30 May, 2014

To: Australian Human Rights Commission

Submission: National Inquiry into Children in Immigration Detention 2014

Barnardos Australia has only limited experience dealing directly with children who have lived in closed detention centres but we wish to detail our experience for the inquiry. We also wish to make general comments relating to our extensive knowledge of children’s needs under stress and the probability that these needs will not be met in detention. We have experience of children in a range of confined situations including refugee camps and jails.

Barnardos Australia is a non-Government agency working solely for children and young people’s welfare, with extensive experience of children who have suffered abuse and/or have been separated from their parents care. We are non-denominational, have worked for over one hundred years and have a community Board. We provide direct services to approximately 6,000 children and young people each year in New South Wales and the Australian Capital Territory. These services include family support (home visiting and parent support), out of home care and kinship care support and programs for young people at risk of homelessness. Our workers and Board consists of people trained in social work, psychology and psychiatry, many of whom have higher degree qualifications on the care of children in extreme social circumstances including chronic neglect and abuse, adoption and long-term separation from parents.

Our experience leads us to conclude that it is unconscionable to allow children to live in closed institutions. We would back this assertion on experience of the impact of institutions on children, understanding of the impact of parent stress and uncertainty about the future, and our understanding of the needs of children.

We do not believe that children who live in closed detention would be able to meet the conditions for adequate development particularly in relation to self-care and emotional and social development. Under reasonable humane criteria children and young people would be required to participate in peer relationships, community activities and to have a range of recreational activities. Where Barnardos Australia is charged with children living away from their parents care, we work to ensure that these needs are met and we know the importance of activities within the wider community to assist a child to develop resilience.

It is Barnardos Australia’s experience that children’s development suffers when their own parents are stressed and they do not receive social supports from other people in the community. We see children’s behaviour deteriorating when their parents are not coping e.g. violence in the family, concern about homelessness, mental illness and use of drugs and alcohol.

Children also deal very poorly with any significant uncertainty and we draw on our experience of children whose legal status before the Children’s Court is yet to be determined. The issue of children having an indeterminate time to wait is one that we know causes psychological damage which we have to work hard
to resolve. The waiting can bring anxiety and a failure of children to concentrate on learning or feel comfortable in forming adult relationships.

Our experience of the dangers of institutionalisation lead us to be very concerned for children in closed detention. The use of institutional care has long been abandoned in Australia. This is because such care is highly confining for individual development, behaviour deteriorates and self harm increases. There is also no opportunity, when staff work on shifts, to form meaningful personal relationships with adult carers.

We have had limited direct experience with children who have been in closed detention at both our Auburn Children’s Family centres and our specialist services for young people at risk of homelessness. We have offered camps to some children and assisted three young men who have been at risk of homelessness and had little support when they were released from closed detention. One of these young men told us he was introduced to illicit drug use for the first time while in closed detention.

**We have worked with another young man who we have interviewed using the Inquiry’s questions and have consent to use this material.**

Currently independent he was 16 when he arrived at Christmas Island. This young man moved to Iraq when quite young and grew up there. He fled from Iraq due to fears for his life after his brother was murdered.

**The appropriateness of facilities:**

**Christmas Island:** The centre was very bad. It was just like gaol. It was not clean and it smelt a lot of the time. The staff there usually spoke very harshly to everyone. There were no play areas for children or young people except for a cement basketball court which we could play on through the day. No toys or playgrounds for the children. There were times when certain groups were allowed to use it exclusively. For example, families could use it between 5pm-7pm and no one else was allowed on the court during those hours. The UHM’s were able to use it after 7pm exclusively. They usually played soccer – any falls resulted in fairly bad grazes because it was cement. There were blocks that groups were assigned to – for example there were 4 blocks that had just families and four blocks that had just UHM’s and other blocks for the adults. In the UHM blocks there were rooms. Each room was for two UHM’s. The buildings were cleaned, but only the common areas. There were no cleaning products available to use to clean the rooms. Sometimes if they asked the cleaner they would give them some and they could then clean their own room, but often they weren’t allowed so the rooms were often very unclean and unhygienic.

**Perth:** was better than Christmas Island, there were some officers there that were nice (although there were still some that were not nice and racist). There was a rubber floored sports area that they were able to play soccer on and a gym had been recently opened there when this young person was about to leave the facility (for 16yo’s and over only). The children had a play room which had toys and games console and a pool table. There was also a swimming pool that they could all go to. They were able to access cleaning products at any time and were able to keep their rooms clean themselves. Cleaners came once a week and cleaned the common areas. This facility was cleaner than Christmas Island.
The young person described the impact on children as being inevitable ‘of course it had an impact. It made us angry, especially those without family’. He described being so upset in the first two weeks because he couldn’t call his family as calls were not permitted during the first two weeks at the centre. He said being unable to contact family and being all alone makes you upset and angry at the people who are stopping you. You don’t know what is happening with your family, you don’t know what is going to happen to you – it makes you very upset.

The young person said that community placements are much better, you get more support and you learn more.

‘If I had to chose between 1 hour on Christmas Island, or 1 month in Perth, I would chose Perth. It is better, and I don’t want to go back to Christmas Island. Ever.’

**The impact of the length of detention on children:**
Everyday that you don’t know when you’re leaving makes it harder. If you know it won’t be for too long, it would be ok. But if you don’t know, or it’s for a long time, it’s not good. Some people kill themselves – and this young person heard of this happening whilst he was in detention, and hears many stories afterwards of people harming and killing themselves in detention. He understands why, if you’re in there a long time, it’s too much.
The time that you’re there you’re in limbo, you think about your family, you think about plans for your future but you don’t know when it can happen, or when you can see your family again. You don’t learn anything and you don’t know anything and no one will tell you anything.

**Measures to ensure the safety of children:**
The young person said it was better for children. Not a lot, but a little bit. Sometimes it wasn’t – sometimes the workers would disregard you or ignore you because you were just a kid. But it was better than being over 18 – for the over 18’s they didn’t care about them at all. They never listened to the over 18s, they ignored them.

Some of the officers were really bad, to everyone. Not all, but some. And some were good.

In terms of support if you were suffering, there was only a doctor at Christmas Island and there was only one, and you had to make an appointment to see the dr. The waiting time for an appointment was usually a couple of days.

This young person never went to the dr. He preferred to listen to music, go to sleep or play soccer if he was having a bad day – and this was what a lot of them did.

The Security checks were done whenever you left a facility and moved somewhere, so when the young person entered and left Christmas Island and again on entry to the plane and then on entry to Perth detention centre. It was a lot, but it had to be done because otherwise people would try to bring in a knife – so they could kill themselves or hurt themselves.

**Provision of education, recreation, maternal and infant health services:**
There were English classes for 1 hour per day that you had to attend. (if you didn’t you didn’t get ‘points’ which could be used to buy things within the centre). There were no other courses offered. Just English. They didn’t teach you anything about Australia either, just English and it was hard to learn English in the centre because the only time anyone around you spoke English was usually in the class.

The points system was like a reward system. If you did everything you were supposed to you could get 40 points a week. So you had to go to school everyday, had to do the activities they organised for you and had to be good, otherwise you didn’t get it.

There was a toys room in Perth for the children and there was a playground. There was none of these things at Christmas Island.
At Christmas Island there was only the cement basketball court. Nothing else.

You could access the internet, but it was really slow and they blocked a lot of sites. We couldn’t buy music and we weren’t allowed to download them illegally like everyone else does. I would have to get my friends outside or from home to download music and email it to me so I could play it. I had an MP3 player that I had bought there (at the centre). It was $25-$30 or so which I was able to afford.

The young person said that for mothers or women who were pregnant it was easier for them to get medical attention. They had access to medical help anytime.

The separation of families across detention facilities:
This young person had no family in Australia, so did not experience separation within a detention centre. He was separated from his family as soon as he left Iraq.

The young person did not know of families who were separated. He did see a man be told after he had a fight with another detainee that if he fought again he would be separated from his family and he would have to spend time in a separate part of the centre as punishment. It didn’t happen because he didn’t fight again.

The guardianship of unaccompanied children in detention in Australia:
The young person did not really get much support whilst in the centres. He said that at Christmas Island he had a caseworker who he saw once, in the three months he was there. In Perth he had a caseworker he saw more of, but a lot of that was about planning his transfer to the community.

When this young person went into the community placement he was referred to Settlement Services Australia and Family and Community Services. The caseworkers that he had were really helpful. He felt that he had a lot more support and a lot more help from them. He had this support until he was 18, and then he stopped. Because he had arrived in Australia after the age of 15 he was not eligible for after care support, so it stopped very abruptly at 18.

The young person is very grateful for the help that he got from these two services though. He explained that they helped him with all the little things initially, and then once he got those things (like basic things about how to do things in Australia) then he was able to be more independent. He was still able to call them for bigger things though if he needed help and he liked that they were there for him when he needed them.

The young person does not think that detention centres are right for children. It is not a helpful environment, you don’t learn about Australia, you can’t learn the language when you’re surrounded by others who don’t know it. The community is much better – you get support, you learn the ways of Australia. It is hard at first, but you learn much quicker.

Assessments conducted prior to transferring children to be detained in ‘regional processing centres’:
We assumed this meant when he was transferred from Christmas Island to Perth? The young person didn’t really know what this was, so it was hard to answer.

He said that there wasn’t really an assessment on Christmas Island. He didn’t know anything [that] was happening, until one afternoon he came back from English lesson and they (a group of UHM’s) were told to return any books that they had. He asked why, but they wouldn’t explain. Then two hours later they were advised that they would be leaving the following morning and would be going to Perth.

There was more planning around the move to the community placement. This was done with his caseworker. He had a better understanding of what was going to happen during this move.

There was a support group when he was on Christmas Island that did try to help him, he didn’t think they were with the government, they were there to help them with legal things and understanding what was
happening. He couldn’t really remember what it was called, but thought it was something like ‘LIFE’. He said he didn’t really talk to them much, but knew they were there.

**Progress that has been made during the 10 years:**
The young person’s opinion is that it hasn’t got better. He has a friend still in detention, he was released into a community placement and then he got sent back. His health is really bad as the facility is now very unclean and he has been in there for a long time, and his mental health is also bad.

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