

Australian government dismisses damning report on child detention

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The Howard government has dismissed a report by its own Human Rights and Equal Opportunity Commission (HREOC), which condemned the mandatory detention of refugee children as “cruel, inhumane and degrading treatment”. By rejecting the report’s call for the release of all 90 children still incarcerated, the government has underscored its determination to keep innocent children locked up in appalling conditions, purely for base political reasons.

The 900-page report of the National Inquiry into Children in Immigration Detention, tabled in parliament on May 13, concluded that the detention of children “resulted in numerous and repeated breaches of the [United Nations] Convention on the Rights of the Child”. It found that the government had ignored “repeated recommendations by mental health professionals that certain children be removed from the detention environment with their parents”. It called for a review into Canberra’s detention of another 74 children on the island of Nauru.

Immigration Minister Amanda Vanstone declared that the report’s recommendations would send a “dangerous message” to “people smugglers”. She claimed it would encourage so-called smugglers to put more children in boats bound for Australia. Vanstone’s response amounts to a blatant defence of yet another breach of international law because the Refugee Convention forbids the use of punitive measures to deter asylum seekers. The reality is that these families have resorted to desperate voyages because they face intolerable oppression and because the Australian government has made it virtually impossible to gain refuge any other way.

According to the HREOC report, more than 92 percent of children who arrived by boat and were kept in detention were eventually assessed as refugees. In other words, the government has wilfully compounded the trauma already suffered by children in their countries of origin—mainly Iraq, Afghanistan, Iran, the Palestinian Occupied Territories and Sri Lanka—by indefinite incarceration and denial of basic rights.

The Convention on the Rights of the Child requires that children be kept in detention only as a “measure of last resort” and “for the shortest appropriate period of time”. However, the report states that the average period of detention for a child has increased since 1999, and stood at one year, eight months and eleven days in December 2003.

The report comments that the government has made the detention of children “the first—and only—resort”. By denying

immediate review of all cases before an independent tribunal, which is required by the Convention, and by limiting access to courts, the policy resulted in “automatic, indeterminate, arbitrary and effectively unreviewable detention of children. No other country in the world has a policy like this.”

HREOC found the detention environment to be unsafe for children. Child detainees were unprotected from violent situations such as riots, fires, hunger strikes, protests, self-harm and suicide attempts. In fact, methods used to suppress the protests and uprisings, and witnessing staff in riot gear, caused “particular stress” to children. “Security measures” included the use of tear gas and water cannons and a “lock down” procedure used to contain violent situations, where children were often trapped.

The inquiry established that there is an appalling level of disturbed mental health among the children. Evidence from many mental health professionals who had had some contact with detainees confirmed that the “detention environment made it virtually impossible to meet the mental health needs of children and their families”. Child detainees suffered from clinical depression, post-traumatic stress disorder and various anxiety disorders. They exhibited symptoms of bed-wetting, sleep walking and night terrors.

“At the severe end of the spectrum, some children became mute, refused to eat and drink, made suicide attempts and began to self-harm, such as by cutting themselves,” the report states.

A child psychiatrist told the inquiry, “The traumatic nature of the detention experience ... has out-stripped any previous trauma that the children have had. So it has got to the point where being in detention is the worst thing that has ever happened to these children.”

Evidence was also heard on the effect that detention had on parents and their ability to care for their children. As well as the lack of arrangements for normal family life, parents suffered from guilt for promising their children a better life when instead, they were thrown into prison. As a result, “parents in detention who were previously effective and competent became depressed, which meant they were unable to play with their children, read to them, supervise them or look after their safety”.

The report cites a 2003 study of 20 children in a remote detention centre who had been detained for an average of 28 months. All but one child were diagnosed with a major depressive disorder and over half with post-traumatic stress disorder. The symptoms were almost exclusively related to the experience of

trauma in detention.

A case study details the case of a 10-year-old boy who, according to a psychiatric nurse employed by Australasian Correctional Management (ACM), began showing “clear signs of severe stress” in May 2002, after spending nearly one year in detention and a residential housing project. The nurse reported his condition and recommended that he and his family be released on a bridging visa. Between May and November, at the Woomera Detention Centre, the boy tried to hang himself twice and inflicted self-harm on at least eight occasions.

The Report contains extracts from no less than seven assessments on the boy’s deteriorating mental condition made to the Immigration Department between June and November 2002 by ACM and mental health professionals. In January 2003, the family was sent to Baxter Detention Centre and the report cites excerpts from two more reports on the boy’s deteriorating condition. The family was finally granted refugee status on May 25 2004, after more than three years of mental abuse. According to a newspaper report on May 27, the boy’s father’s condition “remains catatonic” and he is likely to stay in hospital after the family’s release.

The Inquiry found that food, accommodation and hygiene were often sub-standard, and that the provision of health services was inadequate. Food was considered “unappetising and monotonous”, the provision of baby formula was at times uneven, detainees sometimes lived in overcrowded conditions and were often used as cheap labour to clean (they were paid “the equivalent of one dollar per hour”).

Health screenings were inadequate. Certain medical conditions may not have been picked up and there was no regular follow-up to initial assessments and no routine testing of children’s sight and hearing. Children said they often felt that their medical concerns were not being taken seriously and that the standard recommendation for any ailment was “water and Panadol [a pain killer]”.

The detention centres were understaffed, with insufficient trained staff to identify the special medical conditions of asylum seekers or their children. Interpreters were also lacking, making communication of important medical information impossible.

The traumatic past of many child detainees, compounded by the detention environment, significantly affected their ability to learn. In addition, the education provided was woefully inadequate. Up to 2002, most children attended on-site schools. The inquiry reported the following failures: insufficient infrastructure, inadequate hours of tuition, inadequate assessments and reporting of children’s progress, lack of an appropriate curriculum and a shortage of teachers.

One teenage detainee described classroom conditions: “There was only one class and everybody like from five year old and I were put in the same class. And what they did was put up a photocopy of some basic mathematics in front of us and they were trying ... to teach me simple addition and these sort of things—basic mathematics.”

In September 2002 there were just five teachers employed at the Woomera Detention centre for over 450 children. In order to cope, adult detainees without Australian teaching qualifications were

sometimes asked to teach classes. Students received reduced hours of tuition. After 2002, detained children were increasingly allowed to attend local schools, but this was not universal.

The inquiry also found that mandatory detention breached the Convention by denying the special care needed for children with disabilities and those who were unaccompanied.

HREOC’s recommendations are based on the assumption that the detention system will continue. They include: the release as soon as possible of all children in detention; that the detention laws be amended “as a matter of urgency” to comply with the Convention; and that legislation codify minimum standards of treatment of child detainees.

Even if these suggestions were implemented, they would come too late for the many children who have already suffered. The policy of mandatory detention was introduced more than 10 years ago by the Keating Labor government.

The inquiry, with its limited terms of reference and unexplained delays in releasing its report, has essentially served as a political safety valve for the Howard government. For two-and-a-half years, vocal opposition to mandatory detention has been substantially channelled into the inquiry.

In the two years leading up to the government’s inquiry, as unrest built up within detention centres, doctors, psychologists, social workers, lawyers, church groups and welfare organisations condemned the official policy. HREOC received eight complaints during 2001 alone, regarding alleged rough handling of children by guards and lack of schooling for child detainees.

While the Howard government’s refugee policy has become increasingly discredited, Howard and his ministers have made clear they remain committed to the mandatory detention of children. They are being assisted by the opposition Labor Party which, despite advocating reduced incarceration time for children, confirmed its support for the underlying system of mandatory detention at the ALP National Conference in January.



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