

Children in Detention

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Is there a country which is prepared to lock up open-endedly children who have been charged with **NO** crime? Is there a country on earth which removes fundamental human rights from all the children of a particular social group? Is there a country or culture that does not recognise the vulnerability and special needs of *all* children?

I feel shame when I answer the questions above with a yes, because that country is mine - Australia.

Perhaps I go too far in my assertion that the effects of Australia's mandatory detention policy for on-shore arrivals will be another scar on Australia's patchy humanitarian record, already overlaid with a history of jails, punitive detention and stolen children.

But perhaps I am only being prophetic. In years to come, I believe a future Prime Minister will be moved to say sorry for this unarguably pitiless policy.

Who are these disenfranchised children? They are the children who arrive in Australia with or without their parents but without the correct visa requirements – they are unlawful non-citizens, in the parlance of the 1958 Migration Act. When Australia signed the Convention on the Status of Refugees, we flagged to the world that we were a country with compassion which could - and would - offer protection to those fleeing persecution in their homelands.

The reality is very different. Australia willingly signed and ratified the 1951 Convention and introduced it into our domestic law. But we have spent recent decades amending our act and moving away from the spirit of this international agreement, tightening up its provisions to make ourselves as legally unappealing as possible as a safe haven for asylum seekers.

Amendment after amendment has ensured that the act we have now has removed the compassion and basic morality of the original Convention, until today in the six detention centres around Australia, we have a group of children - and adults - who are incarcerated indefinitely in some cases and appear to an outsider to have virtually no rights.

These defenceless and exposed children who arrive uninvited and unwanted seem to be regarded by our government as nothing but offal from the world's trouble spots. They form part of the "refugee problem" of "queue jumpers" and "economic migrants". As if a child's persecution is any the less legitimate because his family could scrape together the fare for the people smugglers.

Is this why we lock them up in conditions described by the deputy ombudsman as being worse than jails? Because they - or their families - could raise the fare to get here? Is it because we are afraid of them? Because they're a different religion or colour? Because they might be smarter than our children or work harder and succeed like the groups of previous refugees have done, taking out prizes in our schools and universities and working their way up to be leaders in their fields?

A bit of all these, I think. And, of course, it is popular government policy of a government that does not wish to lead, but to cower to what it perceives as popular opinion.

The tragedy is that these are *real* children.

There is a portentous anomaly. These children who have already suffered in their own country, who have made a frightening and perilous journey to get to Australia and are possibly already amongst the most traumatised of the world's children, have their trauma compounded by being taken to a forbidding place and locked behind the razor wire, their rights neatly incised. They are out of sight of the Australian people. If we don't see them, we don't know they're human. They can't be real.

It's an odd irony that in Australia our laws provide for mandatory reporting of suspected child abuse by professionals, and at the other end of the perspective, the mandatory locking up of child asylum seekers. We call both these government policy - one protects and one destroys.

We recognise the vulnerability of our own children but if these children are not our own we are prepared to put them in circumstances which, if it continues over a long period, can leave these children damaged for life. Can we afford to do this? In dollar terms this is an expensive exercise - \$105 per day per person - but in terms of humanity, the cost is incalculable.

During 1999 the most recent year of available numbers, more than 20,000 unaccompanied minors applied for asylum in western Europe, North America or Australia. Unaccompanied minors, UAMs, are children under 18 years of age, outside their country of origin, without parents or other legal or customary guardians to care for or protect them.

A minuscule proportion of these - **some 53 at the end of November 2001** were in detention in Australia amongst the total of some 582 detained children. The biggest group of UAMs, **about 40**, are in Woomera Detention Centre in the South Australian desert, far from any kind of community support mechanisms, where it is difficult to gain access to legal advisors for those who are screened out and visitors are all but forbidden.

The youngest UAM recently in detention, as far as outsiders know is an eight year-old boy from Afghanistan, although I have heard that this little boy is not the youngest UAM who has been in Woomera - seven and eight year olds, I am told are not so very rare. There's been a sort of solution to this little boy's situation, but I'll come to this later.

For privacy reasons, detailed information is not available on unaccompanied children although I'm sure most Australians would believe we all have a right to know what is being done to protect such young children and how their psychological needs are being met to ensure healthy emotional, physical and mental development.

I'd have done what this eight-year-old child's parents did if I lived in Afghanistan and could raise the money to get my child to a safe haven. Even though it would be in the knowledge that I might never see my child again, like most parents, I would do anything within my power to save my child.

The children I have come to know in detention have stories to tell that I previously would never have believed could happen in Australia. These children and their stories cannot be put aside. These children have witnessed suicide attempts, self mutilation by detainees, desperate depression of adults. There are few facilities for education or recreation. The camps (except Marybnong in Melbourne and Villawood in Sydney) are isolated and visitors are all but forbidden.

The first story I'll tell is of that eight-year-old because I have it straight from Philip Ruddock himself - we shared a radio platform - who seems very pleased with the outcome. When I first heard of this boy, I heard that he was wandering about aimlessly at all hours of the night, dirty and uncared for in Woomera Immigration Reception and Processing Centre. Now that's an interesting name for a jail. Then I heard that he had bonded with a family and was placed, with that family, in the Minister's pilot scheme in Woomera township.

For those who don't know, there is a special trial where women and children who are likely to be granted TPVs can live in the town of Woomera in specially set up houses under a form of house arrest. I have met a family who are in the programme and they tell me the house and conditions are wonderful in comparison with Woomera. The downside is that, although they are allowed to mix with each other, they can't wander around the town and meet locals. Although they can shop once a week, a guard (not in uniform, I am informed) accompanies them.

But, house arrest is a great alternative if the only other offer is a donga behind the razor wire.

To finish the story of the eight-year-old. The family with whom he was living were granted their TPV and released. The little boy was not. Never mind, they found another family for him to live with. So now, he has lost his own family in an effort to keep him safe from the Taliban, then he bonds to another family and loses them to the outside world and he is now placed with a third family.

I find it difficult to be as happy as the minister with this outcome as I have read a great deal of research material about trauma, separation and children in detention. The educated view is that what I have just described is likely to have a very detrimental affect on this boy's future psychological, emotional and even physical development. Maybe there'll be a happy ending. But I don't share the Minister's optimism.

One of my favourite families is from Iraq. The teenage children have not been to school since they have been in Australia. They left their home country six years ago seeking asylum from political persecution and have the last two years in detention Australia. These boys read and write Arabic. They also speak perfect English. But they don't just act as Iraqi/Arabic translators for others, they read and write English, too. Before they arrived in Australia they had never even heard English spoken.

The fifteen year-old is fascinated by Australian politics and discusses newspaper columnists and their political bias or fair-mindedness. He is a talented artist and has a wonderful sense of humour. His older brother has a sense of responsibility to his family rare in a seventeen year old. He, too, has an analytical mind and a warm and friendly personality.

This family is dark and handsome. Their manners are old-worldly and welcoming, they have a dignity and charm that attracts everyone who meets them. Yet their story is one of the worst of the child detention stories.

They have been locked in solitary confinement cells, one of them has attempted suicide twice and been put in a psychiatric hospital, the other has sewn his lips together as his only form of protest against what he saw as unacceptable treatment of his family by authorities.

Their younger siblings – six and eleven – have also been locked in solitary confinement with their mother with no toilet facilities but a supermarket plastic bag. These children were taken on an overnight excursion and when they were returned to Port Hedland IRPC their whole family was gone. They were alone and when they asked, they were told that their parents and older brothers were in jail. Both stopped eating and the younger one became mute.

There's a lot more to this story and all of it is one of sadness, but I can't tell it in further detail without identifying them. The family's refugee claims have been rejected, but because the family is Iraqi, they cannot be sent back as Australia has no diplomatic relations with Iraq. This means this family must remain indefinitely in detention, watching their friends released while their lives dwindle away by the day.

What an appalling waste of humanity. My family would take them to live with us and support them while they establish themselves, but we are not offered this alternative. They have to stay in detention, their cost of jail paid by the taxpayer – at \$105 per day per person, this amounts to \$4,410 per week of your money.

The story above is not a rare case. A ten year-old girl in Woomera was so traumatised after raids by guards in riot gear when she was locked in solitary confinement that she was too afraid to go to the lavatory when she was allowed out of her cell for toilet breaks.

Her trauma continued and she is now incontinent. Medical investigation showed no physical reason for this and now, some two years later her incontinence carries with it humiliation and every day she relives her trauma.

Six-year-old Shayan Badraie was a bright little four-year-old boy when he arrived in Australia two years ago with his mother and father. They made a hazardous journey by boat from Indonesia before their rescue at sea.

Soon after the family's arrival in Woomera, Shayan's sister was born. When she was only 35 days old there was a riot in the camp (in which her parents took no part) and the family's donga was pounded with water canon. Tear gas seeped in around the door, guards knocked loudly on the door at regular intervals throughout the night and came into the room in riot gear, their arms raised carrying batons. Shayan's traumas began.

From then on he witnessed a number of events that would leave an adult disturbed. Amongst the incidents he saw were: a detainee who shut himself in his room and set fire to it; a detainee threatening to slash his chest with a shard of glass, another detainee who climbed to the top of a huge tree and threatened to jump. With his family he was locked in Sierra compound, the high security area of Woomera with steel palisade fencing; and after being transferred to Villawood because of his deteriorating health, Shayan and his friend, playing outside the door, saw a man who had cut his wrists in a suicide attempt. Shayan saw the blood spilling from the wound and believed the man, who had gone into shock, was dead.

The minister has denied that Shayan witnessed such things but we have ex-staff, staff and detainee accounts that he did, in fact, see each of these tragic events and each time he was affected.

In fact, this final sight so shocked Shayan that he stopped eating and drinking and became mute. After being hospitalised eight times and treated by doctors at Westmead hospital he was discharged. He was not returned to the confining environment of Villawood, the catalyst for his mental and physical deterioration.

But instead of the family being reunited and receiving counselling to help Shayan put these experiences behind him, he was put in a foster home against all the advice of the medical team. The Minister for Immigration, Mr Ruddock, saw no reason to respond to letters from Shayan's lawyers and doctors at Westmead that he exercise his public interest discretion and release the family on a temporary protection visa to rebuild their lives.

Shayan's foster parents are doing a wonderful job. He is eating, and this term he began school but he is very angry. His parents phone him continually, however they are only permitted to visit him for **two hours** on each of the days of the weekend. Shayan's anger when they leave is palpable, I am told.

These are not the worst of the stories I have heard. I had not intended to tell the most poignant story of all because I was afraid to identify the children and jeopardise their chances of being accepted as refugees but I have learnt that colleagues who also visited Woomera with me have spoken about these children. These stories belong to the unaccompanied children and their sadness, confusion and feelings of powerlessness shames me more than any other aspect of Australia's detention policy.

I met a number of young boys and one girl. She is 15. She has a sweet face and wears a hand-embroidered headscarf and traditional Afghani clothes. She and her 11-year-old brother are orphans. Their mother died some time ago and their father was taken by the Taliban. They believe he is dead. They had been living with their grandparents who feared for their lives and their futures and decided to get the children to safety. They gave them to the people smugglers – seen by asylum seekers as saviours. The children had no idea where they were going.

When they arrived in Australia they had one interview with DIMA. After this, each morning this girl would dress carefully, take her chair outside the donga and wait to be called for another interview like all the other people. But she and her brother were never called. They had been screened out. They hadn't said the magic words: I was subjected to convention-based persecution in my own country, I have a great fear of returning, I am seeking the protection of your country and I want a lawyer.

These two children waited every day for almost six months, then miraculously they were back in the system. When I asked her how she was managing, she began to cry. She told how she had no one to talk to, but she was desperately worried. Her grandparents' last words as she and her brother left were: "We will try to raise the money and follow you, so we can take care of you in Australia." She had heard that a boat had sunk and she was certain her grandparents had drowned. She had no way of finding out if they were still in Afghanistan as there is no way of communicating at all. She sobbed and I put my arms around her - I have a daughter of the same age.

She told me that she cried often in her bed at night, and this was the first time anyone was with her who could comfort her. How can we do this.

I could go on with these accounts until the rest of this conference. I and my colleagues meet these families. They tell their stories because they want Australians to know – they are bewildered, sad and angry.

It is not necessary to be a psychologist to see that detention is an evil for all the children incarcerated. The body of evidence must surely be indisputable. Every time I leave Villawood IDC and the tall wire gates are locked behind me, I think of the abuse these children are suffering at the hands of our government policy, I think of the wasted humanity, I think of the children whose lives are thrown away behind the razor wire.