



Children in Detention

How many children are in Australian detention centres?

As of 31 March 2015 there are 1,509 children in detention, with 227 in immigration detention facilities (on the Australian mainland and on Nauru), and 1,282 in community detention.¹

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

The Government has confirmed that there are 103 children in the immigration detention centre on Nauru.² Children and women are no longer being detained on Manus Island however there have been cases of unaccompanied minors being mistakenly sent to Manus – it is possible that children were present during the violence in 2014 that resulted in the murder of Reza Barati.³

The detention centre on Nauru is an extremely dangerous and unsuitable environment for children. The independent Moss Report released in March 2015 revealed reports of rape within the centre, and numerous “reported and unreported allegations of sexual and other physical assault” of both children and adults.⁴

Former psychiatrists and social workers who worked on Nauru have since released an open letter stating that the Australian Government was aware of cases of sexual assault against women and children for 17 months but failed to act. The signatories have called for a Royal Commission into the abuse, and the immediate transfer of all asylum seekers to Australia from Nauru to ensure their safety.⁵

What is the history of children in detention?

In 2005 the Australian 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.⁶ In accordance with this policy, the Howard government removed children and families from detention and set up community detention arrangements instead. Under these arrangements NGOs were 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”.⁷

In 2008, Labor introduced the “New Directions” policy, stating their intentions to limit the use of detention and to ensure that “no child is held behind razor wire” under the Rudd government.⁸ In October 2010, then Prime Minister Julia Gillard announced that asylum seeker children and families would be moved to community detention, with priority given to unaccompanied minors and particularly vulnerable families.⁹

¹ <http://www.immi.gov.au/About/Documents/detention/immigration-detention-statistics-mar2015.pdf>

² <http://www.immi.gov.au/About/Documents/detention/immigration-detention-statistics-feb2015.pdf>

³ <http://www.theguardian.com/world/2014/feb/21/manus-island-rioting-could-have-been-witnessed-by-asylum-seeker-children>

⁴ <http://www.immi.gov.au/about/dept-info/ files/review-conditions-circumstances-nauru.pdf>

⁵ <http://www.abc.net.au/news/2015-04-07/nauru-letter-of-concern-demands-royal-commission/6374680#letter>

⁶ Migration Act 1958 (Cth)

⁷ <http://www.immi.gov.au/media/fact-sheets/82detention.htm#>

⁸ <http://cpd.org.au/2010/09/suffer-the-little-children-asylum-seeking-kids-in-australia/>

⁹ <http://www.minister.immi.gov.au/media/cb/2011/cb167699.htm>

Despite this successive governments have continued to detain children, although numbers have fluctuated. In 2014 the current Coalition government released 150 children from detention however the measures did not apply to those children detained on Nauru.¹⁰ Indeed, the government has continued to transfer children to Nauru in 2015.¹¹ Further, although numbers of children in detention have recently decreased, the duration children spend in detention has significantly increased.¹² This is of concern because it has been well established that the longer children are held in detention centres, the greater the possibility is that they will suffer psychological harm.¹³ Given the high rates of mental and physical harm that results from detention, it is evident that *no* children should be detained.

What impact does detention have on children?

In 2014 the Australian Human Rights Commission (AHRC) conducted an inquiry into children in detention, the results of which “demonstrated unequivocally that prolonged detention of children leads to serious negative impact on their mental and emotional health and development.”¹⁴ Overall, 85% of parents and children indicated their mental health was negatively affected while in detention, with 30% of those children described as ‘always sad’ and 25% as ‘always worried’. Children on Nauru were found to be suffering extreme levels of physical, emotional and psychological distress.¹⁵

Since the release of the AHRC’s report many paediatricians and health care providers have come forward to confirm the report’s findings on the basis of their experience working with detained children.¹⁶ They state that “behavioural issues, poor appetite, sleep problems, developmental problems, irritability, anxiety, sadness and nightmares are so common they are considered typical and are expected by parents.” The development of bed-wetting problems while in detention is also common. In addition many children have missed months of school.

Ultimately, the AHRC inquiry found the detention environment to be profoundly unsafe for children. There have been hundreds of instances of assault involving children, incidents of self-harm, and numerous reports of sexual assault. The AHRC’s report states that the “laws, policies and practices of Labor and Coalition Governments are in serious breach of the rights guaranteed by the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.”¹⁷

Why is community processing the best method?

The application process for asylum seekers is long, with most of those in immigration detention facing a wait of over six months for their first decision.¹⁸ As already discussed, indefinite detention is traumatic, especially given that asylum seekers often flee war-torn countries and situations of torture and trauma.

Community-based processing is the most reasonable, humane and cost effective approach for supporting asylum seekers while their claim for protection is assessed. If health and security checks

¹⁰ <http://www.smh.com.au/federal-politics/political-news/scott-morrison-to-release-150-detainee-children-into-community-20140819-3dys4.html>

¹¹ <https://newmatilda.com/2015/02/17/coalition-tried-distract-children-detention-report-it-was-moving-kids-back-nauru>

¹² <http://onlinelibrary.wiley.com/doi/10.1111/jpc.12873/full>

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 https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf

¹⁵ https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf

¹⁶ <http://onlinelibrary.wiley.com/doi/10.1111/jpc.12873/full>

¹⁷ https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf

¹⁸ http://www.refugeecouncil.org.au/news/releases/110624_RefugeeWeek_detentionB.pdf_24/6/2011

are necessary, people should be held in accommodation for the shortest possible period and only as a last resort. The conditions should be humane and include freedom of movement, protection of the family unit, ensuring the best interests of the child and access to legal assistance. Children however, should be checked and cleared immediately.

Please click [here](#) to read the ASRC's policy position on the Best Interests of the Child.

Please click [here](#) to see the ASRC's current campaign to close Nauru and Manus and bring people safely to Australia.

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