

Children in Detention

How many children are in Australian detention centres?

As of the 31st of October 2013 there are 1,045 children in Australian detention centres.¹

Are children being sent to Nauru/Manus Island Processing Centres?

The Government has confirmed there are 106 children in the Nauru processing centre and 3 are unaccompanied minors.² The UNHCR found the youngest child being held is 4 years old.³

Despite the previous Government moving children and family members out of the Manus Island processing centre to the Christmas Island Detention Centre⁴, the UNHCR reported 2 unaccompanied minors were being held on Manus Island. The UNHCR also found the Manus Island centre is planned to be expanded and children will be sent there again in 2014.⁵

Children in Manus Island have little resources, such as books to read, and have aired grief at not being able to contact family members that has led to increased feelings of isolation.⁶ While in Nauru, a room had been set up for schooling but was too hot for children to spend long periods of time in. They and their families are living in cramped and hot conditions and adequate services for their mental and physical health have not been put in place, despite the best efforts of Save the Children Australia.⁷

What is the history of Children in detention?

In 2005 our Migration Act was amended to include the principle that children should only be detained “as a measure of last resort” as reflected in article 37(b) of the United Nations Convention on the Rights of the Child by the Howard Government.⁸ In accordance with this policy the Howard government removed children and families from detention and set up community detention arrangements instead. They were moved into a community detention program where “NGOs are funded to source appropriate housing, the payment of living expenses, and to ensure access to relevant health and community services and social support networks are provided”⁹.

In 2008, Labor then introduced the ‘New Directions’ policy, stating detention of any asylum seeker should be a measure of last resort, that detention should be limited and determined against risk to the community, and that “no child is held behind razor wire” under the Rudd government¹⁰.

¹ ASRC Statistics Page (October 2013) <http://www.asrc.org.au/resources/statistics/>

² Operating Sovereign Borders Transcript November 15 2013 http://www.customs.gov.au/site/131115_osb_transcript.asp

³ UNHCR monitoring visit to the Republic of Nauru 7 to 9 October 2013 <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf>

⁴ The Guardian – Asylum Seeker Children moved off Manus Island <http://www.guardian.co.uk/world/2013/jul/04/asylum-seekers-manus-island>

⁵ UNHCR monitoring visit to Manus Island, Papua New Guinea 23 to 25 October <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

⁶ UNHCR monitoring visit to Manus Island, Papua New Guinea 23 to 25 October <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

⁷ UNHCR monitoring visit to the Republic of Nauru 7 to 9 October 2013 <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf>

⁸ Migration Act 1958 (Cth)

⁹ Australian Government, Department of Immigration and Citizenship, ‘Fact Sheet 82: Immigration Detention’, <http://www.immi.gov.au/media/fact-sheets/82detention.htm#f>

¹⁰ <http://cpd.org.au/2010/09/suffer-the-little-children-asylum-seeking-kids-in-australia/>

In October 2010, then Prime Minister Julia Gillard and then Immigration Minister Chris Bowen announced that asylum seeker children and families would be moved out of detention. Unaccompanied minors and vulnerable families would be given priority to move to community detention facilities¹¹.

Despite all this in 2011 the number of children held inside fenced and guarded detention facilities rose to over 1000 and have reached levels of over 1000 again in 2013. Recently, under the government's Operation Sovereign Border's policy, children and unaccompanied minors who arrive by boat will be sent to the Nauru and Manus Island processing centres.

What impact does detention have on children?

Detention has a significant adverse impact on a child's development. Children that are released into the community after being in detention for a prolonged period struggle with delays in their development fall behind in schooling and suffer from mental and physical health issues. Those who are still in detention face a very real possibility of developing mental illnesses in the detention centre or exacerbating existing traumas as a result of their journey to Australia.¹² The longer children are in detention centres, the greater the possibility that they will suffer mental harm.¹³

Why is community processing the best method?

The application process for asylum seekers is long, with most of those in immigration detention having to wait over 6 months for their first decision.¹⁴ Indefinite detention is traumatic especially given that asylum seekers often flee from war-torn countries, and situations of torture and trauma.

Once it can be established that an asylum seeker presents no health or security risk to the community, there is no good reason why they should not be able to move into living arrangements that allow them full freedom of movement while their status is being determined.

Children in the community are better able to access proper schooling, health care, recreation and the ability to socialise in an environment more likely to promote normal growth and development.

¹¹ Bowen, C. 2011. <http://www.minister.immi.gov.au/media/cb/2011/cb167699.htm>

¹² Save the Children, *Submission to the Parliamentary Standing Committee on Public Works' inquiry into: infrastructure and upgrade works to establish a regional processing centre on Manus Island, Papua New Guinea* (2013), 8.

¹³ International Detention Coalition, *Captured Childhood* (2012), 50; and Human Rights and Equal Opportunity Commission (HREOC), *A Last Resort? National Inquiry into Children in Immigration Detention* (2004), 429.

¹⁴ "A better way: a risk-based approach to immigration detention" (Media Release), Refugee Council of Australia http://www.refugeecouncil.org.au/news/releases/110624_RefugeeWeek_detentionB.pdf, 24/6/2011