

## ChilOut: Children Out of Detention Now!

ChilOut is a group of parents and citizens opposed to the mandatory imprisonment of children in immigration detention centres in Australia. Our motivation is humanitarian and non-political.



The UN Convention on the Rights of the Child was ratified by Australia in 1990. Article 37 (b) says “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time.” Australia is currently in breach of this obligation.

**Asylum seekers are not illegal.** Under the **1951** Convention relating to the Status of Refugees, to which Australia is a signatory, Australia must protect anyone fleeing their home country in fear of persecution. Asylum seekers should be assumed genuine unless proved otherwise. Because asylum seekers are persecuted by their own governments, it is often impossible for them to apply for travel documents in their own country.

**Australia is not being flooded by asylum seekers.** Despite the publicity and political point scoring surrounding boat arrivals, the number of asylum applications has actually decreased from 12,366 in 2000 to 5,766 in 2002. By comparison 12,500 tourist visa holders were removed in breach of their visa conditions in 2002-2003. At any one time, there are 60,000 overstayers illegally living in Australia. Most are British or American. They are not seeking asylum and most are never detained.

**Immigration detention is harming children.** On 13 May 2004 the Australian Human Rights and Equal Opportunity Commission (HREOC) report, *A last resort? Report of the National Inquiry into Children in Immigration Detention* was tabled in federal parliament. In the report HREOC condemned Australia’s treatment of child detainees as cruel, inhuman and degrading.

[www.humanrights.gov.au/human\\_rights/children\\_detention\\_report/report/chap09.htm](http://www.humanrights.gov.au/human_rights/children_detention_report/report/chap09.htm)

**These children become part of our community.** As of 15 May 2004 there are at least 156 children in formal detention. Children have been detained in the Pacific island country of Nauru since 2001. The HREOC report pointed out that detention was needless as “92% of all children arriving by boat since 1999 have been recognised by Australian authorities to be refugees.” In the case of Iraqi children the figure is 98%; for Afghan children, it is 95%. All the children detained on Nauru are Afghan or Iraqi.

**There is a better way.** Australia is the only country in the world that incarcerates children using indefinite, arbitrary, non-reviewable detention. There are many workable international models for the humane processing of asylum seekers. ChilOut believes Australia can do better.

### Want to know more?

Visit these web sites:

- National Inquiry into Children in Immigration Detention, including the report “A last resort?”  
[www.humanrights.gov.au/human\\_rights/children\\_detention\\_report/summaryguide](http://www.humanrights.gov.au/human_rights/children_detention_report/summaryguide)
- Where are kids detained? How many kids? How many babies? How long are they detained? Where are they from? How do they get here?  
[www.humanrights.gov.au/human\\_rights/children\\_detention\\_report/report/chap03.htm](http://www.humanrights.gov.au/human_rights/children_detention_report/report/chap03.htm)
- Refugee Council of Australia – [www.refugeecouncil.org.au](http://www.refugeecouncil.org.au)
- ChilOut – [www.chilout.org](http://www.chilout.org) – Contact us via our web site to join our Call to Action mailing list.

Children Out of Detention  
[www.chilout.org](http://www.chilout.org)