around human existence. It underlies everything I'm doing … so the UN conventions … it's an underlying philosophy for me, for social work, for life, for practice. And it's simple (Kerry)

Social justice, I think of as, the issues around how we distribute resources, equity … what is it that people need, what are our resources, how do people get what they need … for me social justice is about distributive elements (Alex)

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In teasing out the difference between human rights and social justice, one social worker identified human rights in terms of the goals in which to aspire, and social justice strategies were used to achieve these goals.

> *When I think about human rights I do have those declarations, you know the rights to health care, for example, the right to be able to express your religious beliefs etc. So for me they're the sort of goals and absolute, they're the things that just are non-negotiable and for me the social justice is the process of getting there (Lee)*

But another social work academic had a different way of conceptualising this relationship, and suggested that human rights are the tool whereas social justice is the goal.

> *The goal is probably social justice and the … transformative leadership how to get there and that human rights are tools I can use to make arguments in different contexts, in different ways in different groups (Ali)*

Reichert (2011) argues that one of the reasons why social work in the US has not discussed the relationship between human rights and social work is that there is a focus in the US on social justice rather than human rights. The two principles are discussed together and are accorded equal importance by the IFSW (2001), but there is a debate in the literature as to whether one principle should be more important than another (Solas 2008). Hugman (2012, p. 384) argues that the two principles are equally important, but they 'do not connect automatically and unproblematically' and therefore require conscious deliberation to tease out the differences, and the ways in which they integrate with each other. It is clear from the research that a distinction between the two values is not clearly made by the social work academics.

Human rights: the significant contributions of lived experience to social workers' knowledge and values

Similar to the social work practitioners, most of the social work academics identified that their interest in notions of human rights largely came from their lived experience – from values formed in the family, through spiritual or religious beliefs and from experiences unrelated to social work. In general these values were formed prior to social work studies. For example, Alex described being diagnosed with an illness at a young age that resulted in a disability, which has remained a motivation.

Others had a range of other experiences that have directly formed their values. Morgan describes the influence of multiple experiences, including the study in law, including the experience of living on income support, and the particular experience of being a single parent. Finally the impact of religion was noted.

> *I suspect where my interest came from is probably a combination of probably having studied law … then I think I suspect being a single [parent] being caught up in the Centrelink [Australia's government department that manages welfare payments] system … then I carried that into practice … fundamentally and way in the background religion might have played a role in it. So this idea that everybody actually was equal and in my family that was kind of a lived belief not a spoken belief (Morgan)*

The experience of vulnerable groups in countries other than Australia was also viewed as important in developing knowledge on human rights, supporting the literature that explores the importance of considering the human rights of vulnerable groups (Nipperess & Briskman 2009; Reichert 2006).

> *Seen waves of people that have migrated into the country [England] that have been pretty poorly treated. Having said that there's also groups of people … six and eight generations within the country that are still poorly treated … the gypsy community for example who are very misunderstood and marginalised (Lesley)*

> *It's easier to talk about where it came from because of course I became an adult in America and I was very much a part of the civil rights movement.*

> *So my understanding of the need for social justice started when I was quite young … and I saw firsthand coloured and white fountains, drinking fountains and restaurants were segregated, movies were segregated … I remember as a child being absolutely appalled because that had not been my experience in Canada (Kerry)*

Ashley described the experience of growing up in a country beset by internal conflict as having a major impact on an understanding of human rights.

> *My knowledge has come from lived experience more than studies per se … I lived a life that I thought was normal, you know we'd have curfews, I grew up with guns all around and military people all around. I grew up watching people being taken off in the middle of the street and bashed and going to town to do some shopping and being sprayed with sewerage by this huge tank. So I grew up with that and I never understood that there was another life. That people in other places lived very different lives … I look back on it and think we lived a life of human rights violations. We lived a life of prisoners really. So my understanding of human rights has sort of evolved through these reflections on my lived experience and my studies obviously (Ashley)*

A number of the social work academics talked about the influence of their religious values. Social work has had an ambivalent relationship with religion (Crisp 2010). Overt religious values were perceived negatively until relatively recently when the importance of spirituality began to be explored in relation to clients' lives, but also in relation to social workers themselves (Rice 2002; Barker & Floersch 2010). There is now a developing literature that explores the relationship between spirituality and social work (Holloway & Moss 2010). In addition, the recent review of the Australian *Code of ethics* (2010) responded to criticism that the social work profession had not taken into account the importance of spirituality, and several new clauses were included. There is also literature which explores spirituality in relation to human rights (Hodge 2007, 2006). The findings show that the social work academics considered their spirituality as important in developing their knowledge and understanding of human rights.

Because [of my strong Christian beliefs and practices] there's quite an alliance between my life commitment and also the concept of dignity and worth and freedom, inclusivity and that sort of thing. So it's never far away ... The whole area of radical social work, anti-oppressive social work, sits incredibly well with my life choice and personal ethics so they are never far away, in fact they are probably so enmeshed with each other I can't figure out what's happening (Shannon)

Probably a combination [Code of ethics, personal values] strong Christian upbringing (Jamie)

I was also very involved in the Church, of course the teachings, if you put aside the institutional Church and look at the teachings, go back to equality, social justice (Kerry)

[In relation to involvement in the Australian Christian Movement] they were involved in the development of the UN declaration in 1948; they had a total rights thing. The work we were doing was running alongside Amnesty International ... students from all over the world who were living in oppressive conditions, they were imprisoned, we were working with people in the Philippines, through the Marcos era, in South Korea, parts of Central America and so we had a very strong international network about human rights defence (Alex)

The family was also cited as particularly important in developing these values, and in particular the experience of having a migrant or refugee background was determined to be critical in developing an understanding of human rights.

I suppose if I go back long enough I was brought up, particularly by my mother, with very much an emphasis on social justice (Lesley)

I think for us too, being migrant children, I think the whole thing of working class is very important, I think growing up, we were born there [in Australia] but when you've got the migrant story it's a harder road to tow, perhaps differently hard (Shannon)

Well I guess my own family background, both my parents became refugees during the war and so that whole experience of what happened to my family during the war, what happened to my parents during the war, my father was very political (Lee)

Other life experiences were cited as crucial in the development of an awareness of oppression and disadvantage. For example, one participant described a very comfortable middle class family life, with little exposure to discrimination or disadvantage, despite being gay in a small community. For this participant, it was the experience of moving to a large multicultural city that first raised awareness of racism and other discrimination. For the majority of the social work educators interviewed for this research, the values that were formed in the family, through religious commitments and through life experiences, were not conceptualised in terms of human rights. This connection was to come later (mostly from social work practice or other work experiences).

Being a migrant, being German, I think what I recognised was racism and that pressure to assimilate and I think you have sensitivity around when people are included, when people are not included, when there's harassment, when there's discrimination. When something about your personal identity that you don't have any control over is somehow informing other people and their behaviour towards you ... But I think I thought of it not so much as a human right, something that you owned or possessed, and thought about it more in terms 'So, OK, what do you do to change that' (Ali)

I think the language I used was justice. I remember saying that wasn't fair, as children say, and that wasn't just, and it wasn't good, it wasn't what God wanted. I used that kind of language. That all people were equal ... When I moved to New York I got interested in the UN and visited the UN quite a bit and the UN used human rights and then I started thinking about that language (Kerry)

The social work academics identified values formed prior to their social work education as being critical in determining their interest in social justice, discrimination

and disadvantage, and for many, these initial values and experiences informed their understanding and commitment to the concept of human rights.

Human rights and social work: the limited contribution of the social work profession in the development of social work academics' understanding of human rights

Similar to the social work practitioners, the majority of the social work educators did not consider that their own social work education included content on human rights. Only some of the social work educators recalled human rights being included in their social work education.

> *Oh yes … they introduced me to the concepts, lots of concepts around human social needs, human social development and human social rights across the global perspective … one of the reasons it was taught is it was very relevant for us, for what was going on all around us (Kerry)*

> *For me it really formed in a couple of places, my first placement was in the Aboriginal and Torres Strait Islander Legal Service … that was the most phenomenal experience for me … the Aboriginal people I was working around at the time were putting a whole rights framework around that and there was a growing strength around the Land Rights movement (Alex)*

Harper, who believed that social work educators do not have a powerful role in changing student's values, provided an interesting perspective about the role of social work education, suggesting that the role of social work education in relation to the development of ethical or theoretical perspectives is marginal. This view would seem to challenge the literature which discusses the importance of ethics education in the social work curriculum (ASWEAS 2012).

> *As social work educators we overly inflate our role. I don't think we are that powerful really. In terms of changing or enhancing or developing a particular theory or perspective in a student. I don't think we're that powerful. We're pretty marginal to most students and so if a student comes out with a human rights perspective or a social justice perspective it's*

> *probably got less to do with anything that happens in the course and more to do with their background (Harper)*

Some of the social work academics believed that their values – which for many were consistent with the value of human rights – were reinforced by their social work education.

> *It all got reinforced in the social work degree (Lesley)*
>
> *My suspicion would be … the studying actually gave a framework … I think true education is about putting words to the experiences and extending them. I'm probably more convinced now of the values I had (Shannon)*
>
> *I recall being taught very traditional theories like Marxism, feminism, critical race theory. That stuff was what really connected me to a sense of what are human rights (Ashley)*
>
> *Then as part of my degree, I guess probably the community development aspects of my undergraduate program, for me it wasn't spelt out that we were talking about human rights and I guess this is reflected in my own teaching too, but everything that we were working for in terms of working alongside people who experience poverty, or the rights of people who are same sex attracted or whatever it was, it was self-evident that they were human rights issues even if they weren't named as such (Jules)*

Thus, for many of the academics, their social work degree reinforced their values, which drew them to social work in the first place.

Human rights and practice: the contribution of practice with vulnerable group

Social work academics interviewed for this research asserted the importance of their practice experience as another important source of their knowledge about human rights. For some of the social work academics interviewed for this study, their work experiences prior to social work were critically important in informing their interest and commitment to human rights.

So my interest around human rights stuff comes from working with minority groups [in teaching career and during a period of work in the army], which reinforced my sense in an interest of human rights because of having seen how people can be treated in organisations (Lesley)

So the theoretical stuff has really evolved from I guess my work with Amnesty International and a really keen interest in political prisoners and advocating for their rights aver years now. So as a member of Amnesty, I taught myself a lot of that information in order to be a more effective advocate. So I guess that was stuff around universal UN material as a basis for advocacy. So often when we would be writing to heads of state, we would quote sections of declarations and particular agreements that their countries were party to as a way to sort of say this behaviour is not cool (Jules)

For many, it was their social work practice experiences post-graduation that developed their understanding of human rights, and for many this meant working with vulnerable groups.

When I think about human rights it really for me came from the practice experience of the rights, for example, to education … my understanding is that as a human right that really speaks to the capacity for all children for example to have, no matter what their disability or ability to have access to education which is of comparable standard and has expectations of kids. And that's really I think what struck me when I worked in disability, that the rights of those children with disabilities were absolutely at times were completely minimised … When I think about human rights I immediately think about where I have been exposed to groups of people [who have experienced particular disadvantage] (Lee)

The birth of my interest was really working in HIV AIDS. It did happen working in child protection because it's so stark in that framework (Chris)

In Australia, you know, having seen the lot [experience] of Aboriginal people, that's very stark (Lesley)

> *I suppose I'm very aware that social work often works with the most disadvantaged client groups and often with marginalised populations (Jamie)*

Some of the social work academics made particular mention of the Australian context, particularly in relation to refugees and asylum seekers, and Indigenous peoples.

> *In many cases, many of the things we do here contradicts the human rights, like when I think about the way we treat people of refugee background when they first arrive, how paternalistic we are in our expectations that they will just assimilate and let go of everything that was their life. So there is no value in what they bring and what they had. That to me is a violation of human rights. What we've done to Aboriginal communities. Nobody holds us accountable. I don't see Australia at The Hague or America at The Hague ... we are constantly pointing the finger that way and don't really look at how we've interpreted it and enacted it (Ashley)*

> *But I also think Australia has signed up to a lot of UN conventions that it hasn't honoured and I was part of the People in Detention thing ... and it's incredible to me that Australia can sign to that and not allow the UN to come and visit those detention centres and the whole concept of detention centres was against what they had signed up for (Kerry)*

For many of the social work educators, work experiences generally, and social work practice in particular was significant in developing understandings of human rights. For most, this was about being exposed to groups of people who experienced specific discrimination and disadvantage, for example, people with a disability, people with HIV/AIDS, Aboriginal and Torres Strait Islander peoples, children and homeless people. The social work academics also acknowledged the particular issues that Australia experiences in relation to human rights.

Human rights and social work education: the experience of teaching human rights

Of the twelve social work educators interviewed for this research, four had direct experience teaching human rights and thus had significant opportunity to explore the concept of human rights and its relationship with social work. One participant, who

had not taught human rights, recalled first being exposed to ideas of human rights in the experience of teaching international community development.

> *I've never really thought about it so much under the universal human rights banner, I think my experience has very much been driven by the horrible terminology of the early 90s about target populations, drawing on then the ILO Conventions or the Anti-discrimination or race discrimination or sex discrimination legislation in order to influence policy and programs and projects. So I wouldn't have labelled it human rights work until I started some work around how human rights is being used in international community development. Some agencies use human rights to create change by informing people that men and women are equal, they have the same right to food the same rights to work, the same right to pay, so I've never labelled it human rights ... but it could easily sit there ... I've certainly used the mechanisms that are there, the legislation, the Conventions, the policies of both the Commonwealth and state governments but I've never really thought of it as human rights until I started doing some work in international community development. It's almost like because we use that tool there it's kind of like a boomerang effect 'Oh, I've been actually doing that but not thinking about it because I haven't universalised it' (Ali)*

This teaching experience was critical in introducing the concept of human rights to this social work academic. As will be discussed in further detail in the next section, the area of international social work – or in this case international community development – is increasingly incorporating human rights into the curriculum.

Discussion

The social work academics interviewed for this research had an understanding of human rights that was informed by personal values, and developed through work experience generally and social work practice in particular. Similar to the social work practitioners, the social work educators were not exposed to human rights in their social work education, but many have had the opportunity of exploring human rights throughout their own teaching career. Clearly, social work education has had little impact on the twenty-three participants' (social work practitioners and social work educators) understanding of human rights, and this is concerning given the widely accepted importance of the value, but also and most importantly the complex and contested nature of the concept. Given the critiques that have been raised by both the social work practitioners and the social work academics, it is imperative that social work education provides opportunities to explore the concept of human rights in far greater detail than the experiences described by both groups of participants.

Even though the social work practitioners and social work academics interviewed for this study were not exposed to human rights in their own education, it is important to note that social work education is changing in Australia. There are now a number of dedicated human rights subjects across the social work curriculum, and as was discussed in earlier chapters, the new AASW schools of social work accreditation guidelines makes a number of statements about the inclusion of human rights into the curriculum. As the previous chapters have identified, there has been an increase in the literature on human rights and social work over the last decade, but social work education has been slow to explore these connections, despite it being widely recognised as a core value of the social work profession nationally and internationally.

Human rights and practice

Most of the social work academics interviewed for this study reported using human rights in their social work practice and their teaching (which is a form of social work practice). For some, it was in everything they taught – in subjects from social policy through to ethics and in field placements. For others, it was present in their teaching, but was not labelled as such. The social work academics considered advocacy to be a core component of a human rights approach to social work practice, but so were the

values of respect and sharing skills and knowledge. The relationship between human rights and the areas of the law, ethics and international social work were raised as particularly important. Finally, the rhetorical nature of the human rights discourse in social work was a key theme.

I identified six themes from the interviews with the social work academics in relation to their experiences of human rights and their teaching practice: the inclusion of human rights in the Australian social work curriculum; the primacy of advocacy in human rights based practice; the relationship between the law and human rights; the relationship between ethics and human rights; the relationship between human rights and international social work; and the rhetorical nature of human rights.

Human rights and social work education: the inclusion of human rights in the Australian social work curriculum

It is probably not surprising that the most of the social work academics interviewed for this study included human rights in their teaching. Given that participants elected to participate in this study, one of the reasons for doing so may have been their particular interest in the idea of human rights and its connection to social work.

> *The short answer to that is yes of course it's in everything ... I think I probably mention social justice and issues around human rights in everything I teach because it's fundamental (Lesley)*

> *To me it's a thread that's common to a lot of the subjects I teach here and I certainly have a personal philosophy that I'm very much wanting that students are aware that part of the definition of social work is to be taking up the cause for the most disadvantaged ... not just individually ... but also as a group, as a common issue (Jamie)*

> *That's one of the ways that I teach in all of the undergraduate programs I'm involved with, one of the ways I teach human rights, is the very embedded idea that everything we do is about human rights (Jules)*

There is a range of subjects in which the social work academics have included human rights content.

Yeah, and the UN Conventions and stuff like, depending on the particular subject but if it comes up but it's part of the informal structure of what my approach would be ... I teach everything from social policy, to ethics and social justice ... all of which have elements of human rights about them (Lesley)

Yes, I think I do. I'm just trying to think how I do that. I suppose I'm very aware that social work often works with the most disadvantaged client groups and often with marginalised populations. So even when I'm organising placements ... I will often suggest or highlight the values of working with a particular client population ... a lot of our curriculum ... very much has a human rights approach so I teach an ethics subject for the last two years, so the rights approach to ethics is certainly one of the theories or frameworks (Jamie)

One of the core subjects I teach is the social work theory subject and there I integrate human rights as one of the theoretical ways of understanding what we do as social workers and so often that gets attached to some of the ethical dimensions of practice of ethical theory and I present human rights as one of the perspectives (Lee)

I've taught in research, I've taught in community work, I've taught in interpersonal, I'm about to teach in practice theory. In each of those I've bought that stuff in (Ashley)

Some of the social work academics specifically mentioned the IFSW, and in particular the International Definition of Social Work (2001) which states that 'human rights and social justice are fundamental to social work'.

I also use the IFSW definition (Lee)

Wasn't aware of the [IFSW human rights] policy but I've certainly referred to in class their definition of social work which mentions that (Harper)

Other social work academics used the various UN conventions and declarations.

I've used it in International community development … for poverty alleviation, improving access to education … I often start with UN Conventions … (Ali)

I just use those in my teaching where appropriate and they form part of the subject as reference points (Lesley)

For some of the social work academics they may not use the term human rights, but they certainly use the idea of human rights.

I use the idea of it but I don't use the terminology … I talk about people's rights a lot but I don't tend to talk about human rights and maybe that's the same thing to you and I suspect I'm pretty well meaning the same thing (Morgan)

I think that the concept of human rights has a whole related set of ideas that wouldn't necessarily be identified by people as being human rights but they have a relationship anyway. So if I ask myself what would a good social worker practicing from a human rights perspective be able to do, they need to be able to have a number of skills and abilities that you wouldn't sort of say 'Well that's a human rights practice'. For example, they need to know how to argue a case really well. So I teach logical argument and reasoning in a couple of classes. They need to know how to collect evidence and use that evidence in their argument so I do a lot of that as well. They need to know how systems work and how to manipulate and use systems. So all those things I suppose would be the skills of a good human rights focused practitioner but none of them use the language of human rights in the context of teaching them … So to answer your question I don't actually teach in anything that has a badge human rights stuck on it but lots of things that are relevant to a construct of human rights and how people might think about practising from that perspective, I do lots of that stuff (Harper)

I do, if you asked me can I articulate the human rights stuff, I probably couldn't, as in article 9 (Shannon)

One participant highlighted the costs of critiquing human rights in a teaching context.

> *It is a very difficult line to tread when you want to come from that radical school and talk about human rights and when you want to criticise the benchmark that we use which is the UN Declaration you get really severely tough criticism. It's very tough to do that kind of work (Ashley)*

Many of the social work practitioners interviewed found it difficult to articulate how they put a commitment to human rights into practice. For the social work academics interviewed, this was not so difficult, at least in relation to their teaching. Perhaps in their own practice, they might have found it equally difficult to describe, but having been exposed to the discourse of human rights and social work to a greater degree than the social work practitioners, integrating theory and practice appears to be considerably easier. The disparity between social work practitioners' and social work educators' ability to integrate the theory and practice of human rights and social work, points to the risk that the discourse of human rights remains an academic discourse (Harrison & Melville 2010).

Human rights and advocacy: the primacy of advocacy in human rights based practice

In relation to social work practice, the social work academics interviewed for this research considered advocacy to be an integral part of a human rights approach to practice as the findings below demonstrate.

> *[I'm] always advocating, [I've] never written a report without trying to explain [the situation] (Lesley)*

> *For me the link between human rights and practice then became advocacy so I became and am an advocate social worker … only way to solve these issues is to speak up and advocate for people … It's speaking up and advocating and it's looking at all issues systematically and structurally rather than individualising, pathologising the problems and issues (Chris)*

> *If you are doing human rights practice you can't stay quiet … you have to act (Ashley)*

> *If you are working for marginalised groups then you have to stand up very strongly and it's probably that you're going to make yourself extremely unpopular (Morgan)*

Baldwin (2011, p. 202) has argued that advocacy is a key component of radical practice because 'to advocate on behalf of service users with decision makers is to make a political statement about how decisions *ought* to be made, and expose how they *are* made' (italics in original). At the same time, some of the social work academics recognised a lack of advocacy in practice. The challenges facing emancipatory social work are well-documented (Cemlyn 2008a), and were discussed in Chapter Three, in the context of globalisation and neoliberalism. In relation to advocacy in particular, Ferguson and Woodward (2009) argue that due to the increasing bureaucratisation of human service agencies and the emphasis on risk management, it is becoming much more difficult for social workers to take on an advocacy role in social work practice.

> *There's not many practitioners who I've seen go hard for a really disadvantaged group and push for their rights (Morgan)*

While many of the social work academics discussed the notion of advocacy, some discussed practice in terms of the way social workers work *with* people, rather than what social workers do *for* people. Key to this understanding is the notion of empowerment and working in partnership, which was part of the definition of advocacy discussed in Chapter Six.

> *I think human rights practice has to be about what Peggy McIntosh talked about, that Ally thing, where you walk alongside people in their journey ... working with people from Sierra Leone ... being in the context where you are and waiting to be told what next. And what shapes those interactions is an absolute concern for respect and dignity at that raw fundamental level (Ashley)*

> *We can share our skills, we can make our professional knowledge open and visible to people, we can de-professionalise ourselves ... Perhaps the most useful concept for me in social work in terms of human rights is that idea of empowerment (Morgan)*

Similar to the social work practitioners, the social work academics interviewed for this research distinguished between the different levels of intervention discussed in Chapter Three. The social work practitioners were more likely to practice advocacy at the individual level, whereas the social work academics were more likely to argue for advocacy to happen at the structural level. Lee moves beyond this binary and describes practice as occurring at both levels – the personal and structural levels - and notes that human rights practice incorporates both elements of practice.

> *I was absolutely not therapeutically oriented. I was always very driven to be structurally focussed as well. So while I recognised the importance and the creative work that you can do with individuals, I will always look to what are the structural impacts of this, what is the community doing, who is missing out here … I always want to expose students to that range and human rights if you like for me, incorporates both dimensions. Because I can immediately see from practice the individual dimension to someone's rights and what that means for them at a very deep personal level when rights are denied … but I can also see from a systemic and structural level where you need policies and legislation underpinning that which actually says 'Actually you can't discriminate here' (Lee)*

The findings of the interviews with the social work academics demonstrate the key relationship between advocacy – whether at the individual or systemic level – and human rights practice. The findings of both the social work academics and the social work practitioners indicate that they see advocacy as having a much broader application than Ife's (2012) suggestion that advocacy is located in first generation practice only. Indeed, it would seem that advocacy is a tool of human rights practice which seeks to challenge oppression (Reichert 2006) across the generations.

Human rights and the law: the relationship between the law, human rights and social work

While there is a substantial critique of the legal domination of human rights (Ife 2012, 2010), the relationship between human rights, social work and the law was obviously important to a number of the social work academics interviewed for this research. One

participant had completed legal studies and three others had significant experience in community legal centres, which have a strong activist tradition in Australia.

> *The other thing is, I've got a background in law. I did about three and a half years of legal studies, so it's always a conundrum to me, and if I've had an explicit discussion about human rights and rights when I'm teaching, what I tend to say to people is that, sometime that people already have an existing right under the law and we're just not clever enough and quick enough on our feet to actually push that hard enough on behalf of people (Morgan)*

> *Whole period of time … working in legal centres … connected to something broader (Chris)*

Human rights practice in the legal realm involves using the law or legal processes to ensure people's rights. It includes law reform and critical social policy practice (Mullaly 2010) to challenge discriminatory laws and policies. It often includes using the UN declarations and conventions to challenge services and governments to improve services to particular groups. Ife (2012) argues that legal practice in relation to human rights, and in particular advocacy, which is discussed above, sits within the first generation of human rights – that of civil and political rights. The relationship between the law and first generation human rights has meant that human rights practice in this arena has been prioritised at the expense of second and third generation practice.

The close connection between the law and human rights is evident in the specific human rights subjects offered in Australian universities, with at least four of these subjects including law in the title. However, there is a risk that human rights and the 'law' are bundled together, not doing either justice given the breadth of both topic areas.

Human rights and ethics: the relationship between ethics, human rights and social work

Human rights are a core principle of social work according to the international definition of social work (2001), so it is not surprising that there is a relationship between ethics and human rights. The social work academics discussed this

relationship, in relation to the AASW *Code of ethics* (1999 or 2010 versions) and their teaching practice.

> *So I talk about human rights explicitly when I talk about social workers' values and I talk about the Code of ethics and where human rights fits into that and why it is that social workers have a particular interest in human rights. I have talked about the notion of what a civil society looks like ... (Harper)*

> *All students are given Code of ethics or link. Luckily the new version of the Code is much clearer in its articulation of human rights which is a great relief ... What I want students to be exposed to and then they will have to make their own decisions about how they manage this in practice or not, is that it's a prominent perspective in social work. So I kind of bring it to the foreground whenever I can and certainly the latest version of the Code of ethics really allows this to be legitimised (Lee)*

> *As an educator I'm always referring to it ... I'm always going back ... which ethic does this come from (Shannon)*

A doubt was expressed by one social academic as to how useful the human rights inclusions in the *Code of ethics* (1999/2010) are in practice.

> *It's not that I don't think those things are important but I have a real tension within myself about how much weight I would put on the document and expect it to hold me up if it came down to a push and a shove about someone's human rights (Morgan)*

And for one social work academic, despite teaching a human rights unit, there was little knowledge of the human rights inclusions in the *Code of ethics* (1999/2010).

> *Not really because I've come across them really recently. And yeah I had no idea that they were there. Certainly as a student didn't notice them (Jules)*

The relationship between ethics and human rights was an important one to most of the participants, and again this is reflected in the specific human rights subjects offered in

Australian universities, four of which include ethics in the title of the unit along with human rights. It is also reflected by the literature (Ife 2010a; Ife 2012; Reichert 2006) discussed in Chapter Two. It is clear that not all social work academics are aware of the human rights inclusions in the *Code of ethics* (2010a), nor are they positive about the ability of a code of ethics to prevent human rights abuses. The findings support Reichert's (2006, p. 124) argument that the connection between human rights and social work ethics cannot be avoided, and once this is recognised 'social workers can then proceed to develop techniques and interventions based on human rights principles'.

Human rights and international social work: the relationship between human rights and international social work

Some of the social work academics raised the relationship between human rights and the international context. In particular they highlighted the view, which was also raised by the social work practitioners, that human rights is work that social workers do with people in other countries. Such a belief prevents social workers from believing that human rights is relevant to the domestic context (Reichert 2011), which has implications for human rights based practice in Australia.

> *I think a lot of the students we have tend to have a misunderstanding that human rights is about people out there in an international context and we forget that there are human rights in the internal context (Lesley)*

On the other hand, there was an acknowledgement that in relation to practising in countries other than Australia, human rights is an important framework, and a number of the social work academics interviewed for this research had worked in international contexts, using human rights as a foundation for practice.

> *You can't practice in those countries without having a framework around human rights, law, ethics, politics, collectivism (Chris)*

> *The international context, just looking at what's happening, what the opportunities for social work are across that, the fact that we've got a lot more … what does that actually mean in a globalised world … and what are the cultural sensitivities … and what is a human right … (Shannon)*

The findings of this research demonstrate the clear link between human rights and international social work, supporting the literature, which is increasingly discussing human rights in relation to international social work (Healy 2012; Staub-Bernasconi 2012; Hugman 2010a; Cox & Pawar 2006)) or global social work (Harrison & Melville 2010).

Human rights: the rhetorical nature of the human rights discourse

The rhetorical nature of the human rights discourse was raised by some of the social work academics interviewed for this research.

> *While the ideas and the values are really good, I'm still critical and questioning about 'But how do we do that, how do we make that happen?' The words are lovely … I suppose I'm a little, cynical's too strong a word, probably a little sceptical, about human rights because I've often heard it kind of used as a panacea for everything (Morgan)*
>
> *It's useless I think to have all the knowledge around what human rights is, if you have none of the abilities to actually do the things that actually makes a difference (Harper)*
>
> *So again, of course it should be there [in the Code of ethics] and I just take it for granted that's there but what does it mean, but it's grandiose and it's great and it's right. But whether or not people do it is another thing (Kerry)*

These findings are supported by Dominelli's (2007) argument that commitments to human rights are often rhetorical with little link to practice. While the concept of human rights was clearly important to the social work academics interviewed for this research, the participants expressed concern that general ethical commitments were not translated into practice. Harrison and Melville (2010, p. 152) note that 'moving from embracing rhetoric to political action is a perennial dilemma within the social work profession, and some social workers have not embraced this challenge'.

Discussion

The social work academics interviewed for this research have had significant careers as social work practitioners in a diverse range of fields of practice, including working with people with HIV/AIDS, prisoners, child protection and people who are homeless. Human rights was considered to be an important foundation of practice. It was also considered to be an important part of their teaching practice. A number of the participants taught human rights subjects, and the remainder used their understanding and commitment to human rights in a variety of ways in their teaching.

Human rights and social work education

The social work academics interviewed for this research were committed to exploring the concept of human rights in the social work curriculum. For most, this was seen as fundamental to their teaching practice, and the concept of human rights was explicitly articulated. For others, it was not necessary to clearly name human rights in their teaching. There was wide agreement that human rights could be included in the curriculum in a number of ways, including specialist human rights subjects and embedding the concept throughout the curriculum (whether explicitly or implicitly discussed). The importance of ensuring that teaching was consistent with a human rights approach was also raised, as well as the importance of ensuring that the values of human rights were consistent with assessment, and the way that students are treated.

I identified five themes in relation to social work academics' reflections on human rights in the social work curriculum: the fundamental position of human rights in the Australian social work curriculum; the value of specialist and embedded approaches; the relationship between emancipatory social work and human rights; the required core values, knowledge and skills for human rights base practice; and the experience of teaching specialist human rights units.

Human rights: the fundamental position of human rights in Australian social work curriculum

The social work academics interviewed for this research mostly believed that the inclusion of human rights in the social work curriculum was fundamental. Again, this is not altogether surprising, as participants self-selected to be part of this research, probably because of their interest in a human rights approach to social work practice.

I think that clearly it not only has a place in social work, but in a way if it's the practice of rights and the defence of people's rights, then I think that's fundamental to social work. I think that really sits at the heart of what it is we do. And I also think that's what distinguishes us from some other disciplines that have similar critiques (Morgan)

I think it should be part of social work. I think human rights exist but in a very uneven way and I think it will always remain uneven for various reasons. I also think that concepts of human rights are discontinuous in their development so there is no kind of logical centre from which to spring forth an understanding of human rights. These are discursive constructs that kind of ebb and flow in and out (Harper)

I think it's pretty fundamental. I think it's fundamental to everything that we do and that should be reflected in what we teach. But I think it's one of those terms, in the same way that social justice has my students eyeballs rolling, human rights is another one of those terms. Because it can be so sort of nebulous and can be such a large concept ... it's a really difficult concept to nail down for students and I think for that it deserves extra time (Jules)

The value of not naming everything as human rights was also discussed by one of the participants.

I think it should be explained and understood in many different diverse ways and not all of them should be pinned with the label of human rights even though that's what we are talking about ... If you pin everything to human rights it can turn people off and they can say this is only an issue if I accept the proposition of human rights ... (Harper)

These findings show that the social work practitioners acknowledge the complexity and also the contested nature of human rights, and the importance of ensuring that students are offered the opportunity of exploring these concepts through their social work education.

Human rights and the social work curriculum: the values of specialist and embedded approaches

The participants explored the question of how human rights should be included in the curriculum, and most agreed it should be embedded or integrated into the curriculum.

> *I think it should be integrated. I don't believe that, and maybe it's useful to have a unit that focuses on it or a subset of a unit that focuses on it, to give some developed treatment to some of the background, and the debates and the key ideas. But if I say to myself what would a good human rights practitioner be able to do, they would be able to do numerous things that the human rights literature doesn't teach. So if you read Jim's book for example, which is quite interesting ... but it doesn't provide everything that a practitioner would need to be a human rights practitioner. For example, it doesn't talk about legal research skills necessarily ... The theory, or the ethics or the philosophy has to be far more integrated into different aspects of practice otherwise it's just an interesting conversation (Harper)*

> *The obvious academic university way of doing it would be to say 'OK, let's write a subject on it'. But I don't necessarily think that's the right way to do it ... It should be part of everything that we do (Lesley)*

> *It's a cornerstone of what social work is about so it's not like it's just for a specific field it's what it's all about (Jamie)*

> *So I see it as needing to be taught across all units. Every single unit should have it as its basis, as its scaffolding, human rights. That's the way I see it ... It is the thread that has connected the student experience ... they have been able to make sense of things because we present such siloed curricula that a lot of students sometimes can't get their heads around how they move from subject into another. That shouldn't be in social work, we should have a very cohesive curricula so the student can experience the array of complexities and opportunities in social work ... human rights offers that (Ashley)*

If there is human rights or social justice underlying our work it has to come through in everything we do so we can't be teaching a methodology of interpersonal practice that doesn't reflect that (Kerry)

The social work academics also acknowledged the problems with embedding core content. In particular, there is the risk that the content will be overlooked by teachers who are not familiar with the material, or that without adequate whole-of-program planning, adequate scaffolding does not occur, and the concept is dealt with superficially and in an ad hoc way.

For me it's easy to talk about because for me it's something that is just there, so therefore I don't have to think about it. I think the difficulty is for other people it might be something that they have to be constantly reminding themselves … (Lesley)

I think we should be matching the practice to the theory a lot better … generally tertiary education, or adult education, doesn't do as good a job as it could … we teach units … they're siloed (Shannon)

I agree, I think that's a danger, that people might think well if I was going to work in a community legal service or with refugees, yes that book [Jim Ife's] might be useful to me. But if I'm just a generalist worker … (Jamie)

One social work academic raised the idea that unless the AASW mandate it through the ASWEAS (2012) document, there may not be much change in the way universities treat human rights.

We've had to embed all the way through all of our subjects those 4 key things [mental health, child well-being, cross-cultural, Indigenous] wherever possible … but there are tensions for that in curriculum. I suppose it is for individual universities but would only really affect the universities across the sector if it came from the AASW and that would be something they would probably be loath to form another committee on, but it would possibly come under their ethics committee anyway (Lesley)

While most of the social work academics thought embedding human rights content across the curriculum was essential, many also believed that providing a specialist subject to address human rights would be desirable.

> *I think it needs to be a core subject because it's a key principle that's part of what social work is about. And I think if you just leave it to being one of themes in another subject it's not seen as key, it's just seen as well that's just one approach to ethics or that's just one approach to whatever that subject is. I think it needs a subject in its own right (Jamie)*

One of the main reasons expressed by the social work academics for a specialist human rights unit is the depth of material that can be covered, and this was considered to be especially important for human rights, which is conceptually difficult material (George 1999). The problem with infusing a concept such as human rights throughout a whole degree program is the risk that it will be treated superficially.

> *I think you do need, one of the dilemmas of, whether you do a specialised focus or integrate, if you integrate I don't think you necessarily challenge students to think deeply enough about content. And I think attitude change and value change and behavioural change comes with immersion around depth … I still think if we had the capacity to just run a whole unit and really take students through the history of the human rights discourse, why we have the declarations of human rights, how it can be practised (Lee)*

> *At the moment I feel like going down that path has its positives and disadvantages. And one big disadvantage, it sits very closely to our way of seeing the world as siloed boxes so it entertains all those things that we are so comfortable with and when we are so comfortable … we don't tend to change them. At the same time it would be great to have these kinds of conversations about that stuff, purely about human rights and have that depth of learning and teaching go on (Ashley)*

Alex raised the issue of proscription and the role of the AASW. Given the particular context of each course, Alex considered it vital that academics and individual schools make decisions about content under broad guidelines, rather than proscriptive statements as to how human rights should be included. At present the ASWEAS (2012)

guidelines include proscriptions on the content, values and skills that should be included in a social work course, but not how it is taught.

I'm not sure about that, I mean it's a wider question about how we get stuff into social work programs, and there's ways of slicing and dicing all the time. Within a Bachelor program you have more room. In a Master's program we're really up against it ... so for me as I'm deepening my understanding of this I'm taking rights into everything ... I think the AASW needs to sort of stay one step back up and say we need to see evidence of you working human rights stuff into your program, that's all we need, we don't need a dedicated topic. But I might change my mind because I might think that's not going to happen. Because it's very easy for people who think that they're involved in direct practice to think that they don't have to talk about any of this stuff (Alex)

For many, the problem of providing an entire subject was not whether or not it was useful or pedagogically sound, but that there was no space in the curriculum to fit it. The 'crowded curriculum' prevents a thorough exploration of a range of issues, not the least of which is human rights.

Now one of the things that I guess becomes a problem and is always a tension for me in the teaching [of] the generalist and the specialist [subjects]. I think that we're always trying to cram in a lot of curriculum and I think a human rights core unit on its own [would be useful because], I always feel I brush past it and through it, so I always try to bring it back in the different units I'm teaching ... I think there are a number of tensions, one is how do we make sure, there are not many four year degrees around, so how do you make sure you fit everything in ... but I think there is also still a tension around making sure that we adequately prepare students for the micro-dimension of practice and I think that's never escaped us really (Lee)

'Oh [SWA] are you going to teach about Indigenous research because if you are I'm going to take it out of my unit' ... And I know where that comes from, it doesn't come from a desire to not teach that but rather an

overwhelming pressure from the system to fit so much in, in 14 weeks, that
you don't know where to look for space (Ashley)

One participant noted that curriculum is not the entire answer, and questioned whether it is possible to encourage students to adopt a position on human rights.

You can try but I don't think you can put all the eggs in the curriculum
basket ... The notion of educating students for a human rights perspective
is you're trying to get students to adopt a moral position or an ethical
position which becomes part of their subjectivity and I don't think we're
that powerful (Harper)

The above findings demonstrate that the social work academics considered that human rights should be embedded in the social work curriculum as well as provided in specialist units of study. This supports Dominelli's (2007, p. 39) argument that 'the social work curriculum should infuse human rights into all existing foundational courses, as well as offer specific human rights electives'.

Human rights and critical social work: the relationship between emancipatory social work and human rights

Many of the participants discussed the relationship with a human rights approach and emancipatory social work. While one person said that there was nothing inherently 'radical' about human rights, most participants felt that it fitted within a critical approach to social work.

> *And so for me, my view is that every social worker by virtue of our values and ethics cannot walk away from the social justice and respect elements of what we have to do and that imposes on us something that looks like an emancipatory, liberatory social work no matter where we are. And I think human rights thinking actually helps to crack their thinking open, especially when we are dealing with people who have persistent disadvantage, long term dependency on human services (Alex)*

> *Well I guess that's where I'm coming from as a practitioner and very much see myself as practising radically … I think that human rights definitely sits as a part of a more radical practice and that that style of practice really needs to be fought for in our programs. I think it's quite marginal and … I certainly feel like I've had to yell from the rafters and advocate for us to keep core courses like CD [community development] courses and those are the courses that our program really sees as the vehicle for the discussion around human rights … That to practice critically is a very marginal way to practice, I think to teach in that way is also quite a difficult thing to do, I think we tend to be quite isolated on our campuses now in doing the sorts of things we're trying to do. I think it would be helped by, obviously the literature, which you are addressing, and I guess more justification for that (Jules)*

The political nature of social work generally and a human rights approach specifically was reinforced by some of the participants.

> *I state to the students very early on that social work is a political enterprise and I confront them with that … the personal is the political … so I think the human rights discourse reminds us that there is a political dimension*

to every bodies experience and if as social workers we are part of that experience in some way … we need to be aware … potential to harm (Lee)

We want to politicise it … if you are talking to somebody who has been tortured, who have had their genitals taken off, they have been mutilated for whatever reason for their political views, how are you going to counsel them from a strengths perspective, if you don't acknowledge the political nature of their suffering (Ashley)

Another participant raised the problem with hegemony in relationship with social work theory, and in particular the idea of a human rights approach in social work. Harper expressed the concern that social work students are either drawn to a particular perspective or resist it by either withdrawing from the unit or pretending to adopt the perspective.

I think it's a really thorny issue because you're basically asking people to adopt a particular identity at the same time as you are asking them to adopt a perspective … they become identity markers that people will resist in many ways so it concerns me when we say this is the perspective, learn it and follow it, because many people will resist that and bypass that. Whereas if we talk about things in a subtle sophisticated way you might get more people engaging with the skills and practices and actually doing human rights practice, without saying 'I'm wearing a badge saying human rights perspective' (Harper)

There's a difference in a teaching approach that helps students for example with conceptual clarity for example helps students with being able to plan effectively, helps students to research and formulate good arguments etc, helps students to be critically reflective. That's different than a teaching approach that is really a form of indoctrination around a set of ideas which is the final truth, because students will invariably either gravitate to that or resist that (Harper)

But you know I guess one of the problems with all the theoretical perspectives in social work, we can't assume that each social worker is

> *going to adopt them and when we try to cajole them into it we create*
> *hegemony in our curriculum (Harper)*

Other participants raised the issue of the language of human rights, either because they did not want to use it or because of the potential for students to be 'turned off', which may relate to the ideas presented above.

> *I wonder if it's more socially acceptable, like I think people get turned off,*
> *as soon as you say rights they think you're on some band wagon and you're*
> *not thinking rationally … Unconsciously have been doing rights sort of*
> *work but not using that language because to me there's been a need to not*
> *use that word (Jamie)*

For most of the participants, the notion of human rights practice is inherently political and therefore it fits within the critical tradition of social work. The costs of practicing and teaching in this way were highlighted, and a caution was provided regarding hegemonic practises within social work teaching.

Human rights teaching and learning: core values, knowledge and skills

The social work academics interviewed for the research gave a number of examples of how human rights could be included in the social work curriculum. These ideas varied from reflections on content through to the style of teaching. In particular, the importance of including experiential opportunities for students and opportunities for discussion and debate in relation to these complex and contested topics was considered.

> *How do you teach that? I think you can only give people so much*
> *information academically out of Conventions, texts or journals or what*
> *have you. I think the other bit about that is more to do with challenging*
> *people to think about what it means for them. So there's the experiential*
> *learning … It's the dialogue the discussion, the presentation work, that I*
> *think wouldn't necessarily come from a paper … but there are tensions for*
> *that in curriculum … (Lesley)*

Clear connections with practice were also considered to be essential according to the social work practitioners.

> *That's what puzzled me, I thought 'Yeah, this is great but how do we do it, how does it look on the ground' (Morgan)*

> *Stuff about human rights isn't an abstract thing there, it's real, it's reality. The boat that blew up, they came into Darwin hospital (Lesley)*

The style of teaching was considered to be really important according to one participant. Teaching with passion, being inspired and inspiring, was an essential part of teaching about human rights.

> *And it [human rights] deserves some really clear teaching … and what I mean by that is that we need to labour it a bit more than we do in some other areas of practice so that students who are fatigued by these concepts, by hearing these concepts actually switch back on to them. So I think the way we teach it needs to be inspiring and exciting and grounded in practice … I think that the teaching style is really critical to students being able to understand how it might fit in their everyday practice as social workers. I think also because it's such a macro principle in many ways … it needs to be translatable (Jules)*

Finally, the social work academics raised the importance of teachers role modelling an approach that is consistent with human rights, especially in an environment where there is a perception of universities being 'greedy' institutions (Currie, Harris & Thiele 2000).

> *Also think we need to role model it. I think universities are the most unjust places in the world … I don't think we are often respectful to each other … very pedantic views of students and their needs … if we don't deal with their rights we can't teach it and if we don't respect ourselves and deal with our own rights with each other we can't teach it. So I think we've a long way to go so I get much less interested in what we are actually doing. It's very hard for us to be respectful to each other. It's a very competitive environment (Kerry)*

> *I think I added it up last year, 40-odd six-month sessional contracts back to back since July 2004 when I was first employed by the university (Jules)*

The social work academics provided a number of different examples of how human rights can be included in the social work curriculum. These ideas included providing a diverse range of ways to explore content (for example, through debate, discussion, experiential learning, different assessment forms) and ensuring that opportunities to explore the integration of theory and practice were provided. Social work academics, like the social work practitioners, also considered it vitally important to teach (or practice) in a way that is consistent with a human rights approach, and there was recognition that this was particularly difficult in the contemporary university context.

Human rights education: the experience of teaching specialist human rights and social work units

The social work academics involved in the teaching of specialist human rights units provided a range of insights as to what worked particularly well, and what could be improved. The idea of the subject being core or foundational was referred to by a number of the participants, as well as complementing it with an embedded or scaffolded approach to curricula.

> *And it's a core unit in our program and something that we are still proud of because it's a clear statement in and of itself to students that this is important but I guess the main thing I would say is you can't just get students to read a couple of books and do a unit on human rights and then equate that with being, that they've now got a human rights perspective … there's just all these other things as well (Harper)*

> *I've only taught the subject [human rights specialist subject] once … it's a first year subject. It's a core subject within our course and it raises the whole notion of what are human rights both within Australia and internationally but certainly raising a lot of Indigenous issues … so very specific about, you know the UN Declaration of Human Rights, what does that mean in practice, lots of examples from Australian demographics about rights issues, lots of readings … so that's a foundational subject …*

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That's a foundational subject that we build on throughout the curriculum with other subjects from there on in, so in second year they do [an ethics subject] that I teach and we certainly talk about a rights approach to ethics (Jamie)

The social work academics that have experience teaching the human rights subjects included diverse content

I'm still learning because I've just done it once ... I just sort of, my approach was to take, these are the major debates in human rights, the sort of thinking that we have about human rights, and that wasn't so much around social work and human rights but that stuff about whether or not people have them or they don't have them and all that stuff ... We had a look at the various declarations and all of that sort of stuff and tried to think through what that might be and then really trying to drive some social work thinking alongside it social work theory might actually be helped by a human rights perspective on things ... How do you take a rights perspective in your interpersonal work in the da, da, da, da, da ... they loved it and the major topic was the whole issue of asylum seekers, having to go and look at the legislation, use the Code of ethics, use our social work resources to think through what would be a social work response around all of this. Talked to them about the, our Commission, that the Schools did [Council of Schools of Social Work People's Inquiry into Detention] the students were enlivened by it (Alex)

I have four days with them [Masters students], four contact days, 9 to 5 days, that's all I have. And in those days because it's such a short time I do an immersion in particular areas of human rights. So we have one day on refugees and asylum seeker issues, one day on First Nations especially Australian Aboriginal and local [peoples] ... one day on food security and food sovereignty in the local context but globally as well. And then we go out and visit a whole heap of projects as well (Jules)

Examples of assessment and activities were also provided by the social work academics.

One of the pieces of assessment they did because the IFSW was doing stuff on a human rights agenda, I asked them write their human rights agenda around a particular issue so they did stuff on child slavery and all manner of things (Alex)

Did a couple of case studies that I thought I could be confident with, particularly around disability, my whole head has been now to take from a welfare framework to a human rights framework. And then really went to the human rights from below approach ... my sense is I've got to do a lot more work in that area ... so we use a lot of Ife and stuff (Alex)

There was an acknowledgement that combining law as well as human rights was too big, and did not allow either topic to be adequately explored.

But the subject is about human rights ... I think it's too big, we need to take the law out of it (Chris)

The social work participants that were involved in teaching a human rights subject had varying levels of experience in teaching the unit. For some, the units were quite recently developed. Others had longer histories, but had either only taught the unit once or indeed had never taught it. Despite this, they were still able to comment on its position in the curriculum. The social work academics included diverse content, including the key debates in relation to human rights, the UN Universal Declaration of Human Rights and a range of Australian issues.

Discussion

The social work academics interviewed for this study believed that including human rights content in the social work curriculum is fundamental, though how this is to be done varied between participants. Nearly all of the participants agreed that it should be embedded, while many also saw the need for a specialist unit on human rights to be provided if possible, given the complexity and contested nature of the concept. The crowded curriculum was considered a barrier to this occurring, especially in relation to Master (qualifying) programs, which are just two-years long, rather than the usual the four-year Bachelor degree.

Implications for social work practice

This chapter has presented the findings of twelve interviews with Australian social work academics in order to explore how social work education in Australia provides opportunities to explore and analyse the notion of human rights. The social work academics interviewed had a broad understanding of the concept of human rights that was informed by their values developed in the family, through religious and spiritual commitments and generally through life experiences. The social work academics, like the social work practitioners, did not consider that their own social work education was particularly significant in developing their understanding of human rights and its connection to social work practice. Given the acknowledged complex and contested nature of the concept, for both students and practitioners, this is particularly concerning.

The interviews with the social work academics revealed that most of the participants included human rights in their teaching in an overt and explicit way, mainly because it was consistent with their own value base, rather than there being a clear pedagogical framework for including human rights in their teaching. One of the critiques of human rights education in social work is that it is embedded in the value base of the profession (Dominelli 2007), which means that there is a risk of simply reaffirming the commitment to human rights, rather than exploring what this actually means in both theory and practice. Human rights, at one level, are quite simple to understand but at another level, as the literature demonstrates, they are also conceptually challenging. For the most part, social work practitioners interviewed for this research were not prepared for practice, and as a consequence felt a lack of confidence and competence when it came to translating the value commitment into practice. Ensuring that social work students are provided with the opportunity of exploring the complex and contested philosophical and historical underpinnings of the concept, as well as its relationship to social work practice, requires a more systematic approach than currently exists. While this research is located in the Australian context, the findings are supported by literature from the UK (Dominelli 2007) and the US (Steen & Mathiesen 2005).

The interviews with the social work academics clearly demonstrate that including human rights in the curriculum is considered to be fundamental, but how this is to be

achieved was debated. Given that the concept of human rights is fundamental to social work, most of the social work academics considered that human rights should be embedded within the social work curriculum, which is supported by the literature (Dominelli 2007). However, the risk that human rights will be overlooked or treated superficially was also raised by the social work academics. Embedding a complex and contested concept such as human rights requires a whole of curriculum approach that considers at which point the concept will be introduced, and how it is to be scaffolded throughout the degree. An ad hoc approach risks presenting human rights in a superficial, uncritical and ultimately rhetorical way.

Conclusion

The experiences of the social work academics interviewed for this research demonstrate that the social work profession in Australia is providing opportunities to explore and analyse the concept of human rights in the social work curriculum. This is in contrast to the experience of most of the participants interviewed for this research, who did not report receiving any human rights education in their social work education. However, the findings also suggest that inclusion of human rights in the curriculum is ad hoc, uneven and depends on the passion of individual social work academics to include it in their teaching. The implication of this is that some students may receive a comprehensive introduction to human rights and how it applies to social work practice, and some students may not. Given that human rights is widely accepted as a key principle of the social work profession, this is a significant concern. While human rights remain largely invisible in the curriculum, students will not be well prepared for practice informed by human rights, the concept of human rights will remain at the level of rhetorical commitment, and the result of this is that the potential for emancipatory practice is neglected. The next chapter presents a framework for considering how human rights could be integrated and scaffolded in the social work curriculum.

Chapter Eight: Embedding human rights in critical social work practice and education

> At all levels human rights are contested territory, and for a human rights perspective to become more useful and useable for radical social work, these contests, uncertainties and strengths need to be further researched, tested, debated and reflected on rather than remain on a rhetorical shelf within statements of ethics and definitions of social work (Cemlyn 2008a, p. 237).

Introduction

The purpose of this research was to strengthen the emancipatory potential of a human rights approach by exploring, debating and reflecting on the challenges inherent in such an approach for critical social work. Through empirical research with social work practitioners and social work educators, this research has investigated how social workers understand the concept of human rights, how this understanding was translated into practice and how the concept of human rights is positioned in the Australian social work curriculum. The findings of this research have demonstrated that the social workers interviewed for this study not only shared a strong commitment to the concept of human rights, they also shared a commitment to incorporating a human rights approach in their practice. However, there was considerable diversity in social workers' knowledge in relation to human rights practice, ranging from sophisticated understandings to a perceived lack of competence and confidence. Significantly, social work education has played a limited role in contributing to the participants' understanding of the concept of human rights, which is a concern given the profession's widespread commitments to human rights. It also suggests that the emancipatory potential of a human rights approach as a consequence is minimised.

From this research, I have developed a framework for embedding a critical human rights approach in social work, with the intention to open up spaces to further debate and discuss the complex and contested ideas surrounding human rights and its relationship with social work practice. The framework seeks to assist the social work profession to move human rights from the rhetorical shelf of ethical and academic discourse to the reality of the complex world of social work practice.

In this chapter, I articulate this framework for embedding a critical human rights approach to social work practice and education, as developed from the findings of the empirical research with the social work practitioners and social work academics. First, the chapter revisits the research questions, identifies the key themes that arose from the data analysis and the implications for social work. It then describes the framework in detail.

Human rights: implications for critical social work practice and social work education

This research emerged from my experience as a social work practitioner and social work educator and my commitment to the concept of human rights. Through the process of teaching human rights, and through my own further education in human rights, I began to critically interrogate some of my taken-for-granted assumptions regarding my commitment to human rights. It was through this process that I began to question the social work profession's commitment to human rights more broadly. Although there were numerous commitments to human rights in the national and international ethical statements of the profession, and there was a developing literature on human rights, there was little evidence of how social workers understood the concept of human rights, or how they put it into practice. My sense was that there was a gap between the academic discourse of human rights and social work and the reality of social work practice. This research set out to explore this gap, and in so doing, contribute to the emancipatory potential of human rights approach.

How do social workers in Australia understand the concept of human right and how is this understanding translated into practice?

The findings of this research have demonstrated that social workers understand the concept of human rights in a variety of ways. The findings also show that these understandings are translated into practice in diverse ways as well.

Social workers' understanding of human rights: summary of findings

The findings of the interviews with the social work practitioners and the social work educators showed that human rights were considered to be a complex, contested and contextualised concept. Human rights were defined by the social workers in terms of the resources (for example safety, shelter, clean water) and qualities (for example, respect, dignity, participation) necessary for a good life. For the social work practitioners, notions of protection and promotion of human rights were considered important to an understanding of human rights in recognition that human rights can be violated. This is not surprising, given the field of practice in which they work. Human rights were particularly understood in terms of the disadvantage and marginalisation experienced by vulnerable groups. Social work practitioners in particular explored the relationship between human rights in Australia, and the emphasis on first generation human rights and the social work academics interviewed for the research explored the relationship between human rights and social justice.

The social workers interviewed for this research gained their knowledge of human rights from diverse sources. In particular the significant contribution of lived experience to social workers' human rights knowledge and values was acknowledged, as was the practice context to knowledge development. The limited contribution of the social work profession in the development of social workers' understanding of human rights was raised by both groups of social workers. For the social work practitioners, the limited contribution of national and international human rights instruments and organisations to an understanding of human rights was acknowledged. The social work educators noted the contribution of teaching human rights to their understanding of human rights.

Human rights in critical social work practice: summary of findings

Given the diverse understandings of human rights, it is not surprising that human rights is enacted in a variety of ways by the participants. According to the social work practitioners and social work educators I interviewed, there was a strong commitment to human rights in social work practice. The central role of advocacy in human rights practice was raised, as was the importance of relationships in human rights practice. The significant role of community education and community development in human rights practice was noted, and the challenging nature of human rights in practice was

acknowledged. Finally, a number of the social work practitioners raised a lack of confidence and competence in human rights practice as a particular issue.

Implications for social work practice and social work education

The majority of social workers interviewed for this study were not provided the opportunity of studying human rights in their social work education. There is also the need for further professional development to be available to practitioners, to enable them to explore the concept of human rights in more detail, and its relationship with social work practice. Given that the practitioners acknowledged the complexity and contested nature of the concept – a view that is supported by the literature – a clear recommendation arising from this study is the imperative for social work education to provide greater opportunities to explore the relationship of human rights and social work.

How does social work education in Australia provide opportunities to explore and analyse the notion of human rights?

The inclusion of human rights in contemporary social work education: summary of findings

The social work academics interviewed for this research identified that human rights is being included in the contemporary Australian social work curriculum – at least within the programs in which they were involved – either as specialist subjects, or embedded within the curriculum. However, it was also acknowledged that human rights was not explored in a systematic or comprehensive way, and relied on the individual passion of lecturers to include it within the curriculum. The human rights discourse was somewhat rhetorical as a result. The social work educators specifically referred to the strong relationship between human rights and the law in both practice and teaching. Additionally, ethics and international social work were key subject areas associated with human rights education explored by the social work academics.

The inclusion of human rights in social work education in the future: summary of findings

The social work practitioners and social work academics acknowledged the importance of including human rights in the Australian social work curriculum, and argued for both specialist and embedded approaches. Both the practitioners and the

academics explored a variety of core human rights values, knowledge and skills that are necessary to include in the social work curriculum.

The social work academics in particular explored the relationship between emancipatory social work and human rights. The experience of teaching specialist human rights and social work units provided specific insights into what was useful to include in the curriculum.

Both the social work practitioners and the social work academics noted the contribution of higher degrees by research in the development of an understanding of human rights.

Implications for social work practice and social work education

A second recommendation arising from this research is the imperative for social work education to move beyond rhetorical commitments of human rights to in depth explorations of human rights and its relationship with social work practice. The broad philosophical/ethical underpinnings of human rights, is essential to understand the complex and contested nature of the concept. However, what this means for practice needs to be explored in far greater detail in the social work curriculum.

The final recommendation arising from this research is the imperative for social work programs to at the very least embed human rights into the social work curriculum, being mindful of the risk that embedding may result in it being overlooked or remaining at the superficial or rhetorical level. Ideally a specific unit on human rights would offer the opportunity of exploring human rights in depth making it less likely that it will be brushed over in a rhetorical or superficial fashion.

**Towards a framework for embedding human rights in critical social work practice and education**

This research has demonstrated that despite the increasing literature in the area, social workers still find the concept of human rights complex, contested and conceptually difficult. One of the main findings from this research is that social work practitioners and social work educators, while being committed to human rights, were in large part not provided with the opportunity of exploring human rights and its connection with social work practice in the social work curriculum. A key recommendation arising

from the research is that social work education needs to provide additional opportunities to explore human rights and its connection with social work practice. I have developed a framework that explores possible ways that human rights can be embedded in both social work practice and social work education.

There are three components to this critical human rights approach to social work. The first component explores how a critical human rights approach can be embedded in social work practice generally. The second component explores how a critical human rights approach can be embedded in social work education and in particular considers the range of values, knowledge and skills that would be helpful in enacting a critical human rights approach. The third component explores how a critical human rights approach can be applied to various fields of practice, using the field of social work practice with migrants, refugees and asylum seekers as an example. Figure 8.1 is a representation of the three components of this framework.

This framework provides general principles to consider in relation to both social work practice and social work education recognising that a critical human rights approach is contextual. It is therefore not proscriptive rather it encourages social work practitioners to explore how a critical human rights approach can be embedded in practice. Similarly it encourages schools of social work to explore how a critical human rights approach can be embedded in social work education in Australia.

Figure 8.1: A framework for embedding a critical human rights approach in social work practice and education
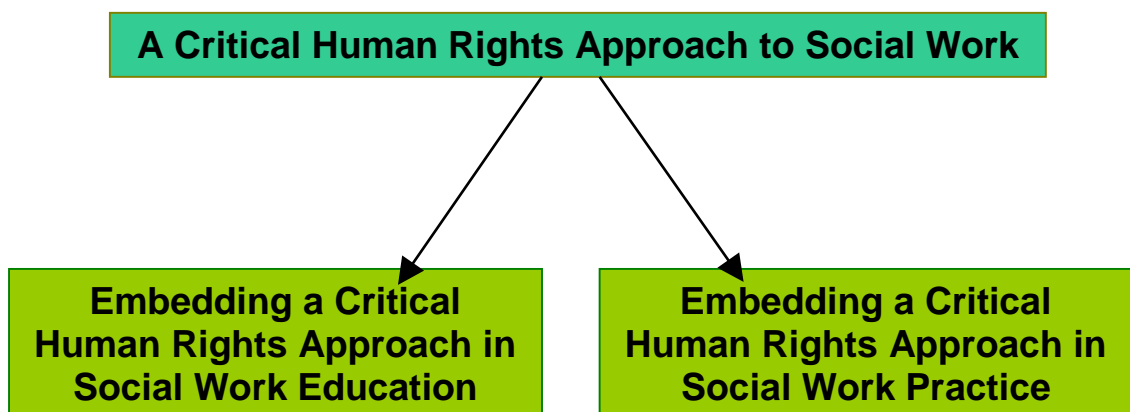
A critical human rights approach to social work

The first component of the framework explores how a critical human rights approach can be embedded in social work generally. A critical human rights approach to social work is underpinned by critical social work, it is committed to the concept of human rights, it is enacted across the various domains of practice and it is performed at the personal, cultural and structural level. Figure 8.2 is a representation of this particular component of the framework.

Figure 8.2: Embedding a critical human rights approach in social work
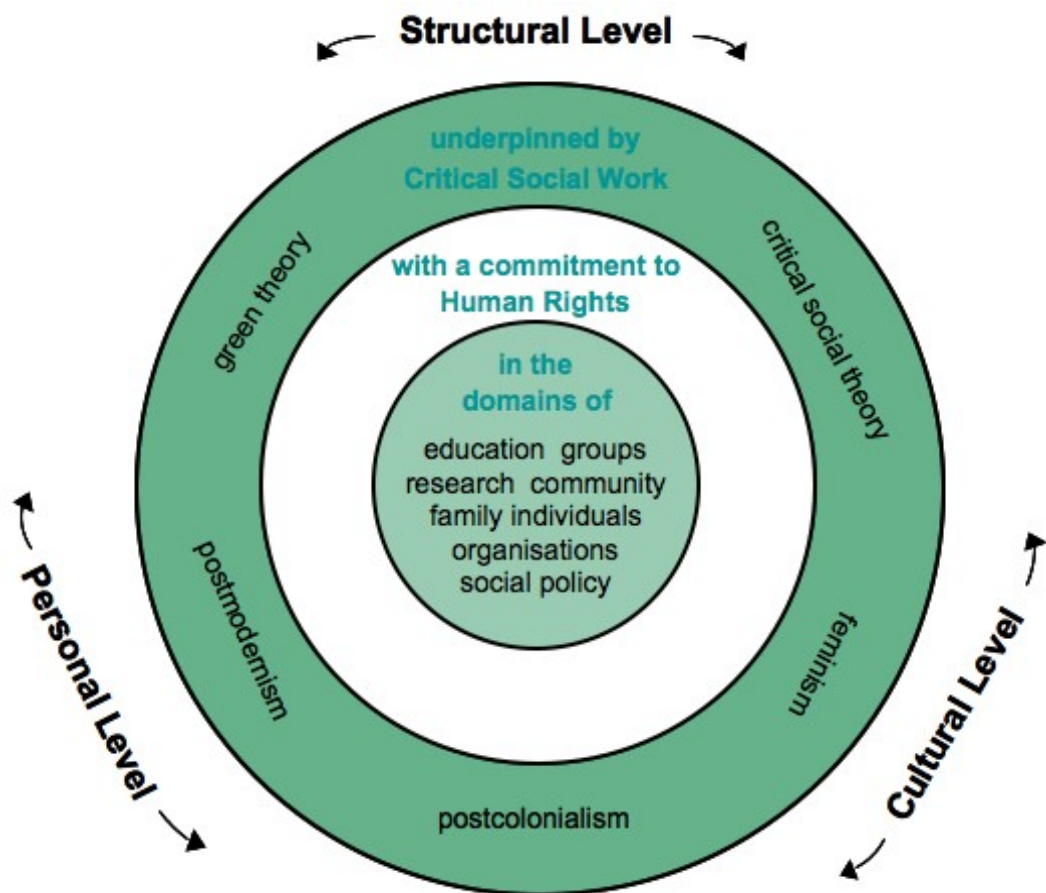
Critical social work: the foundation

Human rights are often presented in the social work literature relatively simplistically and often rhetorically. There are some important exceptions in the literature that explore human rights both critically and comprehensively. The aforementioned literature demonstrates, and this research confirms, that human rights are in fact highly complex and contested. In particular human rights have been critiqued for the Western,

legal, patriarchal and privileged voices that dominate the discourse. A critical human rights approach to social work practice is underpinned by critical social work. The specific theories that inform this iteration of critical social work are critical social theory, feminism, postcolonialism, postmodernism and green theory. This theoretical orientation enables the complexity of human rights to be explored but more importantly it facilitates consideration of the contested nature of the concept.

A commitment to human rights: the ethical standpoint

A commitment to human rights is central to this framework. The social work profession internationally and nationally states its commitment to human rights and considerable literature supports human rights as a key value of the social work profession generally. In this framework the commitment to human rights is explicitly informed by critical social work. It is a commitment that understands the complex and contested nature of human rights.

Working across the domains of social work

A critical human rights approach to practice is enacted across the domains of social work. According to Chenoweth and McAuliffe (2012, p. 19) the domains of social work include: work with individuals; work with families and partnerships; groupwork; community work; social policy practice; research and evaluation; organisational practice, management and leadership; and education and training. It is possible for a social worker to work exclusively in one domain, though it is much more likely that a social worker will work in more than one domain. Practice from a critical human rights perspective occurs in all of these domains.

Practice at the personal, cultural and structural levels

Doing critical social work from a human rights perspective, means paying attention to the different levels of practice. In critical social work there is considerable literature that discusses two levels of practice: the personal and the political; the individual and the structural; the micro and macro. Underpinning these conceptualisations is the commitment to both individual and social change. As Allan (2009, p. 87) notes:

> A common and binding theme for 'doing' critical social work is the requirement to work in ways that link the personal with the political to ensure that people's immediate material needs are addressed and longer-term

change is acted on. We have a responsibility to continue to develop and evolve these ways.

A critical human rights approach to practice explicitly includes an additional level, the cultural level. A critical human rights approach that is enacted at the personal, cultural and structural level (Mullaly 2010; Thompson 2006) understands that injustice and oppression is experienced at each of these levels and therefore practice also has to occur at each of these levels. Practice that attends to these three levels also avoids the binary thinking that often accompanies the personal/political, individual/structural and micro/macro constructions.

Embedding a critical human rights approach in social work education

The second component of the framework explores how a critical human rights approach can be embedded in social work education. The lived experiences of students and teachers are the starting point for a critical human rights approach to social work education. Students are provided with opportunities to explore the values, knowledge and skills associated with human rights and social work practice. It is embedded throughout the social work curriculum but also within all aspects of social work education. Finally a critical human rights approach is underpinned by critical social work. Figure 8.3 is a representation of this component of the framework.

Figure 8.3: Embedding a critical human rights approach in social work education
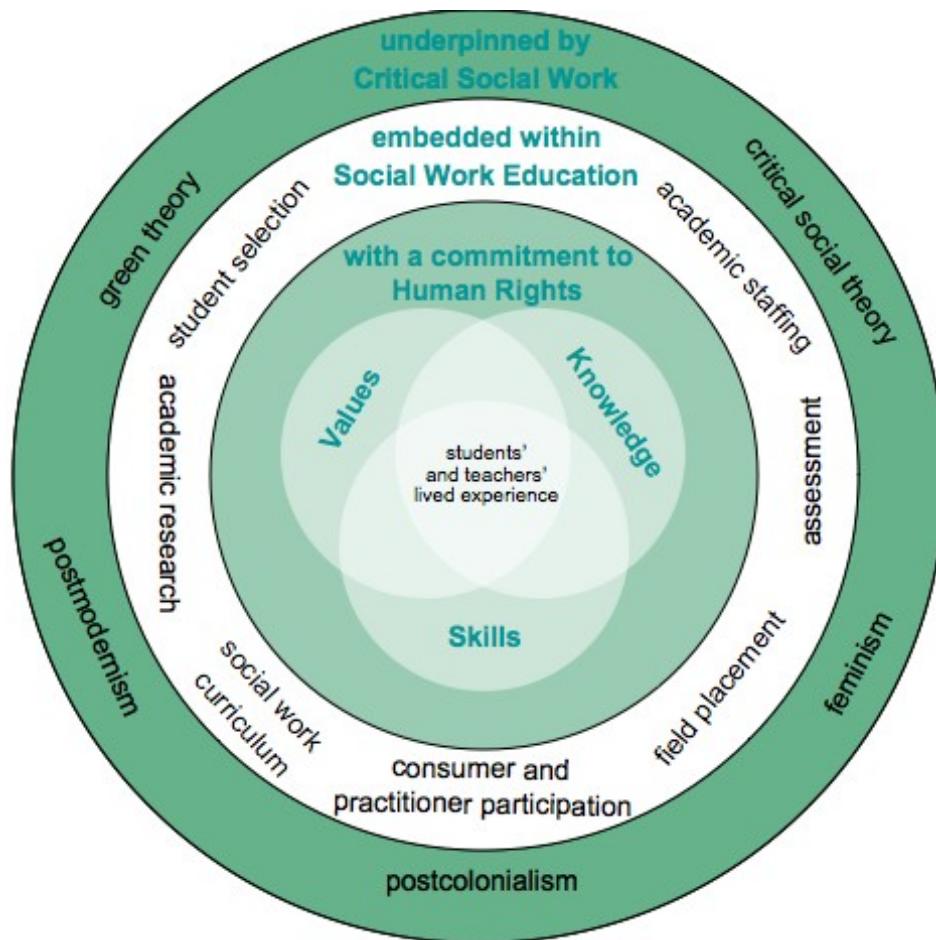
Beginning with students' and teachers' lived experiences

This research clearly demonstrated that both the social work practitioners and the social work educators entered their social work education with a clear commitment to human rights developed through their lived experience. A critical human rights approach acknowledges and values this lived experience. Utilising the critical pedagogy approach developed by Freire (1993) this approach begins with the premise that students are not 'blank slates' and through dialogue with other students and teachers human rights and social work practice can be explored in all its complexity.

The values, knowledge and skills required for a critical human rights approach to practice

Providing sufficient in-depth opportunities to explore human rights and its relationship with practice is essential if a critical human rights approach is to be embedded in social work education. This part of the framework explores the particular values, knowledge

and skills that are associated with human rights and social work. Figure 8.3 presents this as intersecting circles – a Venn diagram – the purpose of which is to show that there will be overlap between the values, knowledge and skills associated with human rights.

A commitment to human rights is a core value of social work. It is aspirational – something to work towards. Social work has made many value-based commitments to human rights but the literature and this research demonstrates that these commitments risk remaining at the value level of social work with little impact on social work practice. The values of the social work profession in Australia, which are stated in the AASW *Code of ethics* (2010a), include respect for persons, social justice and professional integrity. At the international level the IFSW suggests two principles: human rights and human dignity and social justice. Exploring the relationship between the values of human rights and social justice has been identified in this research as requiring particular attention (Hugman 2012a).

A commitment to human rights risks being rhetorical when the complexity and contested nature of the concept are overlooked. Including in the curriculum, content which explores the complex, contested and contextual nature of human rights is essential to a critical human rights approach in social work. This content includes but is not limited to:

- A definition of human rights (for example, exploration of definitional complexities including context, the UDHR, the dialogical approach, the three-generation model strengths and limitations).
- A history of human rights (for example, cultural and spiritual underpinnings, the development of the United Nations and the UDHR, contemporary developments).
- The philosophy underpinning human rights (for example, Enlightenment underpinnings, key debates such as universalism and cultural relativism, key critiques such as the Western, patriarchal and privileged domination of the discourse).
- The legal context of human rights (for example, state, national and international human rights laws and institutions, critique of legal domination of the human rights discourse).

- The organisational context of human rights (for example, government and non-government, national and international organisations).

- The political context of human rights (for example, the key local, national and international debates).

- The environmental context of human rights (for example, moving beyond human considerations to the connections between the physical and non-human environment).

- The relationship between human rights and social work practice (for example, social work as a human rights profession, the history of human rights in social work, key principles of a critical human rights approach to practice, which have been outlined in the first component of this framework).

- Vulnerable groups whose rights are at risk of being violated (for example, Indigenous peoples [in Australia Aboriginal and Torres Strait Islander peoples], people who experience mental illness, refugees and asylum seekers, children, people living in poverty, women, prisoners, people with a disability, people of diverse genders and sexualities, people living in rural and remote areas).

The skills that are required to practice from a critical human rights perspective are no different to other forms of social work practice. In particular these generic skills include but are not limited to:

- Critical thinking and analytical skills (asking critical questions).
- Reflectivity and reflexivity skills (being critically aware of self).
- Organisational and administrative skills (case note recording, conducting meetings).
- Communication skills (written, verbal and online communication).
- Micro-skills (listening, attending, empathy).

Similarly the methods utilised are no different to the range of methods currently taught in the social work curriculum and mirror the domains of practice. Given that they are informed by critical social work and underpinned by a commitment to human rights, the orientation is about social change at the personal, cultural and structural levels. The methods include but are not limited to:

- Work with individuals (for example, counselling, referral, case management, individual advocacy).

- Work with families and partnerships (for example, family therapy, relationship counselling).

- Groupwork (for example, support and educational groups).

- Community work (for example, community development, campaign development, working with media).

- Social policy practice (for example, analyse and contribute to current policy, develop new policy, policy advocacy).

- Research and evaluation (for example, practice and academic research, reviewing research, developing, conducting and disseminating new research, evaluating services and programs).

- Organisational practice, management and leadership (for example, developing new organisations, managing organisations or programs within organisations).

- Education and training (for example, developing and teaching tertiary social work courses, developing training programs for practitioners, community education).

The social work profession has attached considerable importance to the concept of human rights. It is considered to be a core or fundamental value of social work and should therefore be embedded throughout the social work curriculum. Given the complex content and the stated importance of the concept, an entire unit dedicated to the exploration of human rights and its relationship with social work is desirable. However, the reality of a crowded curriculum means that this will be hard to achieve for many social work programs. The values, knowledge and skills that underpin a critical human rights approach can be included in a wide variety of unit offerings including in particular law, ethics and practice subjects.

Embedding human rights throughout social work education
Embedding a critical human rights approach in social work education means moving beyond the social work curriculum to the entirety of social work education. In addition to embedding a critical human rights approach in the social work curriculum (as described above) it should also be reflected in field education, assessment policy,

student selection, academic staffing, academic research and consumer and practitioner participation and collaboration. This includes:

- Field education (for example, learning agreements, placement opportunities in specialist human rights organisations).

- Assessment policy (for example, enabling student choice in assessment tasks).

- Student selection and support (for example, ensuring that students from diverse backgrounds are recruited, selected and supported appropriately once study commences).

- Academic staffing including recruitment, selection, promotion and support (for example, including consumer and practitioner collaboration in the selection and promotion processes, recruiting, selecting and supporting staff from diverse backgrounds).

- Academic research including research by academics and higher degrees by research (for example, facilitating research on human rights issues, ensuring that research is conducted according to a critical human rights framework).

- Consumer, practitioner and student participation and collaboration in the social work program (for example, ensuring consumers, practitioners and students participate in curriculum design, development and evaluation (for example, accreditation) processes).

Critical social work: the foundation

Critical social work provides the theoretical underpinnings of the critical human rights approach to practice. It ensures that the complex, contested and contextual nature of human rights is explored rather than relying on rhetorical commitments in codes of ethics.

Embedding a critical human rights approach in social work practice: an example of social work practice with migrants, refugees and asylum seekers

The third component of the framework explores how a critical human rights approach can be embedded in social work practice using the example of social work with migrants, refugees and asylum seekers. This part of the framework can be applied to

other vulnerable groups using the same general principles. It can also be used to inform curriculum content. Again the lived experiences of people involved in social work practice with migrants, refugees and asylum seekers from a critical human rights perspective are at the centre of this framework. Students and practitioners are provided with opportunities to explore the values, knowledge and skills associated with social work practice with migrants, refugees and asylum seekers from an explicit critical human rights perspective. Social work practice with migrants, refugees and asylum seekers is enacted in the various domains of social work practice. Social work practice with migrants, refugees and asylum is underpinned by critical social work. Finally a critical human rights approach with migrants, refugees and asylum seekers is performed at the personal, cultural and structural levels. Figure 8.4 is a representation of this framework.

Figure 8.4: Social work practice with migrants, refugees and asylum seekers from a critical human rights perspective
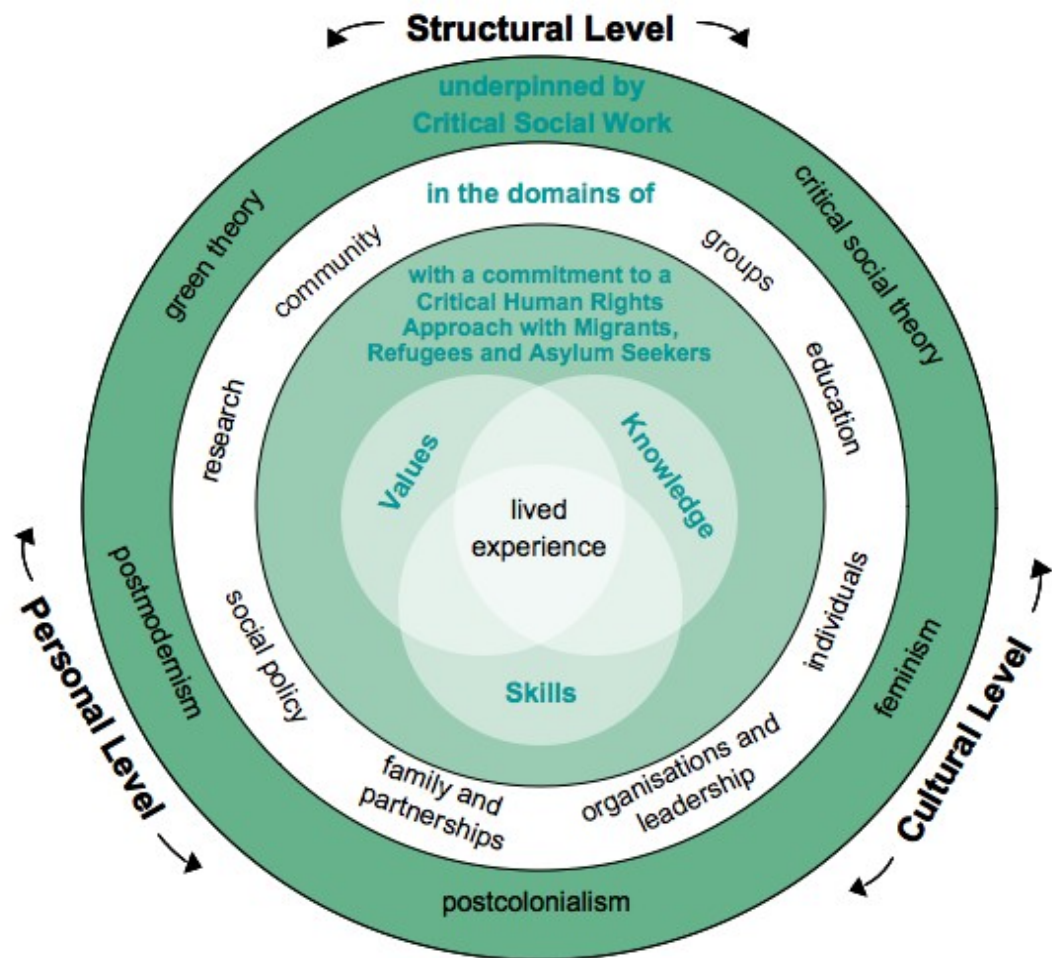
Beginning with lived experiences

This component of the framework can be used in both the practice and teaching context. It begins with the lived experiences of those involved including in particular migrants, refugees and asylum seekers, as well as students and teachers, and practitioners. Migrants, refugees and asylum seekers voices are at the centre of this framework. Creative means of including these voices can be achieved through biographical and autobiographical accounts, documentaries and other film material, historical and archival material such as can be accessed in museums as well as first person accounts from guest speakers. Migrants, refugees and asylum seekers could also be involved in curriculum and service development. In relation to students, teachers and practitioners starting with their lived experiences is also important. What values, knowledge and skills do they bring to practice in this area? Developing critical

self-awareness using the skills of reflectivity and reflexivity is essential (Fook & Gardner 2013).

The values, knowledge and skills required for practice with migrants, refugees and asylum seekers from a critical human rights perspective

Migrants, refugees and asylum seekers are vulnerable to discrimination, disadvantage and human rights violations, as Chapter Three of this thesis has demonstrated. Social work practice with this group requires the opportunity to explore specific values, knowledge and skills from an explicitly critical human rights perspective.

Practice with migrants, refugees and asylum seekers from a critical human rights perspective requires exploring values that relates specifically to this vulnerable group. Codes of ethics, both national and international, provide the opportunity to explore general values such as respect for persons, social justice and professional integrity in the Australian context and internationally, human rights and human dignity and social justice. The AASW ASWEAS (2012) provides a statement of specific Cross-cultural curriculum content for social work qualifying courses, which lists several values that are specific to cross-cultural content. These professional value statements can be a starting point to explore the debates and critiques inherent in these commitments.

As it was demonstrated in Chapter Four, the field of practice of social work with migrants, refugees and asylum seekers has been marginalised in Australian social work until very recently. The knowledge that is required to effectively work with migrants, refugees and asylum seekers includes but is not limited to:

- Definitional understandings (for example, the similarity and difference between the conceptual categories of migrants, refugees and asylum seekers, international definitions [ie the UN Convention and protocol relating to the status of refugees] and national constructs).
- The historical context (for example, history of migration and people movements international and national, exploration of the concept of refuge, history of Australian immigration policy).
- The theoretical context (for example, postcolonial, racism and whiteness studies, exploration of the notion of privilege, exploration of key contested terms such as culture, ethnicity, race).

- The legal context (for example, state, national and international laws and institutions relating to migrants, refugees and asylum seekers).

- The organisational context (for example, government and non-government, national and international organisations).

- The political context (for example, the key local, national and international debates).

- The relationship with human rights (for example, informed by the knowledge of human rights that was explained in the first part of this framework).

- Social work practice with migrants, refugees and asylum seekers (for example, key principles of a critical human rights approach to practice, which have been outlined in the first component of this framework, anti-colonialist, anti-racist practice, exploration and critique of other 'models' of social work practice such as ethnic sensitive and culturally competent practice, social work literature relating to migrants, refugees and asylum seekers).

- Vulnerable groups within the broader group whose rights are at risk of being violated (for example, refugees, asylum seekers, women, people with a mental illness, children).

The skills that are required to practice from a critical human rights perspective with migrants, refugees and asylum seekers are no different to other forms of social work practice. In particular these skills include but are not limited to:

- Critical thinking and analytical skills (asking critical questions).

- Reflectivity and reflexivity skills (being critically aware of self, culturally, spiritually, ethnically, identity within community).

- Organisational and administrative skills (case note recording, conducting meetings).

- Communication skills (written, verbal and online communication, in particular using interpreters).

- Micro-skills (listening, attending, empathy).

The values, knowledge and skills of working with migrants, refugees and asylum seekers from a critical human rights perspective can be explored in a practice setting or in the social work curriculum.

<u>Working across the domains of social work</u>

Social workers work with migrants, refugees and asylum seekers across the various domains of social work practice in a variety of agencies both mainstream and specialist.

The methods that social workers use to work with migrants, refugees and asylum seekers are varied and include but are not limited to:

- Work with individuals (for example, trauma counselling, individual advocacy in relation to immigration issues).
- Work with families and partnerships (for example, settlement work including facilitating access to housing, language classes, schools, medical treatment).
- Groupwork (for example, refugee women's groups).
- Community work (for example, campaigning around local, national and international refugee issues).
- Social policy practice (for example, analyse and contribute to current policy on offshore processing).
- Research and evaluation (for example, collaborative research with migrants, refugees and asylum seekers, PhD research on issues relating to social work practice and education with migrants, refugees and asylum seekers).
- Organisational practice, management and leadership (for example, taking a leadership position in the community regarding a specific issue in relation to migrants, refugees and asylum seekers, develop a new service).
- Education and training (for example, community education incorporating anti-racist principles, incorporating specific content in relation to migrants, refugees and asylum seekers in the social work curriculum).

Practice at the personal, cultural and structural levels

Working with migrants, refugees and asylum seekers from a critical human rights perspective requires a commitment to practice at the personal, cultural and structural level. The PCS approach provides a tool for understanding where oppression is experienced, where human rights are violated. It also provides a guide as to where social workers can work with people who experience oppression or violation of human rights. For example, refugees have experienced significant physical and mental trauma. This is experienced at the personal level and social workers can work with refugees at the personal level, using methods such as trauma counselling, relationship counselling educational groups and support groups. In relation to the cultural level, in the Australian context asylum seekers have been stereotyped and the stigma and discrimination that results from this stereotyping exists and is disseminated at the cultural level through the media, in comedy, in the political process. Some of these stereotypes and discriminatory language include 'boat people', 'illegals', and 'queue jumpers'. Asylum seekers therefore experience oppression at the cultural level and social workers can work to ameliorate this oppression by being involved in community campaigns to challenge these stereotypes, community education based on anti-racist practice, media work. Finally human rights are abused at the structural level through policies, legislation and organisations. For example, asylum seekers have experienced a violation of human rights in detention centres and in various policies that have been implemented by the Federal Government. Social workers can work at the structural level using such methods of social policy advocacy and research to inform policy advocacy.

Critical social work: the foundation

Underpinning this component of the framework is critical social work. The theories that inform this iteration of critical social work – critical social theory, feminism, postcolonialism, postmodernism and green theory – inform the entire framework. It is explicitly about social change in whatever domain one works, at whatever level.

Conclusion

This framework for embedding a critical human rights approach in social work practice and education provides a way forward. The findings from the twenty-three social workers resulted in three recommendations: that social work practice and education provides more opportunities to explore human rights and its relationship with social work practice; that social work education specifically explores human rights in greater depth; and that social work education embed human rights in the social work curriculum. The framework for embedding a critical human rights approach in social work practice and education is a response to these recommendations. The next, and final, chapter will conclude the research.

Chapter Nine: Conclusion

> Human rights are seldom given; they have to be seized. The struggle, inevitably, will continue. Human rights are not simply defined; they have to be struggled for and are hard won. Then, once they are won, there is a continuing struggle to protect them. The human rights struggle is one that will never end, and human rights will always be a work in progress. However, defining social work as a human rights profession locates social work practice firmly within that ongoing struggle to assert the values of a shared humanity (Ife 2012, p. 305).

Introduction

A central assumption underpinning this research is that although the concept of human rights is highly complex and contested, it provides a strong basis for practice that challenges the inequality, exploitation, domination and oppression experienced by vulnerable peoples in Australia and around the world. The social work profession has embraced the concept of human rights, and the emancipatory potential offered by such an approach to a certain extent. Despite this, there is a risk that human rights based practice remains an academic discourse, not one that is embedded in the day-to-day practice of social workers. In this way human rights remains on the 'rhetorical shelf', trapped within the ethical and theoretical statements of the profession rather than translated into practice. The emancipatory potential is therefore neglected.

The findings of this research demonstrated that for the social workers who participated in this research, human rights occupied a key position in both practice and education. However, the findings also demonstrated clearly that there is a long way to go before human rights is embedded in social work practice and education. This final chapter will explore the implications of the research for critical social work and conclude with recommendations for further research.

Implications for critical social work

Although there are several comprehensive articulations of human rights based approaches to social work practice (Ife 2012; Reichert 2011; Lundy 2011; Wronka 2008), the findings of this research demonstrate that there is still a way to go before human rights approaches are embedded in practice and education. Similarly, the findings show that a critical approach to human rights is under-developed, meaning that the emancipatory potential of human rights approaches in social work are yet to be fully realised.

A critical approach to human rights acknowledges and values the universal commitments to human rights expressed in the UDHR, and also in the professional policies and literature. These statements are both aspirational and inspirational, and provide social workers with a strong moral basis for practice. Some of these rights have been enshrined in legislation, and thus there is also a strong legal basis for practice. However, a critical human rights approach also appreciates the complex, contested and contextual nature of human rights. Drawing on critical, feminist, postcolonial, post-modern and green theories, the framework for embedding a critical human rights approach in social work practice and education meets the criteria for a critical social work approach outlined in Chapter Three (Allan 2009):

- It is fundamentally committed to working towards greater social justice and equality for those people who are oppressed and marginalised within society as well as the wider non-human environment.
- It is committed to working alongside and with oppressed and marginalised people in a 'bottom-up' rather than 'top-down' approach.
- It incorporates an analysis of power that helps to explain the oppression and marginalisation of vulnerable groups and nature.
- Taken-for-granted and dominant assumptions and beliefs about human rights are critically interrogated.
- Emancipatory personal and social change is the goal.

Benefits of the research

The research conducted is significant and includes a range of benefits. First, it is anticipated that social work practitioners who work with refugees and asylum seekers throughout Australia (and possibly in international contexts), will benefit from this research. Second, it is anticipated that there will be benefits to social workers working in other fields of practice. Third, it is anticipated that the social work practitioners and educators who participated in the study, as well as the researcher, will benefit through the opportunity of reflecting on their practice. Fourth, the social work students who will go on to become the next generation of social work practitioners and educators, will benefit indirectly from this research. Finally, there are also significant, though indirect, benefits to the community members with whom social workers will work.

Further research

Research that explores the relationship between human rights and social work practice and education is essential to move a commitment to human rights off the rhetorical shelf. Indeed, research is an essential component of the framework developed in this thesis. Chapters Two and Three demonstrated how little research has been conducted on the relationship between human rights and social work practice and social work education, and in particular human rights practice with refugees and asylum seekers. While this thesis contributes to this gap in the literature, a number of suggestions for further research have also been identified.

Harrison and Melville (2010, p. 153) suggest that the 'onus is on social work educators to "rethink" the way they teach human rights in social work and to increase its visibility in the social work curriculum'. Research which critically explores this approach will contribute to the profession's understanding of human rights based practice, which in turn will help social work educators to 'rethink' the way they teach human rights.

Most of the participants in this research, whether social work practitioners or academics, reported being committed to human rights prior to their social work degree. Presumably, there are also students who enter a social work degree without a commitment to human rights. Research that explores how students develop social work

values – in this case human rights – would be highly beneficial for social work education and practice.

The participants that were interviewed for this research identified with a commitment to human rights. What is not known is how widely the commitment to human rights is held in the social work profession generally, and how it is put in practice in a range of fields that are not usually associated with human rights. Research that explores critical human rights practice in other fields, especially given the contemporary context of neoliberalism and globalisation, would be beneficial to strengthen radical or critical social work practice.

Finally, in the Australian context, refugees and asylum seekers are particularly vulnerable to human rights violations. The Australian Government has re-established offshore processing, which means significant numbers of asylum seekers are being detained in remote, poorly serviced locations such as Nauru, Manus Island and Christmas Island. The human rights implications are enormous and research from a critical human rights perspective would inform social work practice at the personal, cultural and structural level. It would also contribute to the social change mandate of the profession.

Conclusion

The human rights discourse in social work has a lengthy history, but arguably it is a long way from being embedded in either social work practice or social work education. While there are numerous commitments to human rights in national and international ethical statements, and there is a significant and developing literature that explores the relationship between human rights and social work, there is considerably less literature that explores how such a commitment is enacted in either social work practice or education. The central position of this research has been to explore how Australian social workers position human rights in practice and in education and the implications of this for critical social work.

This research has contributed to bridging the gap between the rhetoric of international and national commitments to human rights and the reality of social work practice and education.

Appendices

UNHCR Populations of Concern, end-2010

UN major regions	Total refugees	Asylum-seekers	Returned refugees	IDP's protected/ assisted by UNHCR,	Returned IDP's	Stateless persons	Various	Total population of concern
Africa	2,408,676	329,608	43,466	6,230,071	979,370	21,119	164,113	10,176,423
Asia	5,715,818	72,410	152,287	4,376,376	1,940,865	2,853,245	1,001,715	16,112,716
Europe	1,587,387	302,791	1,815	419,303	2,998	588,689	89,751	2,992,734
Latin America and the Caribbean	373,867	71,373	58	3,672,054	–	17	–	4,117,369
Northern America	430,123	57,310	–	–	–	–	–	487,433
Oceania	33,815	3,986	–	–	–	–	–	37,801
Various	–	–	–	–	–	–	–	–
Total	**10,549,686**	**837,478**	**197,626**	**14,697,804**	**2,923,233**	**3,463,070**	**1,255,579**	**33,924,476**

Source: UNHCR 2011

Australia's Humanitarian Program

Australia's immigration program has two components: the *migration program* for skilled and family migrants and the *humanitarian program* for refugees and others in refugee-like situations. The *humanitarian program* also has two components: the offshore resettlement and onshore protection components. The Department of Immigration and Citizenship (2011b) defines these programs thus:

- *Onshore protection*: The onshore component of the Humanitarian Program aims to provide options for people who wish to apply for protection (or asylum) after arrival in Australia.
- *Offshore resettlement*: The offshore resettlement component comprises two categories of permanent visas. These are:
  - Refugee: for people who are subject to persecution in their home country, who are typically outside their home country, and are in need of resettlement. The majority of applicants who are considered under this category are identified and referred by UNHCR to Australia for resettlement. The Refugee category includes the Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk visa subclasses.
  - Special Humanitarian Program (SHP): for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country, and immediate family of persons who have been granted protection in Australia. Applications for entry under the SHP must be supported by a proposer who is an Australian citizen, permanent resident or eligible New Zealand citizen, or an organization that is based in Australia.

Attachment (D) Instrument

Interview guide for social work practitioners (semi-structured face-to-face interview):

Topic 1: Demographic information

- What is your age range? 20–29, 30–39, 40–49, 50–59, 60 +
- What is your ethnicity?
- What is your gender?

Topic 2: Current work situation (eg, can you tell me about your work generally?)

Further prompts on this question include:
- What is your position?
- What is your role?
- How long have you worked in this organisation?
- How long have you worked in this field?
- How would you describe your practice?

Topic 3: Understanding of human rights (eg, what is your understanding of the concept of human rights?)

Further prompts on this question include:
- Where does this knowledge come from (eg, personal experience, education, work, human rights organisations, Australian Association of Social Workers (AASW) *Code of Ethics*, International Federation of Social Workers (IFSW) *International Policy on Human Rights,* United Nations (UN) Universal Declaration of Human Rights (*UDHR*)?)?
- Are you aware of the UN *UDHR*?

Topic 4: Human rights and practice (eg, do you use the concept of human rights in your practice?)

Further prompts on this question include:

- Why?
- Why not?
- How?
- Can you give me a case example ensuring confidentiality of client/s?
- Are you aware of the human rights inclusions in the AASW *Code of Ethics*?

Topic 5: Social work education (eg, can you tell me about your social work education generally?)

Further prompts on this question include:

- Where did you graduate?
- When did you graduate?
- What kind of course?
- Do you have any post-graduate qualifications?

Topic 6: Human rights and social work education (eg, was the concept of human rights covered in your course?)

Further prompts on this question include:

- Were there specific human rights subjects?
- What do you think about the importance of human rights education in social work curricula?
- What do you think should/shouldn't be covered in relation to human rights?

Interview guide for social work educators (semi-structured face-to-face interview):

Topic 1: Demographic information

- What is your age range? 20–29, 30–39, 40–49, 50–59, 60 +
- What is your ethnicity?
- What is your gender?

Topic 2: Current work situation (eg, can you tell me about your work generally?)

Further prompts on this question include:

- What is your position?
- What is your role?
- How long have you worked at this university?
- How long have you worked in this field (education)?

Topic 3: Understanding of human rights (eg, what is your understanding of the concept of human rights?)

Further prompts on this question include:

- Where does this knowledge come from (eg, personal experience, education, work (practice and/or education), human rights organisations, national and international social work organisations, United Nations (UN) Universal Declaration of Human Rights (*UDHR*)?)?
- Are you aware of the UN *UDHR*?

Topic 4: Human rights and practice (eg, do you use the concept of human rights in your teaching and/or other work?)

Further prompts on this question include:

- Why?
- Why not?
- How?
- Can you give me some examples?

- Are you aware of the human rights inclusions in the Australian Association of Social Workers (AASW) *Code of Ethics*, the International Federation of Social Work (IFSW) *International Policy on Human Rights* and the definition of social work agreed to jointly by the IFSW and the International Association of Schools of Social Work (IASSW)

Topic 5: Social work education (eg, can you tell me about your social work education generally?)

Further prompts on this question include:
- Where did you graduate?
- When did you graduate?
- What kind of course?
- Do you have any post-graduate qualifications?

Topic 6: Human rights and social work education (eg, was the concept of human rights covered in your course?)

Further prompts on this question include:
- Were there specific human rights subjects?
- What do you think about the importance of human rights education in social work curricula?
- What do you think should/shouldn't be covered in relation to human rights?

Interview Guide for Heads of Schools (semi-structured telephone interview)

Question 1:   What is your course structure?

Further prompts on this question include:

- Four-year course?

- Undergraduate, postgraduate courses?

Question 2:   Does your school of social work address the concept of human rights?

Further prompts on this question include:

- If no, why not? What are the impediments?

- If yes, why? How?

- Dedicated subjects/units on human rights?

- Human rights embedded in curricula?

Question 3:   Can you tell me more about your pedagogical approach to teaching human rights?

Further prompts on this subject include:

- Philosophy/theory underpinning approach?

Attachment (B) Information Sheet

Invitation Letter to Australian Torture and Trauma Services Directors

[Curtin University of Technology Letterhead]

[Name of Director]

[Address of Relevant Torture &Trauma Service]

[Date]

Dear [Director]

Human Rights: A Challenge to Critical Social Work Practice and Education

I am writing to request your support for a research project regarding human rights and social work practice and education. My name is Sharlene Nipperess and this study is being undertaken as part of the degree of Doctor of Philosophy (Humanities) within the Centre for Human Rights and Education at Curtin University of Technology.

Overview

The concept of human rights poses a challenge to social work practice and education. While the social work profession in Australia and internationally has a stated commitment to human rights and arguably interest in a human rights approach for practice has increased in recent times, it is also important to note that the concept of human rights is highly contested. Given the stated importance though contested nature of human rights it is interesting to note that there is comparatively little social work literature relating to the topic. Indeed the social work literature, with some notable exceptions, says very little about the notion of human rights, even less about how to

practice from such a perspective and virtually nothing on how to incorporate these ideas into the social work curriculum.

Through the specific field of practice of social work with refugees and asylum seekers and in the context of Australian social work education, this research aims to explore two broad questions. The first question is related to practice: how do social workers understand the notion of human rights and how is this understanding translated into practice? The second question relates to social work education: how does social work education in Australia provide opportunities to explore and analyse the notion of human rights?

The specific field of practice of social work with refugees and asylum seekers has been selected because it is often conceptualised in terms of human rights. It is also an issue of particular contemporary significance. Although social workers have always worked with migrants, refugees and asylum seekers, it has arguably been on the fringes of practice and has focused on the individual rather than the political context. However, accompanying the general community interest in the issues facing refugees and asylum seekers, there has also been a recent surge in interest of social workers in this field of practice.

Significance and Benefits

The significance of the study relates to an important assumption underpinning this research. That is, the concept of human rights can make an important contribution to critical social work practice. However, human rights are a complex and contested concept that is often presented in an unproblematic way in the literature. Given the stated commitment to human rights and its potential for an emancipatory social work practice, research that explores human rights and considers the implications for social work practice and education is invaluable.

There are specific benefits that relate to the study. First, it is anticipated that social work practitioners and educators who work with refugees and asylum seekers throughout Australia (and possibly in international contexts) will benefit directly from this research by gaining a greater understanding of the place of human rights in current practice. Second, it is anticipated that there will be benefits to social workers working

in other fields of practice, particularly where there are significant human rights issues (eg mental health, disability, Indigenous issues). Third, it is anticipated that the social work practitioners and educators who participate in the study, as well as the researcher, will benefit through the opportunity of reflecting on their practice. There are also significant benefits to the community, particularly the people with whom social workers directly work.

The Research Process

I would like to invite social workers employed within your organisation to participate in the above research project regarding human rights and social work practice and education. This research forms the basis of my PhD research with Curtin University. The direct motivation for this research comes from my interest in and commitment to a human rights approach for social work. It is directly informed by my own experience as both a social work practitioner and a social work educator throughout Australia.

Attached to this letter are letters of invitation for your social work staff to participate in an interview regarding their practice and human rights. Also attached are consent forms. If you are happy for your staff to be involved, I would be grateful if you could pass these letters on to your social work staff.

If consent is provided I will interview the social workers individually, at a time and a place selected by the social worker. It is anticipated that interviews will last between 1–2 hours during which time I will use a number of prompts to encourage the social worker to critically reflect on their practice in relation to human rights. The interviews will be taped, with permission from the participants, and subsequently transcribed. Participants will be offered the opportunity of reviewing their transcript before analysis is undertaken. It is important to note that participation in the research is voluntary and individual staff members will have their confidentiality ensured.

Should you have any questions about this letter or the proposed research, please do not hesitate to contact me on 0407 792980 or my principal supervisor Professor Linda Briskman on (08) 9266 7186.

Your assistance in this matter is gratefully appreciated.

Yours sincerely

Sharlene Nipperess BA BSW

Information Sheet for Australian Torture and Trauma Services Social Workers

[Curtin University of Technology Letterhead]

Human Rights: A Challenge to Critical Social Work Practice and Education

I am writing to invite you to participate in a research project regarding human rights and social work practice and education. My name is Sharlene Nipperess and this study is being undertaken as part of the degree of Doctor of Philosophy (Humanities) within the Centre for Human Rights and Education at Curtin University of Technology.

Overview

The concept of human rights poses a challenge to social work practice and education. While the social work profession in Australia and internationally has a stated commitment to human rights and arguably interest in a human rights approach for practice has increased in recent times, it is also important to note that the concept of human rights is highly contested. Given the stated importance though contested nature of human rights it is interesting to note that there is comparatively little social work literature relating to the topic. Indeed the social work literature, with some notable exceptions, says very little about the notion of human rights, even less about how to practice from such a perspective and virtually nothing on how to incorporate these ideas into the social work curriculum.

Through the specific field of practice of social work with refugees and asylum seekers and in the context of Australian social work education, this research aims to explore two broad questions. The first question is related to practice: how do social workers understand the notion of human rights and how is this understanding translated into practice? The second question relates to social work education: how does social work education in Australia provide opportunities to explore and analyse the notion of human rights?

The specific field of practice of social work with refugees and asylum seekers has been selected because it is often conceptualised in terms of human rights. It is also an issue of particular contemporary significance. Although social workers have always worked with migrants, refugees and asylum seekers, it has arguably been on the fringes of practice and has focused on the individual rather than the political context. However, accompanying the general community interest in the issues facing refugees and asylum seekers, there has also been a recent surge in interest of social workers in this field of practice.

Significance and Benefits

The significance of the study relates to an important assumption underpinning this research. That is the concept of human rights can make an important contribution to critical social work practice. However, human rights are a complex and contested concept that is often presented in an unproblematic way in the literature. Given the stated commitment to human rights and its potential for an emancipatory social work practice, research that explores human rights and considers the implications for social work practice and education is invaluable.

There are specific benefits that relate to the study. First, it is anticipated that social work practitioners and educators who work with refugees and asylum seekers throughout Australia (and possibly in international contexts) will benefit directly from this research by gaining a greater understanding of the place of human rights in current practice. Second, it is anticipated that there will be benefits to social workers working in other fields of practice, particularly where there are significant human rights issues (eg mental health, disability, Indigenous issues). Thirdly, it is anticipated that the social work practitioners and educators who participate in the study, as well as myself, will benefit through the opportunity of reflecting on their practice. There are also significant benefits to the community, particularly the people with whom social workers directly work.

The Research Process

This research forms the basis of my PhD research with Curtin University. The direct motivation for this research comes from my interest in and commitment to a human

rights approach for social work. It is directly informed by my own experience as both a social work practitioner and a social work educator throughout Australia.

If you agree to participate I will ring you to arrange a suitable time and place. I anticipate that interviews will last between 1–2 hours during which time I will use a number of prompts to encourage you to reflect on your practice in relation to human rights. The interviews will be taped, with your permission, and subsequently transcribed. I will offer you the opportunity of reviewing your transcript before analysis is undertaken. It is important to note that participation in this research is voluntary and you can withdraw at any time. In addition any unprocessed data may also be withdrawn.

Finally a range of measures will be used to ensure your confidentiality. These include:

- Tapes and transcripts will not contain identifying material like name, address or agency name.
- All tapes and transcripts will be coded and the Code List will only be available to me.
- Tapes, Transcripts and the Code List will be kept in a locked filing cabinet in my home office for the minimum period of five years after the thesis is completed, after which they will be destroyed.
- Only my principal supervisor and myself will have access to the transcripts.
- No identifying material will be included in the final thesis or any published material.

Should you wish to participate in the study, please fill in the attached consent form and return it to me in the reply paid envelope. If you have any questions about this letter or the proposed research, please do not hesitate to contact me on 0407 792980 or my principal supervisor Professor Linda Briskman on (08) 9266 7186.

Your assistance in this matter is gratefully appreciated.

Yours sincerely

Sharlene Nipperess BA BSW

Attachment (C) Consent form

Consent Form for Australian Torture and Trauma Services Social Workers

[Curtin University of Technology Letterhead]

Consent form

Project Title: Human Rights: A Challenge to Critical Social Work
                       Practice and Education

Name of Researcher: Sharlene Nipperess

Contact Details: Home: (03) 9372 1671   Mobile: 0407 792980

Name of Participant:

1. I consent to participate in the above research project. This research project has been explained to me and I have read and kept a plain language description of the research.

2. I have agreed to participate in an interview, which will be tape-recorded.

3. I acknowledge that:

   - I am free to withdraw from the project at any time.
   - The project is for the purpose of research and may not directly benefit me.
   - My anonymity and the confidentiality of information provided is assured.
   - The security of the data obtained is assured following completion of the study.
   - The research outcomes may be published.

Signature: _____ Date: _____

(Participant)

Signature: _____ Date: _____

(Researcher)

Any queries or complaints about your participation in this project may be directed to the researcher directly or to the researchers supervisor Professor Linda Briskman on (08) 9266 7186. Alternatively you may contact The Secretary, HREC Office of Research and Development PO Box U1987 Perth WA 6845 Ph: +61 8 9266 2784 hrec@curtin.edu.au

Invitation Letter to Heads of Schools of Social Work

[Curtin University of Technology Letterhead]

[Name of Head of School]

[Address of School of Social Work]

[Date]

Dear [Head of School]

Human Rights: A Challenge to Critical Social Work Practice and Education

I am writing to request your support for a research project regarding human rights and social work practice and education. My name is Sharlene Nipperess and this study is being undertaken as part of the degree of Doctor of Philosophy (Humanities) within the Centre for Human Rights and Education at Curtin University of Technology.

Overview

The concept of human rights poses a challenge to social work practice and education. While the social work profession in Australia and internationally has a stated commitment to human rights and arguably interest in a human rights approach for practice has increased in recent times, it is also important to note that the concept of human rights is highly contested. Given the stated importance though contested nature of human rights it is interesting to note that there is comparatively little social work literature relating to the topic. Indeed the social work literature, with some notable exceptions, says very little about the notion of human rights, even less about how to practice from such a perspective and virtually nothing on how to incorporate these ideas into the social work curriculum.

Through the specific field of practice of social work with refugees and asylum seekers and in the context of Australian social work education, this research aims to explore two broad questions. The first question is related to practice: how do social workers understand the notion of human rights and how is this understanding translated into practice? The second question relates to social work education: how does social work education in Australia provide opportunities to explore and analyse the notion of human rights?

The specific field of practice of social work with refugees and asylum seekers has been selected because it is often conceptualised in terms of human rights. It is also an issue of particular contemporary significance. Although social workers have always worked with migrants, refugees and asylum seekers, it has arguably been on the fringes of practice and has focused on the individual rather than the political context. However, accompanying the general community interest in the issues facing refugees and asylum seekers, there has also been a recent surge in interest of social workers in this field of practice.

Significance and Benefits

The significance of the study relates to an important assumption underpinning this research. That is, the concept of human rights can make an important contribution to critical social work practice. However, human rights are a complex and contested concept that is often presented in an unproblematic way in the literature. Given the stated commitment to human rights and its potential for an emancipatory social work practice, research that explores human rights and considers the implications for social work practice and education is invaluable.

There are specific benefits that relate to the study. First, it is anticipated that social work practitioners and educators who work with refugees and asylum seekers throughout Australia (and possibly in international contexts) will benefit directly from this research by gaining a greater understanding of the place of human rights in current practice. Second, it is anticipated that there will be benefits to social workers working in other fields of practice, particularly where there are significant human rights issues (eg mental health, disability, Indigenous issues). Thirdly, it is anticipated that the social work practitioners and educators who participate in the study, as well as the researcher,

will benefit through the opportunity of reflecting on their practice. There are also significant benefits to the community, particularly the people with whom social workers directly work.

The Research Process

I would like to invite yourself and social work academics employed within your school to participate in the above research project regarding human rights and social work practice and education. This research forms the basis of my PhD research with Curtin University. The direct motivation for this research comes from my interest in and commitment to a human rights approach for social work. It is directly informed by my own experience as both a social work practitioner and a social work educator throughout Australia.

First, I would like to invite you to participate in a short telephone interview on the approach your school has to human rights. If you consent to be interviewed I will ring you to arrange a suitable time to call. I anticipate that interviews will last between 15–20 minutes. I will hand record your responses and will check the accuracy of recording at the end of each question. It is important to note that participation in this research is voluntary and you can withdraw at any time.

Finally a range of measures will be used to ensure your confidentiality. These include:

- Interview guides will not contain identifying material like name, address or university name.
- All interview guides will be coded and the Code List will only be available to me.
- Interview guides and the Code List will be kept in a locked filing cabinet in my home office for the minimum period of five years after the thesis is completed, after which they will be destroyed.
- Only my principal supervisor and myself will have access to the transcripts.
- No identifying material will be included in the final thesis or any published material.

Secondly, attached to this letter are letters of invitation for the social work academics in your school to participate in an interview regarding their teaching and human rights. Also attached are consent forms. If you are happy for your staff to be involved, I would be grateful if you could pass these letters on to interested academics.

If consent is provided I will interview the social work academics individually, at a time and a place they select. It is anticipated that interviews will last between 1–2 hours during which time I will use a number of prompts to encourage the social work academic to critically reflect on their teaching in relation to human rights. The interviews will be taped, with permission from the participants, and subsequently transcribed. Participants will be offered the opportunity of reviewing their transcript before analysis is undertaken. It is important to note that participation in the research is voluntary and individual staff members will have their confidentiality ensured.

Should you have any questions about this letter or the proposed research, please do not hesitate to contact me on 0407 792980 or my principal supervisor Professor Linda Briskman on (08) 9266 7186.

Your assistance in this matter is gratefully appreciated.

Yours sincerely

Sharlene Nipperess BA BSW

Appendix H

Information Sheet for Social Work Academics

Human Rights: A Challenge to Critical Social Work Practice and Education

I am writing to invite you to participate in a research project regarding human rights and social work practice and education. My name is Sharlene Nipperess and this study is being undertaken as part of the degree of Doctor of Philosophy (Humanities) within the Centre for Human Rights and Education at Curtin University of Technology.

Overview

The concept of human rights poses a challenge to social work practice and education. While the social work profession in Australia and internationally has a stated commitment to human rights and arguably interest in a human rights approach for practice has increased in recent times, it is also important to note that the concept of human rights is highly contested. Given the stated importance though contested nature of human rights it is interesting to note that there is comparatively little social work research relating to the topic. Indeed the social work research, with some notable exceptions, says very little about the notion of human rights, even less about how to practice from such a perspective and virtually nothing on how to incorporate these ideas into the social work curriculum.

Through the specific field of practice of social work with refugees and asylum seekers and in the context of Australian social work education, this research aims to explore two broad questions. The first question is related to practice: how do social workers understand the notion of human rights and how is this understanding translated into practice? The second question relates to social work education: how does social work education in Australia provide opportunities to explore and analyse the notion of human rights?

The specific field of practice of social work with refugees and asylum seekers has been selected because it is often conceptualised in terms of human rights. It is also an issue of particular contemporary significance. Although social workers have always worked with migrants, refugees and asylum seekers, it has arguably been on the fringes of practice and has focused on the individual rather than the political context. However,

accompanying the general community interest in the issues facing refugees and asylum seekers, there has also been a recent surge in interest of social workers in this field of practice.

Significance and Benefits

The significance of the study relates to an important assumption underpinning this research. That is the concept of human rights can make an important contribution to critical social work practice. However, human rights are a complex and contested concept that is often presented in an unproblematic way in the literature. Given the stated commitment to human rights and its potential for an emancipatory social work practice, research that explores human rights and considers the implications for social work practice and education is invaluable.

There are specific benefits that relate to the study. First, it is anticipated that social work practitioners and educators who work with refugees and asylum seekers throughout Australia (and possibly in international contexts) will benefit directly from this research by gaining a greater understanding of the place of human rights in current practice. Second, it is anticipated that there will be benefits to social workers working in other fields of practice, particularly where there are significant human rights issues (eg mental health, disability, Indigenous issues). Thirdly, it is anticipated that the social work practitioners and educators who participate in the study, as well as myself, will benefit through the opportunity of reflecting on their practice. There are also significant benefits to the community, particularly the people with whom social workers directly work.

The Research Process

This research forms the basis of my PhD research with Curtin University. The direct motivation for this research comes from my interest in and commitment to a human rights approach for social work. It is directly informed by my own experience as both a social work practitioner and a social work educator throughout Australia.

If you agree to participate I will ring you to arrange a suitable time and place. I anticipate that interviews will last between 1–2 hours during which time I will use a

270

number of prompts to encourage you to reflect on your teaching in relation to human rights. The interviews will be taped, with your permission, and subsequently transcribed. I will offer you the opportunity of reviewing your transcript before analysis is undertaken. It is important to note that participation in this research is voluntary and you can withdraw at any time. In addition any unprocessed data may also be withdrawn.

Finally a range of measures will be used to ensure your confidentiality. These include:

- Tapes and transcripts will not contain identifying material like name, address or university name.
- All tapes and transcripts will be coded and the Code List will only be available to me.
- Tapes, Transcripts and the Code List will be kept in a locked filing cabinet in my home office for the minimum period of five years after the thesis is completed, after which they will be destroyed.
- Only my principal supervisor and myself will have access to the transcripts.
- No identifying material will be included in the final thesis or any published material.

Should you wish to participate in the study, please fill in the attached consent form and return it to me in the reply paid envelope. If you have any questions about this letter or the proposed research, please do not hesitate to contact me on 0407 792980 or my principal supervisor Professor Linda Briskman on (08) 9266 7186.

Your assistance in this matter is gratefully appreciated.

Yours sincerely

Sharlene Nipperess BA BSW

Consent Form for Heads of Schools

[Curtin University of Technology Letterhead]

Consent form

Project Title: Human Rights: A Challenge to Critical Social Work
Practice and Education

Name of Researcher: Sharlene Nipperess

Contact Details: Home: (03) 9372 1671 Mobile: 0407 792980

Name of Participant:

1. I consent to participate in the above research project. This research project has
been explained to me and I have read and kept a plain language description of the
research.

2. I have agreed to participate in an interview, which will be tape-recorded.

3. I acknowledge that:

- I am free to withdraw from the project at any time.
- The project is for the purpose of research and may not directly benefit me.
- My anonymity and the confidentiality of information provided is assured.
- The security of the data obtained is assured following completion of the study.
- The research outcomes may be published.

Signature: Date:

(Participant)

Signature: _____ Date: _____

_____

(Researcher)

Any queries or complaints about your participation in this project may be directed to the researcher directly or to the researchers supervisor Professor Linda Briskman on (08) 9266 7186. Alternatively you may contact The Secretary, HREC Office of Research and Development PO Box U1987 Perth WA 6845 Ph: +61 8 9266 2784 hrec@curtin.edu.au

Consent Form for Social Work Educators

[Curtin University of Technology Letterhead]

Consent form

Project Title: Human Rights: A Challenge to Critical Social Work Practice and Education

Name of Researcher: Sharlene Nipperess

Contact Details: Home: (03) 9372 1671   Mobile: 0407 792980

Name of Participant:

1. I consent to participate in the above research project. This research project has been explained to me and I have read and kept a plain language description of the research.

2. I have agreed to participate in an interview, which will be tape-recorded.

3. I acknowledge that:

   - I am free to withdraw from the project at any time.
   - The project is for the purpose of research and may not directly benefit me.
   - My anonymity and the confidentiality of information provided is assured.
   - The security of the data obtained is assured following completion of the study.
   - The research outcomes may be published.

Signature: Date:

(Participant)

Signature: _____ Date: _____

_____

(Researcher)

Any queries or complaints about your participation in this project may be directed to the researcher directly or to the researchers supervisor Professor Linda Briskman on (08) 9266 7186. Alternatively you may contact The Secretary, HREC Office of Research and Development PO Box U1987 Perth WA 6845 Ph: +61 8 9266 2784 hrec@curtin.edu.au

Characteristics of Participants

Social Work Practitioners

Age range of social work practitioners

Age Range	Number	Percentage
30–39	2	18
40–49	2	18
50–59	6	55
60+	1	9
Total	**11**	**100%**

Ethnicity of social work practitioners (n=11)

Ethnicity	Number	Percentage
Anglo *	5	46
Canadian–Australian	2	18
Chinese–Australian	2	18
German–Australian	1	9
European	1	9
Total	11	100%

* Participants identified as Anglo or Anglo–Australian or Anglo–Celtic

Gender of social work practitioners (n=11)

Gender	Number	Percentage
Female	8	73
Male	3	27
Total	**11**	**100%**

Type of social work qualification (social work practitioners)

Type	Number	Percentage
2-year Graduate Entry	5	45
4-year BSW	3	27
Overseas Qualification	3	27
Total	**11**	**99%**

Years since completion of social work qualification (social work practitioners)

Year Range	Number	Percentage
0–9	4	36
10–19	2	18
20–29	2	18
30+	3	27
Total	**11**	**99%**

Social Work Educators

Age range of social work educators (n=12)

Age Range	Number	Percentage
30–39	2	17
40–49	4	33
50–59	5	42
60+	1	8
Total	**12**	**100%**

Ethnicity of social work educators (n=12)

Ethnicity	Number	Percentage
Anglo *	4	33
Australian	3	25
Maltese–Australian	1	8
Polish–Australian	1	8
German–Australian	1	8
Indigenous (non-Australian)	1	8
Mixed	1	8
Total	**12**	**98%**

Participants identified as Anglo or Anglo–Celtic

Gender of social work educators (n=12)

Gender	Number	Percentage
Female	9	75
Male	3	25
Total	**12**	**100%**

Type of social work qualification (social work educators)

Type	Number	Percentage
2-year Graduate Entry	3	25
4-year BSW	7	58
Overseas Qualification	2	17
Total	**12**	**100%**

Years since completion of social work qualification (social work educators)

Year Range	Number	Percentage
0–9	1	8
10–19	4	33
20–29	4	33
30+	3	25
Total	**12**	**99%**

Overview of FASSTT Member Agencies

Agency	Location	Date Established	Income 2009/10	Equivalent Full Time Staff March 2010
ASeTTS	Perth, Western Australia	1992	$3.88 million	30.5
Companion House	Canberra, Australian Capital Territory	1989 (originally named Transact)	$1.35 million	13
Foundation House	Melbourne, Victoria	1987	$10.5 million	85
Melaleuca Refugee Centre	Darwin, Northern Territory	1996	$1 million (torture and trauma-related programs only)	11 (torture and trauma staff only)
Phoenix Centre	Hobart, Tasmania	1991	$0.75 million	10
QPASTT	Brisbane, Queensland	1995	$4.4 million	30
STARTTS	Sydney, New South Wales	1987	$10.1 million	100
STTARS	Adelaide, South Australia	1991	$1.04 million	18

(Source: FASSTT 2011)

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