

REFUGEE COUNCIL OF AUSTRALIA

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MEDIA RELEASE

Joint NGO Media Release

22 November 2000

NGO Coalition warns Australia is failing asylum-seeker children

Children's rights groups, refugee advocates, and churches have joined together to respond with outrage to the media reports of sexual assault of a child in Woomera detention centre reported in The Australian today.

A coalition of NGOs support the Minister's announcement of an inquiry into this incident but still seek a wider inquiry into detention conditions overall, and has sent the Minister for Immigration and Multicultural Affairs an open letter about their continuing concerns for children in detention.

These concerns include:

- the manner in which the DIMA dealt with allegations of abuse in Woomera
- the claims made that Australasian Correctional Management (ACM) attempted to suppress allegations of abuse; and
- the lack of qualified people employed by ACM to work with children.

"It is clear that we are failing to protect the rights and well-being of asylum-seeker children in Australia." says Louis Schetzer, Director & Principal Solicitor of the National Children's & Youth Law Centre. "

"More than half the world's refugees are children. Yet when asylum-seeker children arrive in Australia without proper papers, we mandatorily detain them in isolated detention centres run by a private prison company. Woomera is the 21st century equivalent of throwing people into a prison hulk."

"The recent allegations show that there needs to be more transparency about detention, and better access to detention centres by community groups of all kinds, particularly in isolated places like Woomera." says Eileen Pittaway, Director of the Centre for Refugee Research at UNSW and an ANCORW board member."

"The best way to protect asylum-seeker children is to not detain them and their families at all." says Danny Sandor of Defence for Children International
"If the government will not change that policy, the very least required of

Australia under the Convention of the Rights of the Child is to make sure children are only in detention as a "measure of last resort" and for the shortest possible period of time (article 37(b), and that children in detention are treated in "a manner that takes into account the needs of a person of his or her age" (article 37(c)), and periodic review (article 25)."

Archbishop Ian George, Chair of the Christian World Service Commission of the National Council of Churches in Australia stated "One compromise solution put up by the churches could be to put all families with young children in one urban-based reception centre, fast-track their applications for refugee status, and make sure that centre has proper services and facilities to meet early childhood needs and offers proper protection."

The NGO coalition welcomes statements made by Acting Shadow Minister for Immigration, Duncan Kerr who expressed "deep concern" about "media reports that children as young as three years may have been hand and leg cuffed while others were the victims of sexual and other abuse while in migration detention facilities". Democrat spokesperson Andrew Bartlett has also voiced strong concerns.

The protection of children at risk is a community responsibility, regardless of citizenship.

Supported by:

Asian Women's Human Rights Council

Amnesty International

Australian National Committee of Refugee Women

Australian Catholic Migrant & Refugee Office

Christian World Service, National Council of Churches in Australia

Defence for Children International

International Social Service Australia

National Children's & Youth Law Centre

Pax Christi International (NSW)

Refugee Council of Australia

The Centre for Refugee Research, UNSW

Uniting Church in Australia – National Assembly

YWCA

Contact: Eileen Pittaway, ANCORW & Centre for Refugee Research, UNSW –
0418 462422 Open Letter – Children in Immigration Detention

22 November 2000

Dear Minister

We, the undersigned NGOs, community and church groups wish to express our concern about the allegations of sexual and physical abuse of young children in immigration detention. A number of us have previously raised such concerns with you on other occasions. Had such concerns been properly addressed, and the recommendations of the HREOC Report "Those Who Come Across the Seas" been fully implemented, the events of the last month may have been avoided. The issue now calls for a full and independent Parliamentary inquiry or Royal Commission into detention conditions as a whole and the effect of privatisation.

The recent events have that shown several reforms need to be made to the treatment of children in detention. ACM is a private company with experience in running prisons and may not have the training and sensitivity required to meet the needs of children. There needs to be a full resource of qualified staff with early childhood experience in detention. These staff also need to be able to deal with children's needs as if they were in the Australian community, for example, by contacting police if need be without fear of intimidation from ACM or being fired.

There needs to be a protocol on how to handle complaints or suspicions of assault against children, which is transparent and subject to community consultation from childcare experts.

It is important the federal government take immediate action, especially given the recent criticisms by the UN Committee against Torture which further highlight the problems in Australia's refugee and incarceration systems.

It was reported on ABC news last week that when asked about the Woomera sexual assault allegations at a consultation, you responded that your department knew about them in April, that they were being fully investigated, but that you were "reluctant to believe them" as they are part of a separate campaign.

"I think there is a broader agenda to dismantle the mandatory detention regime because the people involved believe intrinsically that people should not be held if they turn up unlawfully, they should be released into the community," you reportedly said

In this context, those remarks are quite disturbing. Most children's rights advocates would no doubt prefer children to be in the community with their parents as opposed to detention, as the potential for protection of their rights is obviously greater, and psychological studies show the experience of prolonged detention exacerbates trauma symptoms. However, the link between the campaign for alternatives to detention and the veracity of the

Woomera allegations is not at all clear, and potentially misleading to the public. Be assured our motive is humanitarian, not political, particularly considering detention is a bipartisan policy.

Regardless of whether the policy of mandatory detention is changed, Australia must meet its obligations towards children under the Convention on the Rights of the Child. If this means that families with young children should be placed in one urban-based detention centre where the special needs of children can be catered for without need for a high security environment, that may be one solution. We would especially support children in detention being allowed to go to outside for schooling and excursions.

We would support the model proposed to you by Defence for Children International in a letter dated 27 June 2000. Concern for the welfare of children unites all Australians and it is in the public interest for an independent review/monitoring process to be established. This would reassure Australians that children in detention centres were being properly cared for and provide the Government with immediate feedback on any emerging problems. A review panel(s) is one approach. Such a panel(s) would include a representative from the local statutory child welfare authority; a person knowledgeable in child mental health; a person with the appropriate cultural knowledge; a representative from a respected children's agency such as UNICEF; a representative from a refugee advocacy body and an Immigration representative.

In addition, we would ask you to seriously consider that a designated representative be appointed to act for every child refugee claimant, accompanied or not, as occurs in Canada. The representative would be required to act in "loco parentis" in the absence of a traditional caregiver, bridging the gap between the substantive legal considerations and the child's care and well-being.

The above steps, if implemented, would be consistent with the Government's obligations under the UN Convention on the Rights of the Child to which you are committed.

We appreciate the current efforts of the Department to fast-track cases involving children.

We would be happy to consult with you and the department about how constructive solutions to the ongoing issue of the protection of children might be achieved.

Yours sincerely
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Australian Catholic Migrant & Refugee Office

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