



## **Shayan Badraie court settlement**

ChilOut is pleased that the Department of Immigration has finally seen sense in relation to the case of a little Iranian boy who was severely traumatised by his detention at Woomera and Villawood detention centres in 2000-2001. However, nothing can un-traumatise his vital early childhood years.

In 2002, the Human Rights Commission found that the Department had violated Shayan's human rights while he was detained and recommended monetary compensation and an official apology. The Department did not accept the findings or recommendations. Philip Ruddock rejected the findings in Parliament.

While at Woomera in 2000, aged 5, Shayan was exposed to several traumatic events, including the following. In August, there were three days of riots and fires at Woomera, involving 60-80 detainees, in which tear gas and water cannons were used, in full view of the family's hut. In November, Shayan witnessed a man about to slash his chest with a shard of glass. By December, Shayan was experiencing nightmares, anxiety, not eating well and poor sleep. On Christmas Day, ACM strongly recommended to the Department that Shayan be removed from Woomera, due to his experiencing bed-wetting, sleep disturbance, including waking at night crying and at times gripping his chest and saying 'they are going to kill us', repeatedly drawing fences with himself and his family portrayed within them, social withdrawal, nail biting and aggressive behaviour at school. Nothing was done.

In January 2001, still at Woomera, Shayan watched a man climb a tree and threaten to jump. He and his parents were placed in the punishment compound, "Sierra", where Shayan was the only child.

In March 2001, Shayan and his family were transferred to Villawood. In April he witnessed a man fall to the ground, bleeding profusely, following a suicide attempt. Shayan believed the man had died. Following this event, Shayan would not leave his parents, hid under a blanket, wet himself, would not eat, would only drink small amounts of milk, would not speak, and could not sleep. He was then transferred back and forth from Westmead Hospital to Villawood over the next 4 months, and released into foster care with strangers in August 2001.

When Shayan's plight was exposed on *Four Corners* that month, ChilOut was formed.

In January 2002 Shayan was reunited with his mother and sister who were released from detention on bridging visas. In August 2002 the family was recognised as refugees and granted temporary protection visas (TPVs). Shayan was thus reunited with his father.

Last week the family was finally granted permanent protection, ending six years of uncertainty about their safety in Australia. During this time, Shayan has lived with the daily terror that he might, again, be returned to detention.

ChilOut reiterates its long-standing call to the Prime Minister to amend the *Migration Act* so that is in conformity with international law, specifically the United Nations Convention on the Rights of the Child. We also call for the abolition of TPVs as ongoing uncertainty continues to traumatise recognised refugees.

ChilOut continues to monitor the longer-term impacts of detention on other refugee children.

**CONTACTS: Dianne Hiles, 0425 244 667; Alanna Hector 0417 177 530.**

**[www.chilout.org](http://www.chilout.org)**