

National Inquiry into Children in Immigration Detention 2014

Submission No 134

Name withheld

Child Protection and Support Worker

The appropriateness of facilities in which children are detained

- How would you describe the immigration detention facility? Are there fences, checkpoints and mechanisms that limit the movement of children?
- Is there access to a natural environment for children?
- Is there private space for children and families for living and sleeping?
- Is the immigration detention facility a clean and pleasant environment?
- In your view, what is the impact of detention on children? Describe your response to the conditions of detention for children.

The immigration is not clean or pleasant. Children are restricted by fences, and security checkpoints from leaving the facility or going into certain areas. There are many uniformed guards creating a very intimidating environment for children. Some guards have good relationships with children, many guards use intimidation to control the behaviour of children. They speak with the children very sternly and will yell at them.

The space of children for sleeping lacks privacy because children are in a single room with sometimes very large families. Because they are only separated from other families by cloth, there is no ability to have private conversations.

Children feel very depressed, angry and like there is something wrong with them. They often state that they feel that they are not human and are "animals". Although children do not understand why they are forced to stay here, they do realize that they and their parents are forced here against their will and often feel it is because Australians "don't like us and don't want us". They feel very hopeless about their future and do not see the point of trying to learn in school because they will just "stay here forever".

The impact of the length of detention on children

- Does the timeframe of the detention have a particular impact on children? For example, is there any difference in the ways in which a child responds to immigration detention after 1 week, 1 month, 3 months, 6 months, 1 year? Please give examples.

Yes the longer they stay the more hopeless angry and depressed they become. They have more and more problems with their behavior, often getting into fights, losing their temper and they stop trying in school. The longer they stay the more that they are opposed to violence, severe mental health problems by adults and children and are potentially the victims of abuse and assault.

Measures to ensure the safety of children

- Can you describe the measures to protect children from harm?
- Is there support for children who may be suffering from trauma either as a result of previous life experiences or in relation to the experience of detention?
- Please describe the security checks for children as they enter and leave immigration detention facilities. Do you think these checks are appropriate for children?

I have reviewed a summary of the SCA submission made at the public hearings as provided to us by SCA and as discussed with individuals who were present at the public hearing. We have found the submission to be incomplete in crucial ways in representing the negative mental health impact of detention on asylum seeker children in Nauru. Furthermore, there has been no concerted effort by our agency (SCA), the DIBP or other service providers on Nauru to inform children and their families of the existence of this inquiry and to facilitate their ability to share their experience on Nauru in a timely manner with the Inquiry. As SCA is a child rights organization that has referred to itself as “the conscience of the offshore processing centre” (email correspondence by ██████████ ██████████) I find this to be a serious shortcoming of SCA in supporting the human rights of children detained on Nauru and contrary to the spirit of the United Nations Convention on the Rights of a Child. We are also aware that the Australian Human Rights Commissioner has been prevented from coming to Nauru and directly obtaining information from detained children and their families. Due to all of the above facts, I feel ethically compelled to provide the Australian Human Rights Commission with additional information on the mental health of children in Nauru and to make a public interest disclosure in this regard. Unfortunately, due to confidentiality clauses that have been imposed on us by both our organization and ultimately by DIBP, we are unable to provide our full names and titles with this submission and will remain anonymous. However, we believe the evidence that will be submitted will validate the statements that we are making in this submission.

Measures to protect children from harm:

There is very little. Save the Children hires local Nauruan people who have very close contact with children because they monitor their use of telephones, deliver them clothing/shoes to their tent, and do other duties that brings them into close contact with children of all ages. They do not have working with children checks because the Nauruan system has no child protection checks. Some of these people have assaulted children.

Save the Children states that all incidents are reported and although this is usually true with Australian SCA staff, this has frequently not been the case with other stakeholders such as Wilson's Security. There have been numerous times when I have become aware of an incident from a child directly, or another parent, or another SCA worker. Upon further investigation, it has been noted that it was initially reported to a Wilson's Security Guard who never reported it further. This was especially true recently when a mother reported that she was older children having sex with younger children to Wilson's Security Guard by the name of [REDACTED]. This security guard never notified SCA, never completed a written report, and only instructed this mother to write it down on a "complaint form". This is a completely inappropriate response to the potential sexual victimization and rape of younger children. This Guard is still employed and works at Nauru OPC3. Wilson's Security is in charge of conducting the child abuse investigation. They have no training in interviewing children, taking their statements or understanding what is or not appropriate when it comes to child protection. One case they did not investigate for over three weeks, even though it was the serious physical assault of a child by an Australian Wilson's Security Officer that had been witnessed by other staff. SCA has little respect and authority among stakeholders to demand anything different. We are often not notified of the outcome of investigations. There was another incidents where a local Wilson's security officer witnessed the sexual assault of an 8 year old male child by other male asylum seekers while they were standing in line, and in public view which included two adult males touching the child in the groin area with other people in the line laughing. The guard yelled at these men to stop but did nothing to remove the men from the situation. He stated that he was "confused" and thought it may be "cultural". He waited until he saw an SCA staff 30 minutes later walk by and told her about this. This SCA child protection worker also treated this information casually without the urgency that a sexual assault would deserve, which again calls into question the ability for employees to keep children safe. Children have been sexually assaulted and threatened with sexual assault, and they are not allowed to leave the camp, even with family members able to care for them here. There is very little support for mental health services for children suffering trauma. There are long waiting lists for the torture and trauma service and the majority of children do not get referred by IHMS. IHMS also can only see a child a few times due to a lack of resources. There are also waiting lists for the childrens relaxation groups that they run. Caseworkers from SCA have 45-60 people on their case loads as a rule and therefore mostly can only manage crisis situations. They are continually behind on their contractual requirements based on this shortage of staff. I have attached a client list showing caseloads to verify this. When children first come to Nauru, they are seen by IHMS as well as by SCA in order to get consents signed. I believe that IHMS does some sort of screening but I dont know how extensive. I know children wait for months for the replacement of prescription glasses. One child who has an extensive trauma history, is the child of a single mother with mental health issues and poor parenting history has run out of his ADHD medication prescribed by iHMS for over one month. As a result, he is doing very poorly in school, exhibiting lots of challenging behaviors and the relationship with his mother and other children have broken down. In my view, this places the child at risk of additional physical abuse as well as mental health risk.

Provision of education, recreation, maternal and infant health services

- Is formal education available to children? Please describe the types of education that are available. Is it appropriate for the age, the educational level and needs of the child?
- Are there playgrounds and play equipment for children?
- Can you describe the medical services and support that is available for expectant mothers and new mothers? Can you describe the medical support for babies and infants? Do you think these services are appropriate?

Yes, but there is no formal testing of children with developmental, speech, hearing or other delays or accomodation with specialised curriculum.

There is now one playground for children that was build recently in Febuary but from Sept - Feb children had no playground. They would play in the heat with rocks. They are not given any toys to play with making it difficult for the children to spend their time positively. They tent to throw rocks at each other for "fun" which of course quickly becomes a fight.

The education is not geared to english as a second language learners and it is not geared to their age. We have teenage children in class with much younger kids nd 11 year old children in classes with high school kids.

The separation of families across detention facilities in Australia

- Do you have experience of family separation due to immigration detention?
- Are you aware of instances of family separation as a result of immigration detention?
- What forms of contact are available for families to maintain communication?
- What efforts were made to reunite children with siblings and parents?
- What are the effects of family separation on children?

Routinely separated. They are only allowed 10 minute calls once per week, per family member. Often these calls have been scheduled while children are in school creating lots of frustration and disappointment. The times of the calls are not scheduled at a time when people would be home or awake in the countries they are calling.

There are often systemic issues with phones canceling calls frequently for a variety of reasons: 1) broken phones 2) phones not working because the country has blocked calls 3) lack of transport to take people to phone calls (when they used to be outside the camp and required a bustrip). People are required to pay for "phonecards" with their points.

There are no efforts to reunite children or families. We have children who have parents in Australia who they are not allowed to see.

The guardianship of unaccompanied children in detention in Australia

- What care and welfare services are available for children who arrive in Australia without parents or family members?
- Are the supports adequate?
- Is closed detention appropriate for unaccompanied minors? How can they be best supported?
- The Minister for Immigration and Border Protection is the legal guardian for unaccompanied children in detention – is this an appropriate arrangement?

UAMs have been here in the most inappropriate accommodation. They were housed with sick people that were medically isolated, just because there was no facility at OPC3 ready to house them. They forced them to live in these accommodations for months until they finally transferred them to Australia. By the time they were transferred their mental health had deteriorated so much that were self-harming and experiencing thoughts of wanting to die.

The Minister for Immigration and Border protection as the guardian of UAMs is not an appropriate arrangement because 1) he has not met them and therefore cannot speak for what is in their best interest 2) he has no child protection/child development experience to be able to understand what risks they face and weigh decisions 3) he has made it clear publicly that he is not willing to consider any other arrangement than detention and offshore processing. This statement makes it clear that he is not willing to look at an individual child's best interest. He has already made up his mind for all children. 4) it appears to be a conflict of interest as he is charged with enforcing a government policy which may or may not be in their best interest. How can he enforce a policy and advocate for the policy to be removed for certain children?

Assessments conducted prior to transferring children to be detained in ‘regional processing countries’

- Can you describe the pre-transfer assessments conducted prior to transferring children to regional processing countries?
- Are the pre-transfer assessments appropriate for children?
- Does the Department of Immigration and Border Protection respond appropriately to the findings in the pre-transfer assessments?

I don't know about this.

Progress that has been made during the 10 years

(since the Commission's 2004 report: *A last resort? National Inquiry into Children in Immigration Detention*)

- Have alternatives to detention such as community detention and the granting of visas been sufficiently utilised in the past 10 years?
- Have the living conditions for children in detention facilities improved in the past 10 years? What have been the changes?
- Have there been changes to laws and policies dealing with children in immigration detention to ensure that they comply with the *Convention on the Rights of the Child*?

It seems that we have actually taken many steps backwards. The issues that were present in the last inquiry are still present in a more stark and urgent way. There have been some improvements to the facilities on Nauru however