Dear Professor Triggs

National Inquiry into Children in Immigration Detention 2014

The Federation of Ethnic Communities’ Councils of Australia (FECCA) welcomes the opportunity to make a submission to the National Inquiry into Children in Immigration Detention 2014.

FECCA is the national peak body representing Australians from culturally and linguistically diverse (CALD) backgrounds. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to the Australian Government and the broader community. FECCA’s policies are designed around the concepts of empowerment and inclusion, and are formulated with the common good of all Australians in mind.

We note that the purpose of the inquiry is to receive feedback from people who have direct knowledge of, or experience with, the detention of children in immigration facilities and the impact it has on their health and wellbeing. Through this submission, FECCA wishes, however, to express its support for the inquiry and to highlight some of its concerns based on previous and recent reports about the conditions and negative impact that detention has on asylum seeker children.

FECCA reiterates its strong stance against indefinite mandatory detention of children as well as remote locations of detention for families and children for any length of time and urges the Australian Government to meet its responsibilities as a signatory of the United Nations Convention on the Rights of the Child by ensuring that:

- primary consideration is given to the best interests of the child;
- that children receive appropriate protection from harm and humanitarian assistance;
- no child is unlawfully and arbitrarily detained; and
- the detention of children is used only as a measure of last resort and for the shortest appropriate period of time.
As per the terms of reference of the inquiry, FECCA presents its views to the Commission regarding the appropriateness of facilities in which children are detained, the impact of detention on children, their safety, the provision of education, recreation, and health services, and the separation of families across detention facilities in Australia.

FECCA has expressed, on several occasions, its concerns about the negative impact that arbitrary and indefinite detention has on asylum seekers, of which families and children are of particular concern. As several reports show, FECCA contends that the length of detention and the conditions in immigration detention facilities can have serious implications on the human rights of asylum seekers and can have a detrimental impact on their mental and physical health and wellbeing:

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being in detention is associated with poor mental health including high levels of depression, anxiety and post-traumatic stress disorder (PTSD) and that mental health deteriorates the longer someone is detained. One study found clinically significant symptoms of depression were present in 86% of detainees, anxiety in 77%, and PTSD in 50%, with approximately one quarter reporting suicidal thoughts. The impact on children is particularly disturbing, especially as the consequences for their cognitive and emotional development may be lifelong.]

FECCA is extremely dissatisfied that, despite numerous reports highlighting the high incidence of mental health issues affecting asylum seekers in detention, the Australian Government has still not taken visible steps towards reviewing its mandatory detention policies and improving conditions in its immigration facilities.

FECCA is concerned that the Government has decided instead to dismiss the Immigration Health Advisory Group as the only independent body with a role in developing and evaluating the health and mental health policies for asylum seekers. FECCA considers the appropriateness of facilities to be directly related to the provision of education, recreation and health services which implicitly impact on the wellbeing and safety of detained asylum seekers children.

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A recent report produced by fifteen doctors employed by the International Health and Management Services (IHMS) on Christmas Island highlighted several concerns about the provision of medical services at the detention facilities on the island which are reportedly inadequate and do not meet the Australian health standards. Some of their concerns include the lack of adequate care of children with mental health issues, inadequate care and facilities for children with disabilities, as well as the general ineffective and poor standard of paediatric care provided, including for children with chronic illnesses. These factors, in addition to the absence of a comprehensive child health program, the inadequacy of facilities and the conflict of interest resulted from IHMS’ relationship with the Department of Immigration and Border Protection, which that at times reportedly had resulted in decisions that were not always in the best interest of the patient, are of significant concern.

The same report also highlighted that Australian Government failed in its duty of care towards the children detained in these facilities who are vulnerable and susceptible to diseases, malnutrition and physical injury, need adult support for their psychological and social wellbeing and most of them are at risk of serious mental health issues because of their negative past experiences.

The report further notes that:

> the detention environment is both unsuitable for children and a contravention of human rights and has the potential to cause long term damage to psychosocial and emotional functioning, especially in children who have experienced torture or trauma.

> Adolescents, particularly unaccompanied minors, represent a high-risk group for mental illness such as depression, anxiety and PTSD [...] However, limited treatments are available and cannot remove the ongoing exacerbating factor of indefinite, mandatory detention.

FECCA is also concerned about reports related to the lack of adequate educational opportunities for children detained in remote facilities. The report highlighted that children detained on Christmas Island needed to take turns to attend the local school.
which only has 12 places available in the primary school while the “unaccompanied minors are being excluded from the limited high school classes provided in family camps”. Similar lack of facilities has been reported on other detention centres around Australia. Access to education is a fundamental human right while the consequences of depriving asylum seeker children of this basic entitlement could have dire consequences on their wellbeing and future prospects of positive integration and settlement either in Australia or elsewhere.

FECCA is also concerned about the lack of, or limited availability of facilities and opportunities for children in detention to engage in recreational activities which could have a detrimental impact on their development and mental health.

With regards to the separation of families across detention facilities in Australia, FECCA is concerned about reports of family members being separated either because of members of the family having a different visa status, or because of the need for pregnant women to be transferred to other facilities in order to receive antenatal or other types of care. This mostly refers to reported cases of pregnant women detained on Christmas Island who were separated from their husbands and children and were transferred 34 weeks into their pregnancy to Alternative Places of Detentions in Darwin. FECCA believes that this practice could have a severe impact on the mental health of the mother and the rest of the family members, and that families should be allowed to stay together prior to and after birth.

In light of the above mentioned concerns, FECCA commends the Commission for initiating the inquiry at a time when hundreds of children are being detained for an indefinite period of time, while many others still suffer the negative consequences of being formerly detained. For further information, please do not hesitate to contact the FECCA Office on (02) 6282 5755.

Yours sincerely

Joseph A. Caputo OAM JP
FECCA Chair

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Ibid.