

Reports reveal systematic abuse in Australia's refugee detention centres

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29 March 2001

Three recent reports confirm that a systematic culture of abuse exists within Australia's refugee detention centres. While none of them question the Howard government's mandatory detention policy itself, they have added weight to a campaign being conducted by the media, community groups and churches to pressure the government into changing the image of the country's notorious immigration system.

Overall, the reports paint a picture of refugees who have fled persecution at home only to languish in detention in Australia in grossly inadequate facilities, suffering from depression and desperation, with women and children facing the constant risk of assault. Staff exhibit low morale and often treat the refugees as criminals.

Two of the reports arose from investigations conducted by the Commonwealth ombudsman. The third, prepared by Philip Flood, was commissioned late last year by Immigration Minister Philip Ruddock in an effort to deflect growing public outrage at conditions in the government's Immigration Detention Centres (IDCs). The terms of reference for Flood's inquiry were as narrow as they could possibly be: to inquire into the processes "for identifying, dealing with, reporting on and following up allegations, instances, or situations where there is a reasonable suspicion" of child abuse within the IDCs. Flood was not authorised to investigate the truth of the allegations, just whether or not the correct procedures were followed.

The ombudsman's reports

In September 1999, the Commonwealth ombudsman initiated an investigation into detention centres after receiving several complaints. His first report, entitled "Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities", declared that "frustration and distress was evidenced by a number of reports of self harm, suicide attempts, and damage to the IDC equipment as well as self imposed hunger strikes." There were tensions between different ethnic groups, fights, assaults and threats to kill. Children were the subject of sexual and physical attacks by detainees, staff were assaulted and verbally abused and detainees made a number of escape attempts.

The ombudsman found "systematic" overcrowding. For example, at one point the Villawood IDC in Sydney's western

suburbs was in excess of capacity by as much as 50 percent. According to the report, the government regarded as "normal" a situation in which 50 inmates were forced to sleep on mattresses on the floor. Its failure to provide appropriate accommodation could not be justified, the report argued, on the basis that there was a surge in numbers. Any mandatory system was obliged to cater for such changes.

According to the ombudsman, long-term detention was "a source of frustration, despondency and depression often resulting in drastic action being taken". Yet in December 2000 there were 361 detainees who had been incarcerated for more than 12 months. In one instance, a child born in detention in July 1996 was still there in April 2000.

Unattached women and children suffered extreme risk and "a worrying number of reports" had been made of indecent assault and threats towards them. The report declared that the accommodation and monitoring/care arrangements "did not come up to... minimum acceptable standards to ensure that those at greatest risk are not exposed to harm."

After consulting a number of sources, the ombudsman found that some Australian Correctional Management (ACM) staff had cultural or attitudinal problems. In all IDCs, evidence emerged of racial abuse and "a heavy handed approach." Inappropriate force was used and rooms unnecessarily trashed, raising serious questions about staff training.

The ombudsmen also found that:

* The contractual relationship between the Department of Immigration and Multicultural Affairs and ACM provided for performance-based penalties to be imposed, in the event of escapes or other incidents, creating the incentive to under-report and/or cover up such incidents. Fees paid by the government and specific performance measures were kept confidential.

* Australian Protective Service officers were armed when patrolling the perimeter fence at the Woomera IDC. The report found firearms to be inappropriate in a detention environment.

* The Perth IDC was a fire hazard. The women's dormitory was secured by manual bolts at the top and bottom of the door and in the event of a fire, the door could not be opened remotely making it difficult to ascertain the conditions inside.

* No secure observation room was provided at Woomera IDC

for detainees at risk or with behavioural problems. Instead they were imprisoned in police cells at Woomera Township Station.

Because of a continuing stream of complaints about the detention of asylum seekers in Australia's prisons, the ombudsman deemed it necessary to release a second report. That report found that in the 12 months to June 2000, 98 transfers occurred from IDCs to prisons. Some 41 of the 89 refugees still in prison in June 2000 had been there for more than nine months, pending criminal deportation or removal following cancellation of a permanent visa. One, who had received a three and a half year custodial sentence, had been in prison awaiting deportation for six and a half years.

Those incarcerated in state prisons include asylum seekers and failed asylum seekers who have not been charged or convicted of any offence. DIMA has the power to transfer them from IDCs to prisons if their behaviour is considered "unacceptable."

According to the second report, such behaviour arose directly out of the length of detention in IDCs, which caused "frustration, anxiety and helplessness" and might exacerbate mental health problems.

The ombudsman found that DIMA has a non-transferable duty of care, in spite of DIMA's contention that detainees in state prisons were the responsibility of prison authorities. He cited examples where DIMA had simply lost track of the detainees and abandoned them to the prison system indefinitely.

He also found that DIMA did not always give notice to asylum seekers as to why they were being transferred from an IDC to prison or when the decision would be reviewed. In 14 cases the notice of transfer was not available and in 20 percent of cases documentation regarding a 30-day review was not provided.

Counselling to determine the mental health of patients before they were transferred to prison was documented in only 30 out of 67 cases reviewed. The ombudsman recommended that mentally ill patients should not be transferred to prisons.

The Flood report

Flood examined 35 allegations of child abuse in the 12 months from December 1999 to November 2000, including nine instances of sexual abuse of a child by another detainee, four of physical abuse of a child by another detainee, one of physical abuse of a child by staff, three investigations into medical conditions and one case of the involvement of a child in prostitution. At the same time, he pointed to the fact that there could be other "unreported allegations or instances" of child abuse in a detention system holding 469 children.

Without commenting on the number or validity of the allegations, Flood found that the DIMA and ACM followed reporting procedures correctly in 34 out of the 35 cases. The report of a nurse into the rape of a young boy at Woomera was not referred to ACM head office or DIMA. Flood found that the boy should have been sent to hospital for examination and the

incident reported to the police and the Department of Family and Youth Services.

Flood discovered systematic problems at Woomera. A "small proportion" of staff "were treating detainees as if they were criminals" including intimidation, verbal abuse and humiliation during room searches. He reported that staff were not sensitive to creating the conditions for "detainees to cope with their situation". The ACM centre manager described the files at Woomera as a "dog's breakfast".

Flood's 16 recommendations were almost entirely cosmetic: that staff should refer to detainees by their names rather than registration numbers, that the physical environment at Woomera should be improved, that staff should have training in cultural awareness.

The media, churches and sections of big business responded to the three reports by attacking the detention centres as a "a national shame", responsible for tarnishing Australia's image as a defender of "human rights". Bowing to the pressure, Ruddock declared he "endorse[d] the overall thrust" of Flood's recommendations. But he lashed out at the ombudsman's far more critical assessment, labelling his reports "dated and flawed," and suggesting they lacked evidence.

Ruddock fleetingly mooted one of Flood's recommendations, that women and children be allowed to live outside the centres while their family's applications were processed. But once the media hubbub died down, he quickly retracted the proposal. With a general election due within months, he is desperately trying to postpone any policy shift that could compromise the government's standing with supporters of its detention policy.



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