

National Inquiry into Children in Immigration Detention 2014

Melbourne Public Hearing

Wednesday, 2 July 2014

President	Could I now call our next witnesses from the Asylum Seeker Resource Centre, Mr Kon Karapanagiotidis and the Brigidine Asylum Seekers Project, Sister Brigid Arthur and Ms Pamela Curr also from the Asylum Seeker Resource Centre?
President	Thank you Sister.
	Oath is being said here by all parties
President	Thank you very much indeed. Well, if I may, I would like to begin with the Asylum Seeker Resource Centre and I wonder if you have an opening statement?
Mr Karapanagiotidis	Yes, thank you.
President	Thank you.
Mr Karapanagiotidis	I'm going to give a very broad framework and then I will allow Pamela and Sister Brigid who worked at the coalface at the MITA Detention Centre to give you the hands-on case studies.
President	Thank you.
Mr Karapanagiotidis	For us at the ASRC over the last 13 years we have seen first-hand the devastating impact of detention on children. And we see it in two critical ways. We see it in the family environment and we see it with children themselves. Post-detention we see children continue to struggle in regards to being able to form healthy and adaptive relationships. We see children continue to struggle to have healthy and functional experiences as adolescents. We see parents so traumatised by their experiences of detention, they continue to struggle to form healthy bonds with their children, healthy role models for their children and healthy behaviour. One of the most critical things that's often hidden in all of this is the way in which the impact on parents filters so deeply down to children. You have a detention environment where all the things that a parent needs to form healthy relationships and boundaries for children are taken from them. A parent cannot assert themselves. A parent cannot draw boundaries. A parent cannot role model

healthy behaviour to their child. A parent cannot provide that child with any sense of security, any sense of safety, any sense of certainty. All the things that any mother or father in this room practices on a daily basis around nurturing a healthy functional adaptive and socialised child is impossible in a detention environment. The fact that these children not only have parents unable to have any power and agency to be effective parents for their children but the fact the detention environment so deeply traumatises these children and their parents so much that often the children, as you've heard before, are often having to play the adult figure. They are often playing interpreter, they are often playing the one trying to keep the family together and that has a profound impact. We almost need to look at it like an ecosystem and think to ourselves what are all the critical things that any child expert will say? I mean there's medical research done globally that says after six or seven weeks children start to be scientifically, medically harmed by detention. It's not even in dispute, there's no point even debating that. The critical thing is the depth of it, the extent of it and the period of it in going how else could a child possibly not be damaged in such an environment. For the children, what we see when they come out of detention is they're often still years later trying to come to terms with the fact they have grown up in an environment where all the critical developmental stages they need have been taken from them. The ability to play, the ability to healthily socialise with other children, the ability to grow up in a healthy non-abusive environment. To be surrounded by adult figures that are deeply shamed and guilty at the fact they can't protect and care for their children. That they can't guarantee them their safety. That anxiety and panic and hyper vigilance is not just seen in adults but is also seen in children many years later, where you are living in an environment where there is no privacy, there is no freedom, there is no security. It has been well documented nationally that there are numerous incidences of children self-harming in detention, whether there is children going mute, whether there is children cutting themselves, whether there is children butting heads against walls. All symptoms of children that have lost control of their environment and are trying to assert some control or are protesting against their detention. What deeply troubles us is not just that the period of time that children's detention is longer than ever before but that what we are seeing playing out in the detention environment right now which is our Minister for Immigration deliberately creating a state of terror. Letting people know and this is on public record you either go home or you will remain in detention for a very, very long time. That sense of terror and we've seen that with families being moved from Inverbrackie and from MITA to Christmas Island in the middle of the night 3am rounding up like they're bloody animals. The state of terror is having a profound impact on the sense of safety and security. It is not normal for children to have the nightmares, bed wetting, sleep disturbance, loss of appetite, depression, anxiety that you find in children that age. It is not normal to have children thinking of self-harming, having suicidal ideation and having destructive

	<p>behaviour towards themselves. It is not normal on a final note to have a mother not be able to capture her baby at different ages and even be able to hold that memory because she's forbidden from even taking a photo of her child. It's not normal, it's not sane, it's not moral, it doesn't belong in any decent society that we continue to do what in any other environment would be considered child abuse. I'll stop there. Thank you.</p>
President	<p>Thank you very much. Before we move on I wonder Mr Karapanagiotidis if you would just tell us a little bit about the Asylum Seeker Resource Centre? What do you do? What services do you provide? In other words, what is the basis for your being able to give evidence about these conditions?</p>
Mr Karapanagiotidis	<p>My expertise comes from running the largest asylum seeker organisation in the country. We've assisted over 10,000 people seeking asylum either in a community or in detention. We've provided over 2.5 million hours of direct services to asylum seekers. We run 23 different programs from health centres, legal centres to torture and trauma counselling services, have a team of over 50 paid staff, 1,000 volunteers, 2 centres and we would be working actively with more asylum seekers coming out of detention and without any basic safety net than any other agency in Australia right now.</p>
President	<p>And you do visit the detention centres regularly?</p>
Mr Karapanagiotidis	<p>We do. We do regularly visit the detention centres and over the last 13 years have legally represented hundreds of asylum seekers and provided torture and trauma case work and medical services to hundreds of people after coming out of detention and Pamela Curr and Sister Brigid can talk about their weekly visits to detention and their thousands of hours of work in the detention environment but it's an area that we have great expertise in and have spent thousands upon thousands of hours over the last 13 years assisting in.</p>
President	<p>Thank you very much indeed. Ms Curr. Pamela?</p>
Ms Curr	<p>Look I am here today in a way as a witness and I just wanted to talk about the things that the parents and children have told me. Sister Brigid and I have a unique position because we visit the detention centre several times a week and because as designated persons we are allowed to take the families and the kids out on outings to picnics, lunch, playgrounds, a whole range of activities and they share information in that time. They also trust us because they see that we're separate to Immigration and Serco and so we're seen as outsiders and somebody you can trust. Yesterday I asked a father, I was sitting, there was a kindergarten session, a volunteer kindergarten session at the MITA. Because its school holidays and there's no activities for the children when they don't go to school</p>

there was a whole range of ages in the visit centre from about 15 down to babies. I asked this father what he thought was the hardest thing about having a son in detention and he said a dad can't be a dad in a detention centre. And I asked him what he meant and he said that his son, who was 4 had told him two weeks ago, said dad, he calls him 'dad' and Appa between the English and Farsi and he said "you don't have any power, the officers have all the power" and he was quite shocked the 4 year old would observe this. He told me that his son was bed wetting which he had never done before. There are other parents who tell me that their children wet the bed every night. Which they hadn't. There is another father who said my son has started to stutter, he is 4 years old, hadn't done it before. This man told me that when they arrived on Christmas Island the boy was three and on arrival the mother was taken to Darwin for medical reasons for 80 days. He said "my son had never slept or been separate from his mother in his life and I had him the detention centre on Christmas Island for 80 days and he was crying, every day and every night for his mother". After this time they were eventually reunited in Melbourne. When the guards come to the doors as Dr Jureidini has pointed out, what is called a welfare check or it's a head count, at the MITA they used to come at 11 and 5 they now seem to have scaled it back to 5.00 am and they call out, they bang on the door, open it and say how many? And in his sleep he said I automatically say, when my wife was away, I would say 2 and he said my son woke up and said "no Abba, 3, we are 3". The children are acutely aware of the fact that their parents can be taken away from them. They are distressed, we see it. We also see that when they go out of detention there is a release. We took some children out on Sunday and it was a pretty foul wet day, so we went to an indoor playground. There were four cars in all, we were waiting for them to come. There were about five children there. They went into the area with this wonderful colourful children's playground and they all stood, and I said "go on, you can climb and they said are we allowed?" So it was only when the bravest boy, the 9 year old, I said "come on let's go" and we – I didn't climb obviously, up the slide and it was only when he went up the slide and called out that the others followed. The detention environment is not made for children, you know there are rules that all to do with being adults. They have to go to the meal room at certain times, the mothers are not allowed to take food out of the canteen, out of the dining area and of course children don't always eat at regular times. An 11 year old boy who was released recently, I went over to dinner with the family and he said to me "you know I thought I would feel good..", he said "I thought everything would be okay when I got out of detention. But he said "I still wake up at night and I jump, jump out of bed" and he said "I can't forget that the guards shouted at my mother and took the food away from her and threw it in the bin behind her, when she tried to go out of the dining room with some extra food because my sister wouldn't eat dinner". And he said "my father couldn't say anything because if the fathers get angry and speak out", he said "it would make a problem, big problem

	<p>for all our family". So when you listen to the kids you see that they are acutely aware that their parents have no power and that they don't feel safe, they know that their parents can't speak out for them.</p> <p>This boy one night, I went to visit and he said," look at the roof out there" and there is sort of low part of the roof, just outside the MITA visits area, he said" I've been thinking about this, he said I really want to climb up there and I want to jump". And he said "I really want to do it, I've had enough" and I said to him," have you talked to your parents about this?" and he said "no, I can't, they're sad enough already, I don't want to make them sadder." And then he said "but you know if I jump I make a problem for my family, so really, I can't do it, and I won't jump."</p> <p>Now, if we report children who tell us that they are having ideas of harming themselves and they do say these things because they see adults around them do things, but we know that the way they will be treated is to go on to PSP. PSP is Psychological Support Program and what that is really is a suicide watch. And so at the moment this 15 year old boy being watched because he has cut himself. What happens is a guard follows them around all day and sometimes sits in the room at night or sits at the door at night and it really drives them crazy, so it's not very therapeutic.</p> <p>The other concern I have is that I know that the medical staff write reports because I have seen them, saying that a child can't be cared for in detention. Those reports are absolutely ignored. There was a 15 year on boy who had been on Manus he was suicidal in January this year. The family were not released until May. That whole family fell apart and the boy, the 15 year old boy was put on antidepressant drugs because the medical staff reports were ignored. The decisions made to release families are not made in Melbourne, they are made in Canberra by people who never see the families and never see the kids. And so the professionals here can write reports until they are blue in the face. The Immigration staff can put the case requests on the desks in Canberra, but doesn't necessarily mean anything is going to happen. I will leave it there.</p>
<p>President</p>	<p>Well thank you Pamela and I think it is very important to the inquiry that we have those individual stories and illustrations which are very powerful and very moving I think for all of us. But I think you make the point that it's children that we are dealing with and the circumstances of each child and that after all is our mandate at the Australian Human Rights Commission. So we really appreciate your giving us those insights into individual stories. What I think might be the best way of dealing with the issues is to ask Sister Brigid to make an opening statement as well, and then if I may I will perhaps direct some questions that you might choose to answer across the group, rather than repeating questions, so Sister Brigid, do you have an opening statement?</p>

Sister Brigid

I would like to talk particularly about both unaccompanied minors and women who have had babies in the detention centre. Women who have been sent either from Nauru or Christmas Island to give birth to babies. I won't say too much about the unaccompanied minors, there are only a few in MITA at the moment but I think that it is important that we say something about them. There are probably six, I think unaccompanied minors who have been re-detained in MITA at the present moment and there have been two unaccompanied minors who are 13 and 14 years of age as I understand it. With the ones who have been re-detained there seem to be no charges, no representation and from their point of view and I can only speak from their point of view, there is no knowledge of what's really happened, when the process is going to be finished, when they are going to get out of detention and what they can do really to help themselves. Common themes in terms of why they got re-detained are, that they had some altercation with their carer, sometimes with a carer that they'd met for the first time. And the boys on the whole, there are all boys, are bewildered and aggrieved because from their point of view they have been told things like you'll be given three warnings before you are ever sent back to detention, then they receive two and then somebody picked them up and put them back into detention. One of those boys after he was picked up was sent to Maribyrnong which is a more stringent sort of detention atmosphere and he told me that he stayed awake all night for safety reasons because he was scared of the other men who are detained there.

I won't say any more about the unaccompanied minors, but we can later.

Maybe I might make one point, that I think that the whole of the detention of teenagers is based on, you must be compliant and compliant if you happen to be in community detention, if you are not you can be re-detained and when you get back into detention you must be compliant or you will go on being detained and I think that is very questionable sort of regime for young people.

The women who have babies when they have been sent down from Nauru or Christmas Island, I will just give you one instance of a woman who came in to have her first baby. I met her and actually spent some time with her, took her out of the detention centre. And she was very bright, very keen to have this first baby, wondering all sorts of things, like an ordinary mother for the first time. Then she had the baby and I saw her just only a week later and she looked, her eyes were dull and she looked very different and by two weeks later, she was actually so depressed that she had to be hospitalised and when I saw her again she said, "I shouldn't have had this baby, this is not the time", And I went on talking "but you know you wanted the baby" and so on and she said "yes, but this was not the time, this was not the time when I should have had a baby." She is still in a state of depression.

The fathers of these particular babies, if they have any other children the effect on

them seems to be that they are very scared about what is going to happen to the babies, but in particular, what is going to happen to the other children, because the mothers are not able to look after the new baby and look after the other children. The other children are clinging to their mothers and sometimes can't sleep in the same room, they usually have these two areas side by side and the slightly bigger children always want to go and sleep with the mother, but then they can't so there is a huge amount of distress.

One of the women, one of these particular women if I just tell this story, I went out to visit one evening, not long ago, three or four weeks ago. And I met the father and he was in a state of huge distress and he came and said could I help, could I do something about the situation because his wife had been taken into a hospital, he didn't know which hospital. Now I am not saying he wasn't told, but he didn't know, he didn't appear to know where she'd gone. He said that he'd been told that she could be gone for two hours or two weeks and that he still had the baby who was being breastfed and he was just very distressed. I went and asked the people on duty what was actually happening and they told me that an arrangement would have been made for another family to look after that baby. But when I went back and told the father that, he said he didn't understand that what was happening and he was very scared about how the baby would be fed during the night. The baby didn't appear to be crying and so I asked what was happening right then and he said that a woman down there whom I knew another lady who'd also just had a baby she is actually feeding the baby now. I understood that that was that she was breastfeeding that baby and subsequently I asked several times was that what happened? And I was told yes that's what did happen. That's what not the authorities have agreed to happen but that I was told that several times. I understand that the mother expressed milk during the night and that the guards went down and got the milk and brought it back to MITA and it wasn't until the next day approximately a day later that the mother was brought back to re-join the family. Very recently one of the women was ... one of the families was sent back to Christmas Island and that has sent shock waves through the other people because they are all scared now that that's what going to happen to them. They were very distressed because they didn't get a chance to say goodbye to this woman. They are a fairly tightly knit little group because you know they have all given birth at the same time virtually and some of the women who are quite ... very friendly with this woman who was sent back said "I didn't get a chance to say goodbye this is terrible and I assume that we are going to go soon too". I think maybe I'll stop there. Their worries are very real. They are grateful for any small assistance maybe I'll just tell one story of taking this is not the newly born babies now, taking one family out to the Collingwood Children's Farm which was just a great day. Whenever we do this sort of thing this is just one instance of many that are very similar. The fathers and the mothers but in particular the

	<p>fathers say to us “it is so good my little girl or my little boy is so happy today thank you so much for letting them to be happy for one day” And this little kid on this particular day was wondering around hugging the chooks. I don’t think it was very good for the chooks but anyway and then she fell in love with the goat whom she found that the goat’s name was Daria and she kept saying as we were going around “can I see Daria again and then bye-bye Daria” When we got back to the detention centre she said I hope I will see Daria again”, Yes that one really touched me.</p>
President	<p>Yes, well thank you very much Sister Brigid. I wonder ... I might ... I will come back to the unaccompanied children and again of course to the babies but I wonder if we could just explore some of the broader points that you have made in a little more detail just for the purposes of the evidence. A lot of what you said answers the questions that I had but I wonder if we could perhaps be particularly focused on what the particular conditions in detention are that have a deleterious effect on children and particularly on their mental health and wellbeing. Can you give us your observations about the ... so what we are trying to get to is what is the effect of detention, closed detention on these children obviously on their physical health but I imagine we are finding of course that it’s mainly mental health and wellbeing. Could you just give us some of your impressions of that for the record?</p>
Ms Curr	<p>Well the children that we see did not go to school for 7 months.</p>
President	<p>Can you be clear as to where that was at in Australia or Christmas Island?</p>
Ms Curr	<p>When they are in the MITA and as you know Broadmeadows are surrounded by multiple schools.</p>
President	<p>Indeed.</p>
Ms Curr	<p>In fact we had the Human Rights Commission to thank for the fact the children did go to school because they were sent the week before you arrived after we’ve been writing multiple letters. Now there was no excuse for that, I asked the manager then the children who were there were long term children going to school but they said that children from Christmas Island there was no point sending them to school because they are going to go back to Christmas Island. There are children in the MITA who did not go to school for 11 months, 9 months, 13 months because they are on Christmas Island or on Manus or yes mainly Manus and then they’ve come down to the MITA and so they have had a whole year without education. I’ve seen the children in the morning banked up against the gates waiting for the guards to open them to run. The kids universally want to go to school, they love school. After school there were no activities. You have to</p>

	<p>understand that there are no bikes, no scooters, no play equipment for children in detention. There's a playground, a plastic playground for the little ones but because it is a risk-averse environment, there's no big activity that can take place. I asked whether we could take in those walking bikes and scooters and I was told no, that it was too dangerous. I have asked why they don't take the children, put the kids in the bus, it's school holidays now, they're sitting out there doing nothing, wandering around. There are buses, there are 10 buses lined up all day. Put them in the bus and take them to a playground. They say, no we would have to assess it for risk and it would not pass the risk test. So it is for these reasons that kids can't have a normal, physical environment to develop in and they get miserable and sad.</p>
<p>President</p>	<p>And that's where my question if I can call you Kon, if I may, what in your observations has been the impact on the mental health and wellbeing of the children, as a consequence of the policies that Ms Curr has outlined.</p>
<p>Mr Karapanagiotodis</p>	<p>When we see the children at the ASRC after they've come out of detention, what we see are the symptoms that last for years later. So, we're talking about still working with children and young adults or as 16, 17 year olds or as young adults, where they continue to struggle with simple things like flashbacks, is a constant thing for them still, nightmares, sleep disturbance, ongoing depression. All the symptoms that you would typically find in post-traumatic stress disorder. That is, people, even though they've come out of the detention environment, the trauma and Dr Jon Jureidini captured it perfectly before about the trauma of the detention environment actually outstrips anything they've fled from. That is almost a universal experience that we see or where we started working with young people that we met in detention who didn't initially have mental health issues, only to have them after detention. So you're seeing all those classical things around, and along with that the difficulties about being able to socialise, forming friendships, continued social isolation from their peers, difficulties settling and fitting into a school environment. It's extraordinary how resilient the children are, that we don't see more tragedies once these kids come out. But I suppose because they're surrounded by so much love and support in the community. But you see it in low self-esteem, social isolation, depression, anxiety, difficulty forming attachments to other people their age. Difficulty holding down healthy relationships, moving towards things like drugs, alcohol, self-harming behaviour. But where does all that go? I mean where does all that anger, and that trauma and that lost childhood go? And often what you see happen is young adults, where they act out that anger, typically on themselves, through self-harm and a few other destructive behaviours as their way of trying to come to terms with what's happened and the fact that no-one's acknowledge what's happened to them, no-one's taken responsibility for it and they often look at their parents as part of the cause as well.</p>

	<p>A common one, why did you bring me here, why did you put me through this? You've got a devastated parent going I just wanted to protect you from being killed. And they're sitting going you destroyed my life, you took away my childhood. So you can just picture what a toxic, destructive environment it is, especially when they're dumped with no transition, no proper support and it's often agencies that aren't funded that are in the coal face, picking up the pieces.</p>
President	<p>Well thank you I think that encapsulates what we want to know about what you see as the impact on children, most particularly in the community and obvious when you're visiting later.</p>
Mr Karapanagiotodis	<p>Years later.</p>
President	<p>I wonder if I could come back to Sister Brigid and ask, we are very interested in the unaccompanied children and understanding what they say are their motivations for moving. Why did they come alone, why would they make such a dangerous trip away from an environment where presumably they did have school? Can you tell us what you know from the comments they've made to you?</p>
Sister Brigid	<p>I've had some, they've mainly been young boys. Some young people say my mother arranged for me to go and when you delve into that a bit more it would be that either there was an older brother who was killed, a father who was killed and then I can think of two instances where both said my mother just packed me up – and they were really quite bewildered I think about why they were being sent. I mean they could see at one level it was that other members of the family had been killed but why didn't the mother let, I mean one said to me why didn't my mum leave me there to look after her, because now she's got no-one to look after her. But then in other cases one young man I can remember said that he had been separated from his family, he didn't know where they were, he wandered around, he left home when he was 11 I worked out. Certainly no later than 11, he might have been younger because he had no sense of the number of years. But he certainly couldn't have been any older than 11 and he wandered around from country to country and then eventually ended up in Australia. I said "how did you get on a boat or whatever?" and he said the person who was the agent who was arranging it said, he said "Can't I get in, can't I get in? And I kept on trying" and they kept on saying 'no' and then the agent said "Oh, you're very little, go on get in." So I think a whole variety of backgrounds for these kids.</p>
President	<p>Ok. Thank you. That just gives us a little bit of perspective, because I think Australians are curious as to how this could happen and most particularly for such a young child. How they get on to this pathway.</p>

Sister Brigid	If I could just interrupt, one other girl who came, came because her father was here, her mother was back in Pakistan and she just disappeared from home and the mother was beside herself and she'd found herself, she'd attached herself to another family and then just kept going and going until eventually she got here to find the father.
President	And now to finish if I may to ask a question about the babies and your role as an advocate for the babies in a way the facts speaks for themselves as why this is happened. Nearly 130 babies have been born in Australia over the last 15 months. What is your view of the policy that these children are not or cannot be Australian Citizens because of the policy? And that they are technically under the Migration Act defined as having being born outside Australia when we know is a physical fact they were born in Australia?
Sister Brigid	It's very peculiar isn't it and I think it's just a loophole in the whole Act that they are regarded as really they are not regarded as being born in Australia and yet they obviously were. I can't answer that much except to say that the mothers are told that within six weeks they will have to go back to Nauru those who have come from Nauru and as I have said before someone at least has been sent back to Christmas Island and I think only a legal decision will stop that happening and I guess from my point of view I certainly hope that that legal decision is made because it seems just incredible. I have talked to a couple of people on Nauru and what they tell me about the health conditions there, but they sound absolutely impossible for any mother to go back to raising a small child.
President	Thank you.
Mr Karapanagiotidis	Sorry, this will take 30 seconds. It is very important to know the new Senate proposed legislative changes which will result in families who are accepted as refugees who then have a baby born after their grant protection that child will no longer be able to rely on the protection claims of their parents to get a visa and that will have profound ramification for children born after their parents have granted protection.
President	So a growing number of children born in Australia. Yes I think obviously that's a legal question that will hopefully be addressed. Just one last question because its directly relevant to the inquiry. You have described in a particular example the mental distress of a mother who appeared to be healthily responding to having a baby but declines over the weeks and months after when she realises what the consequences are going to be. Is this systemic? is this happening over and over again or are these unusual examples?
Sister Brigid	Of those women who have actually come to the MITA there's more that have been

	<p>in such a state that they have been hospitalised in mother baby units than not. It's a fairly small cohort, but in terms of that particular group it seems to be systemic.</p>
President	<p>You are seeing it more frequently, because this is what we are really trying to come to grips with. Well I really appreciate your willingness to come to give us this very powerful evidence that I think of course, raises the questions that we will now ask both the health service delivery company and of course the Government to explain how they are responding to the evidence that you have given. Thank you all very much indeed. What I would like to do now if I may is break until 11 o'clock and come back reasonably sharply if we may because we have a lot of evidence to get through. Thank you very much. Could we come back at 11:30 am is a longer period for the break, 11:30 am, thank you very much.</p>