

24 January 2002

**Background notes for media
Commission visit to Woomera Immigration Detention Centre**

Staff from the Human Rights and Equal Opportunity Commission will be visiting Woomera Detention Centre over the next few days as part of the Inquiry into Children in Immigration Detention, announced on November 28 2001.

They will be inspecting the facilities and collecting detailed information about the circumstances in which children are being held at Woomera and information to help the Commission determine whether the human rights of the children are being protected.

The Commission will be examining compliance with the Convention on the Rights of the Child, for which the Commission has responsibility, in particular articles 37 and 19.

Article 37 (b) states that: No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

Article 19 (1) states that: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

The Department of Immigration, Multicultural and Indigenous Affairs has confirmed the involvement of children in recent protests which have included hunger strikes, people having their lips sewn together and swallowing substances. The Commission is deeply concerned about the children's vulnerability and the potential long term effects of witnessing or taking part in dangerous, harmful protests of this nature.

The Commission staff will not comment to the media about their immediate impressions. The staff will report their findings to the Human Rights Commissioner Dr Sev Ozdowski when he returns from his detention inspection visits to Christmas Island and the Cocos Islands next week. The findings will form part of the Inquiry report.

Urgent issues or findings will be raised directly with the Federal Government.

NEWS RELEASE



Human Rights and Equal Opportunity Commission

6 February 2002

Media Statement by President Professor Alice Tay AM and Dr Sev Ozdowski, Human Rights Commissioner OAM

Woomera Immigration Detention Centre Report of visit by HREOC officers

HREOC officers recently completed a fact finding mission to Woomera IRPC, as part of the National Inquiry into Children in Immigration Detention currently being undertaken by the Commission.

The five day assessment was extremely thorough and included interviews with children, children with their family, parents, single men and women; in all, eleven families were interviewed and approximately twenty children.

The officers also spoke with the DIMIA Business Manager, the ACM Centre Manager, as well as the following ACM staff: Director of Programs, Medical Services Co-ordinator, Medical Officer, ACM officers (including an ACM officer responsible for unaccompanied minors) Activities Officer and Psychologist

All members of the Commission met on Friday 1 February to consider the report of the visit. Based on the evidence provided to it, the Commission concluded that there are clear breaches of the Convention on the Rights of the Child, to which Australia is a signatory.

Summary of Officers' Observations

Self-harming behaviour

The official statistics provided to HREOC officers by ACM indicated the following incidents of self-harm occurred over a two week period:

Lip sewing	5 children (one 14 year old sewed his lips twice)
Slashing	3 children (the above child also slashed "freedom" into his forearm)
Ingestion of shampoo	2 children
Attempted hanging	1 child
Threats of self hurt	13 children

This is a significant proportion of the total child population of 236 at the Centre. It would indicate that, not unsurprisingly, children are responding to the atmosphere of despair in which they live. It is self-evident that manifestations such as these are likely to permanently mark the psychological outlook of these children. HREOC officers in discussion with ACM found no evidence of parents encouraging children to engage in acts of self harm.

Join our Media email list and receive our media releases and information bulletins electronically.

Email listhreoc@hreoc.gov.au with the message SUBSCRIBE MEDIA (Type this in the email's message area, not in the 'Subject' line.) You will receive a Welcome message confirming that you have successfully subscribed.

Visit our website at <http://www.humanrights.gov.au>

Interviews by HREOC officers with children produced many responses that indicated a propensity for self harm and suicidal thoughts.

Examples from three interviews:

Interview 1 (12 year old girl)

“I am getting crazy, I cut my hand. I can’t talk to my mother. I can’t talk to anyone and I am very tired. There is no solution for me – I just have to commit suicide – there is no choice.”

Interview 2 (16 year old boy)

“Some of us, we not have anyone in here. What can we do except kill ourselves? If no-one help us, I kill myself. If I kill myself, at least I do something for the people.”

Interview 3 (13 year old boy - quote from family member)

“We notice that while he sleeps he talks and screams: “fire, fire, fire”, and jumps up from sleep in nightmares... We ask him to go and bring a book and he forgets about that and when he is walking he walks disordered and is not concentrating.”

That children are suffering psychological trauma from these experiences would seem beyond doubt.

Schooling

HREOC officers also observed that despite ACM’s efforts to provide schooling opportunities for the children, this is confined to those aged twelve and under, and is not comparable in any way to the education received by Australian twelve year olds. There are a number of children over 12 years of age who virtually receive no schooling at all. All children are taught in the one classroom. Education is provided for a total of only two hours a day, four days a week.

This is contrary to Australia’s obligations under Article 28 of the Convention on the Rights of the Child to provide educational opportunities to all children within its jurisdiction

Conclusion

Breaches of the Convention on the Rights of the Child

Based on evidence such as that referred to above, the Commission is of the view that Woomera IRPC places the Commonwealth in breach of its obligations under the Convention on the Rights of the Child, particularly (but not restricted to) Article 19(1) *“State parties shall take all appropriate legislative, administrative, social and educational measures to protect the children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, whilst in the care of legal guardian(s) or any other person who has the care of the child.”*

Join our Media email list and receive our media releases and information bulletins electronically.

Send an email to lists@hreoc.gov.au and type the words SUBSCRIBE MEDIA in the message of the e-mail (not in the ‘Subject’ line). You’ll receive a message from us that welcomes you to the list.

Visit our website at www.hreoc.gov.au

The Government also needs to reassess its position concerning Articles 6(2) (child's right to survival and development); 22(1) (ensure the protection of rights of child refugees or asylum seekers); 24 (child's right to highest attainable standard of health); 27 (child's right to adequate standard of living); 31 (child's right to play and recreational activities); 37(c) (the right of the child deprived of liberty to be treated with humanity and respect); 39 (promotion of physical and psychological recovery of child victim of neglect, abuse etc) and most particularly 37(b) of the Convention which states: "... .. *Detention shall be used only as a measure of last resort and for the shortest appropriate period of time.*" with particular emphasis to Woomera.

HREOC officers reported that Woomera IRPC is now enveloped in a self-reinforcing miasma of despair and desperation, and there was a wide spread sense of despair due to the length of time in detention and the concomitant uncertainty over status. It is this uncertainty that asylum seekers have indicated is at the root cause of fire and property destruction in November and hunger strikes and incidents of self-harm in late January. This is not an appropriate environment for children.

The Commission has written to Immigration Minister Mr Philip Ruddock bringing these breaches to his attention. The Commission now awaits the Minister's response as to how these breaches will be immediately rectified.

Media contact: Janine MacDonald: 0408 469 347

Join our Media email list and receive our media releases and information bulletins electronically.

Send an email to lists@hreoc.gov.au and type the words SUBSCRIBE MEDIA in the message of the e-mail (not in the 'Subject' line). You'll receive a message from us that welcomes you to the list.

Visit our website at www.hreoc.gov.au