

ASYLUM SEEKER MYTH BUSTER 2010: CHILDREN IN DETENTION

MYTH 1: We no longer have children in immigration detention.

FACT 1:

- In 2007 the Rudd Government made an election promise to remove children from detention centres.
- As of the 11th October 2010, 723 children remain in mandatory immigration detention in Australia and Christmas Island¹.
- The Government now holds children under the age of 18 in what it calls 'detention facilities' or 'Alternative Places of Detention'². Children held in these facilities are fenced in with limited freedom of movement. They are under guard 24 hours a day. The Government has kept to their promise in name only.
- The Asti Motel in the Northern Territory currently holds 200 detainees (children and their families). There is not an area for children to play. Supervised excursions to a nearby park allow 10 children at a time to play for only 1 hour once every 2 weeks³.

MYTH 2: Children in detention have appropriate access to education.

FACT 2:

- Children have been held for months in detention without any access to schooling⁴.
- The Government has recently made arrangements for some age-groups of children in some areas to be able to go to school.
- By and large these arrangements are made on a piecemeal basis and there is still a concern that many children in detention have no access to any schooling⁵.

MYTH 3: Conditions in detention for children have improved under the current Government.

FACT 3:

- Mental health conditions continue to worsen under the current detention policy.
- In the past year self harm-rates have increased by 400% from the previous year.
- Recent reports show that children are also resorting to self harm due to increasing levels of distress in detention.⁶

¹ <http://www.abc.net.au/lateline/content/2010/s3035511.htm>

² <http://www.abc.net.au/tv/qanda/txt/s3010595.htm>, <http://www.theage.com.au/national/selfharm-rates-increase-fourfold-20101003-162r8.html>

³ <http://www.abc.net.au/lateline/content/2010/s3035511.htm>

⁴ <http://www.crikey.com.au/2010/09/09/inside-the-motel-rooms-asylum-seeker-kids-call-home/>

⁵ <http://news.smh.com.au/breaking-news-national/greens-want-kids-out-of-detention-20101011-16f0v.html>

⁶ <http://www.theage.com.au/national/selfharm-rates-increase-fourfold-20101003-162r8.html>

MYTH 4: Australia's conditions for the processing of asylum seeker children meet minimum international standards.

FACT 4:

- The United Nation's human rights Convention on the Rights of the Child is one of the most internationally ratified treaties was signed by Australia on 17 December 1990.
- It enshrines a child's right to protection, education, recreation, medical care and humanitarian consideration.
- Article 37 of the Convention states that holding children in detention shall be used as a measure of **last resort and only for the shortest possible time**. Australia is therefore in breach of the convention⁷.
- In 2005 the Australian *Migration Act* was amended to include the principle that children should only be detained as a 'measure of last resort'⁸.
- There is no distinction under this principle between detention centres and detention facilities.

MYTH 5: Most asylum seeker children who come to Australia by boat are not genuine refugees.

FACT 5:

- The vast majority (over 90%) of children detained is found to be genuine refugees and is ultimately granted permanent protection visas by the Australian Government⁹.
- While waiting for their decision these children are kept in detention for months and often years during formative periods of their development.

MYTH 6: There are no alternatives to locking children in detention whilst their claims are being processed.

FACT 6:

- In Belgium, asylum seeker families including minor children stay in community housing units while their claims are being assessed. Since the family units are open, the families can leave the houses under specific rules, in order to e.g. visit their lawyer, bring their children to school, buy groceries or participate to religious celebrations¹⁰.
- In New Zealand the majority of asylum seekers are held at the Mangere Accommodation Centre, an open facility. Although they are held under detention orders, asylum seekers are in most cases granted permission to leave during the day. The centre has been operating since 2001 and only one person has ever absconded during this time¹¹.
- In the UK there is no mandatory detention although asylum seekers may be detained if they are found to fail security tests¹².

⁷ <http://www.unicef.org/crc/crc.htm>

⁸ http://www.austlii.edu.au/au/legis/cth/consol_act/ma1958118/s4aa.html

⁹ http://www.hreoc.gov.au/human_rights/children_detention_report/report/chap03.htm#3_3

¹⁰ http://idcoalition.org/wp-content/uploads/2010/09/discussant_i_alternatives_for_detention.pdf

¹¹ <http://www.unhcr.org/refworld/docid/4472e8b84.html>

¹² *ibid*