



AASW
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**Australian Association
of Social Workers**

*Submission to the Australian
Human Rights Commission
Re: National Inquiry into Children in
Immigration Detention 2014*

May 2014

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Introduction

Who we are

The Australian Association of Social Workers (AASW) is the professional body representing more than 7800 social workers throughout Australia.

We set the benchmark for professional education and practice in social work and have a strong voice on matters of social inclusion, social justice, human rights and issues that impact upon the quality of life of all Australians.

The social work profession

The social work profession is committed to the pursuit of social justice, the enhancement of the quality of life, and the development of the full potential of each individual, group and community in society.

Principles of social justice, human rights, collective responsibility and respect for diversities are central to the profession and are underpinned by theories of social work, social sciences, humanities and indigenous knowledge.

Social workers work with individuals, families, groups and communities. Social workers consider the relationship between biological, psychological, social, cultural and spiritual factors and how they impact on a client's health, wellbeing and development. Accordingly, social workers maintain a dual focus in both assisting with and improving human wellbeing and identifying and addressing any external issues (known as system or structural issues) that may impact on wellbeing, such as inequality, injustice and discrimination.

Our submission

Many social workers are involved in the delivery of asylum seeker and refugee services in a range of fields of practice. Social workers have worked on Christmas Island and Nauru, and within detention centres in Australia. They also work for formal resettlement services as well as a range of health, mental health, child protection and community services that have met the needs of children and their families who have been in immigration detention.

Social workers subscribe to the principles and aspirations of the UN Convention on the Rights of the Child 1989 (CROC)¹. Australia, as a signatory to the CROC has an obligation to ensure that the rights of children are upheld. The AASW believes that the mandatory detention of children contravenes our commitments under the CROC and represents a fundamental abuse of human rights. A body of literature supports the fact that the detention of children results in significant acute distress and, in many cases, trauma, which has profound and long-term consequences for the health, wellbeing and development of these children². The AASW finds it unacceptable that both major political parties have continued with this inhumane policy that harms children in order, we believe, to advance other policy aims.

Therefore, the AASW is pleased to lodge this submission to the National Inquiry into Children in Immigration Detention 2014 (the Inquiry). We believe this process provides an important opportunity for the treatment, impacts and needs of these children to be re-examined. We hope our submission, alongside many others, will compel the Australian government to take immediate action to end the

¹ AASW Code of Ethics 2010, p. 7

² Australian Human Rights Commission 2004

trauma of children in detention, and provide the care, compassion and support indicated by the UN Convention on the Rights of the Child.

Definitions

For the purposes of this submission, a child is taken to mean any person below the age of 18 years. The AASW believes more consideration needs to be given to the implications of detention on the health and wellbeing of unborn children and children born in immigration detention settings, including the adequacy of antenatal and postnatal care.

Responses

The AASW makes the following submission in response to the following elements of the Inquiry:

- The impact of the length of detention on children
- Provision of education, recreation and maternal and infant health services
- The guardianship of unaccompanied children in detention in Australia
- Progress that has been made in 10 years.

The AASW notes the ongoing relevance of many of the submissions made to the Australian Human Rights Commission (the Commission) in response to the previous National Inquiry into Children in Immigration Detention 2004³, particularly in relation to the impacts of detention on children and families. The AASW assumes that the rich body of knowledge and research evident in these submissions is noted by the Commission. The AASW has therefore concentrated our submission on any additional and specific literature relevant to the matters outlined below.

1. The impact of the length of detention on children

1.1 It is the view of the AASW that any period of immigration detention as it currently stands is harmful to children. This is based on the understanding that children arrive in immigration detention with a burden of stress, trauma, disadvantage and marginalisation reflecting the circumstances that caused their families to flee their countries of origin in the first place. This burden makes children extremely vulnerable to the environmental and systemic stresses of the detention setting. There is significant evidence to suggest that current immigration detention settings are harmful, not appropriate for children and do not meet their needs in terms of health, wellbeing and development⁴.

1.2 The AASW notes with deep concern that the length of time children and young people are spending in immigration detention is growing. Analysis by the AASW in April revealed that almost 80% of children in immigration detention had been there for more than 6 months – an increase of more than 60% since Operation Sovereign Borders (the Operation) was launched in September 2013.⁵

Before Operation Sovereign Borders, this figure was less than 20%. However during the period of the Operation, more than 1,000 children continued to be held in immigration detention. While the percentage of adults in immigration detention during this time reduced by 14%, the percentage of

³<https://www.humanrights.gov.au/publications/commission-website-national-inquiry-children-immigration-detention-47>

⁴ International Detention Coalition, 2012

⁵ AASW analysis of Department of Immigration and Border Protection Immigration Detention Statistics between September 2013 and February 2014 available at <http://www.immi.gov.au/About/Pages/detention/about-immigration-detention.aspx>

children decreased by just 4%.⁶ For an adult, 6 months in detention is a long time. For a child, 6 months seems much longer. For a 30 year old, 6 months is 1.1% of their total life experience. For a 2 year old it is 25%.

- 1.3 In addition to the findings of the 2004 Inquiry by this Commission, a recent report by the International Detention Coalition⁷, which looked specifically at the impacts of immigration detention on children, found significant evidence to support the argument that detention, even for short periods, has a detrimental impact on children. In addition to general findings of high levels of trauma, psychosocial and developmental problems arising from detention, the report concluded that:

*there is a clear link between the length of time that children are detained and the psychosocial and developmental issues they confront. The longer children are detained, the more likely they are to be exposed to traumatic events... [and] experience feelings of isolation, detachments and loss of confidence.*⁸

- 1.4 The International Detention Coalition⁹ go on to say that there is also evidence that detention, even for short periods, is detrimental. For example, a 2009 study of children in detention found that they exhibited symptoms of depression, anxiety, sleep problems, eating difficulties and somatic complaints, in addition to emotional and behavioural problems. The study concluded that ‘the high levels of mental and physical health difficulties detected support the view that detention, even for short periods of time, is detrimental and not appropriate for children’¹⁰. A ‘short period’ in this instance was defined as up to two weeks.

- 1.5 Six months of detention would put strains on even the strongest and most resilient of families. Unfortunately many families, though possessing inherent strengths, have arrived in Australia after periods of serious trauma both in their country of origin and during the period of their journey. The longer detention goes on, the more difficult it is for parents to shelter their children from stress and uncertainty. Detention centres generally are not places where these traumas can be worked through and resolved. Indeed the longer the detention goes on, the more likely these traumas become embedded into the psyches of individuals and eventually into the fabric of the families themselves and their communities.

2. Provision of education, recreation and maternal and infant health services

- 2.1 While it is technically possible to provide education, recreation and health services within an immigration detention centre, these centres remain ‘institutions’ with all the resulting problems of institutionalisation. This has been graphically demonstrated recently by the tendency of children in immigration detention on Christmas Island to refer to themselves in their drawings by their boat number rather than by name.¹¹

- 2.2 School social workers have been involved in Australian schools for nearly 70 years. Fundamental to the social work approach in assisting children within a schooling context is the belief that, all students are entitled to a quality educational environment which:

⁶ ibid

⁷ Corlett et al., 2012

⁸ Ibid p.49

⁹ Ibid

¹⁰ Ashton et al., 2009, as cited in Corlett et al., 2012

¹¹ Peer, the guardian.com, <http://www.theguardian.com/commentisfree/2014/mar/26/pictures-of-misery-what-children-draw-in-detention-on-christmas-island>

- *promotes the total development of the child – intellectual, physical, social, creative, emotional; and*
- *creates learning outcomes which enable the young adult to take a satisfying role in their society and to have fair access to its resources.*¹²

Australian detention centres have been described as ‘prison-like environment[s]’ characterised by a lack of freedom, constant control and simmering tensions or eruptions of violence against self or others¹³. Therefore, the AASW maintains that while education and recreation might be possible within immigration detention settings, the setting itself is inappropriate and undermines the capacity of children to obtain the full benefit of such activities.

- 2.3 Normal development of the child or adolescent is not possible when they are being detained in an institution. There are too many gaps in resources and opportunities, as well as the negative emotional climate of hopelessness, anxiety and despair that stifles creativity and the passage of a child through normal child development stages and milestones. This has lifelong effects on health and wellbeing.

3. The guardianship of unaccompanied children in detention in Australia

- 3.1 The placing of unaccompanied children in immigration detention as it currently stands cannot be justified. Were another country to detain an unaccompanied Australian child without trial for an indefinite period, the Australian public and media would hold our government and its bureaucracy to account. The AASW believes that the detention of children by Australian authorities as a deterrent to adults making the perilous voyage to Australia is a serious breach of human rights. In addition, the AASW believes that having the person primarily responsible for the decision to detain an unaccompanied child also being the person who is the legal guardian of their rights is a serious conflict of interest that cannot be justified.
- 3.2 The AASW notes with concern the increasing trend to send unaccompanied children to Nauru where they are out of reach of the Australian Human Rights Commission.
- 3.3 On 11 April 2014, the National President of the AASW, Professor Karen Healy wrote to the Prime Minister, Tony Abbott expressing the AASW’s concerns about children being sent to Nauru. In addition Professor Healy requested that the Prime Minister approach the President of Nauru, Baron Waqa, for permission for Professor Gillian Triggs and her representatives to visit children in immigration detention on Nauru and to enquire into their welfare. A recent reply has been received which unfortunately seems to indicate that the Prime Minister is not likely to attempt to facilitate a visit by Professor Triggs.

4. Progress that has been made in 10 years

- 4.1 The AASW notes with regret that in the 10 years since the AASW Western Australian (WA) Branch made a submission to the 2004 Inquiry, the number of children in immigration detention has increased substantially and the length of time children are spending in immigration detention is also increasing. We also note with regret that the situation with regard to children described by the AASW WA at the time still exists. As we submitted to the Inquiry in 2004:

The AASW/WA is aware that there are many incidents of people presenting with depression and/or post traumatic stress disorder following the experience of detention. This exacerbates

¹² AASW, 2008, *Practice Standards for School Social Workers*, p. 7.

¹³ Corlett et al., 2012

any previous trauma and undermines trust in the equity and safety of the Australian system.

Some children have been known to self-harm following their experiences in detention and/or to 'act out' in school. Family relationships can be severely damaged by the perceived breach of trust of the parent.

In terms of psychological effects there are reports of developmental delays, behavioural problems, withdrawing, depression, 'acting out', aggression, bed-wetting, grinding teeth, nightmares and twitching. Children are in limbo when they most require structure and boundaries for healthy development.

There are significant changes in family dynamics that often undermines the parental role. Breaches of trust between child and parent are common as well as children supporting their parents in detention. This swap in roles creates a situation where children are forced to act beyond their age appropriate development.¹⁴

Conclusion

The AASW does not believe that immigration detention is an appropriate setting for children. We believe that current treatment, support and management of children in detention centres contravene Australia's commitments under the UN Convention on the Rights of the Child. The AASW believes the situation for children has deteriorated in the past 10 years, and calls on the Australian government to take immediate action to end the detention of children and unaccompanied minors and provide care and support commensurate with their needs. We believe the current situation with regard to the detention of innocent children is a national shame and must be resolved without any further delay.

Submitted for and on behalf of the Australian Association of Social Workers Ltd



Glenys Wilkinson

AASW Chief Executive Officer

¹⁴ AASW, 2004, available from <https://www.humanrights.gov.au/publications/commission-website-national-inquiry-children-immigration-detention-51>

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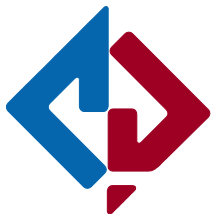
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