



The Forgotten Children: National Inquiry into Children in Immigration Detention 2014

In violating children's basic rights, we seriously compromise their mental and emotional health and normal development

No country other than Australia mandates indefinite closed detention of children arriving on their shores. By the end of January 2014, over 1000 children in Australia had been held in immigration detention for more than 7 months on average.¹ On 3 February 2014, as President of the Australian Human Rights Commission, I announced a national inquiry into children in immigration detention.

The Inquiry investigated the policy and practice of detaining asylum seeker children which had been supported by both Labor and Coalition governments over an 18-month period, from January 2013 to September 2014.

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The aim of the Inquiry was not to reconsider the Human Rights Commission's already formed legal views of immigration detention, but to investigate how the health, well-being and development of children was being affected by life in detention. Through visits to 11 different detention centres, the Commission conducted interviews with 1129 children and parents in immigration detention in Australia, using a standardised questionnaire. The Commission also conducted 104 interviews with people in the community who had formerly been detained; received 239 submissions; held five public hearings with 41 witnesses, and obtained data from the Department of Immigration and Border Protection.

A crucial aspect of the Inquiry was the involvement of internationally recognised medical experts as consultants who accompanied Inquiry staff on each of the detention centre visits, and submitted expert reports of their observations.² The medical professional community also made important contributions through the submissions process and the public hearings.

The Commission provided its report *The Forgotten Children: national inquiry into children in immigration detention 2014* to the government on 11 November 2014. The Attorney-General tabled the report in Federal Parliament on 11 February 2015. The report is available online.³

The Forgotten Children report provided unprecedented direct evidence of the negative effect of immigration detention on children. Prolonged detention was clearly and unequivocally shown to have serious negative effects on the mental and emotional health, as well as

the development of these children. The report contained the following findings:

- **The mandatory and prolonged immigration detention of children is in clear violation of the Convention on the Rights of the Child**, including Article 24(1) which provides that all children have the right to the highest attainable standard of health.⁴
- **Detention creates and compounds mental health problems in children.** Children in immigration detention have significantly higher rates of mental health disorders than children in the Australian community. Clinical assessments by doctors working in detention facilities revealed that 34% of children in detention had moderately severe to very severe mental health problems. Less than 2% of children in the Australian community have problems at this level.
- **There are high rates of self-harm by children in detention.** In a 15-month period, from January 2013 to March 2014, 128 children in detention, aged 12 to 17 years, engaged in acts of self-harm, including attempted suicide. One 15-year-old boy in detention in Darwin told Inquiry staff, "I don't feel safe because of my own self".
- **Children are detained in close confinement with adults who suffer high levels of mental illness.** Thirty per cent of adults detained with children have moderate to severe mental illnesses.
- **Children have been exposed to unacceptable levels of violence in detention.** From January 2013 to March 2014 the following incidents were reported from detention centres where children were held:
 - ▶ 207 incidents of actual self-harm
 - ▶ 210 incidents of voluntary starvation (27 of which included children)
 - ▶ 436 incidents of threatened self-harm
 - ▶ 57 serious assaults
 - ▶ 233 assaults involving children
 - ▶ 33 incidents of reported sexual assault (the vast majority involving children).
- **The harsh and cramped living conditions on Christmas Island created particular physical illnesses among children.** On Christmas Island many children shared a tiny room of 2.5 × 3 metres with up to four people.
- **The children detained indefinitely in Nauru are suffering from extreme levels of physical, emotional,**

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psychological and developmental distress. While the Inquiry team were not able to visit Nauru, the evidence we received about the conditions through submissions and testimony at public hearings was shocking. We received reports that children and their families are being detained in very hot and cramped conditions in vinyl tents, with no privacy or air-conditioning, serious water shortages and problems with cleanliness and hygiene. The Inquiry also received evidence from staff working in Nauru of incidents of harassment, bullying and abuse of children. The recent report from Philip Moss into the conditions in the detention centre in Nauru confirmed many of the Commission's concerns.⁵

Key recommendations of the report are:

- That all children and their families in detention in Australia and Nauru be released as soon as possible.
- That legislation be enacted so that children may only be detained for as long as is necessary for health, identity and security checks.
- That no child be sent offshore for processing unless it is clear that their human rights will be respected.

The finding that detention causes harm to the mental health of children is not new. The Commission's report following its first National Inquiry into Children in Immigration Detention, released in 2004, found that children in immigration detention for long periods of time were at high risk of serious mental harm.⁶ Since

that time successive Australian Governments, and the Australian public, have been on notice about the human cost of Australia's mandatory detention system.

Despite the recent detailed findings and recommendations in the Forgotten Children report, at the end of March 2015 there were still 124 children in detention in Australia, and 103 children detained in Nauru.⁷ There is an urgent need to remove these children from these detention environments which are causing them harm.

Medical professionals who have witnessed the health impact of detention first-hand can and do provide powerful evidence against the policy of mandatory detention. Medical professional organisations including the Australian Medical Association, the Royal Australian and New Zealand College of Psychiatrists and the Royal Australasian College of Physicians have accordingly taken a public stance against mandatory detention.

Public criticism from organisations like these helps to build momentum towards a future in which Australia no longer subjects vulnerable children to the harm documented in the Forgotten Children report.

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References are available online at www.mja.com.au.

1 Australian Government Department of Immigration and Border Protection. Immigration detention and community statistics summary, 31 January 2014. DIBP, 2014: 3, 10. <http://www.immi.gov.au/About/Pages/detention/about-immigration-detention.aspx> (accessed 6 May 2015).

2 Six of these reports have been made publicly available on the Commission's website at <http://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/national-inquiry-children-immigration-detention-2014/expert> (viewed 5 May 2015).

3 Australian Human Rights Commission. The Forgotten Children: National Inquiry into Children in Immigration Detention 2014. Sydney: AHRC, 2014. <http://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/forgotten-children-national-inquiry-children> (accessed 5 May 2015).

4 Australian Treaty Series 1991 No 4. Convention on the Rights of the Child, 1989. Canberra: Department of Foreign Affairs

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5 Moss P. Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru: final report. 6 Feb 2015. <http://www.immi.gov.au/about/dept-info/nauru.htm> (accessed 6 May 2015).

6 Human Rights and Equal Opportunity Commission. A last resort? National Inquiry into Children in Immigration Detention. HREOC, 2004. <http://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/last-resort-national-inquiry-children-immigration> (accessed 6 May 2015).

7 Australian Government Department of Immigration and Border Protection. Immigration detention and community statistics summary, 31 March 2015. DIBP, 2015: 3. <http://www.immi.gov.au/About/Pages/detention/about-immigration-detention.aspx> (accessed 6 May 2015). ■