



CATHOLIC COMMISSION FOR
**JUSTICE,
DEVELOPMENT
& PEACE**
MELBOURNE

**Western Young People's Independent Network
&
Catholic Commission for Justice Development and Peace Melbourne**

'DAMAGING KIDS'

*Children in Department of Immigration and Multicultural and
Indigenous Affairs' Immigration Detention Centres*

"I saw an Afghani guy cut his own throat in my compound – he was working with me in the kitchen that day, and after work, he went outside and he cut himself up everywhere. It was really hard. Even the officers started crying when this happened". [17-year-old asylum-seeker]

CCJDP Occasional Paper No. 12

May 2002

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Executive Summary

This report focuses on the experience of young people in immigration detention centres and how they felt it affected them. It considers the human rights standards that Australia has agreed to and how it is respecting them in regards to children seeking asylum. The report assesses definitions of emotional and psychological abuse of children under domestic child protection legislation against disturbing official evidence of self-harm by children and adults held in detention.

The report concludes that widespread psychological and emotional abuse of children and young people is occurring as a result of being incarcerated in Immigration Detention Centres administered by the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA). The damage to children is profound and may permanently impair their psychological development and wellbeing as adults. The problem is systemic and is inherent in DIMIA's policy and practices, which create a culture of self-harm and psychological child abuse. Responsibility for this human destruction and psychological child abuse lies not with the people detained but with DIMIA.

The report provides shocking new evidence towards the conclusion above, which indicates the scale of self-harm in immigration detention centres – information that DIMIA has been at pains to hide from the public. On 24 October 2001, the CCJDP applied to DIMIA under the *Freedom of Information Act 1982* for statistical information on incidents of self-harm reportable under Immigration Detention Standards. The following data was received from DIMIA as a result of this FOI request:

In the eight months between 1 March 2001 and 30 October 2001 there were 264 incidents of self-harm reported in Australian Immigration Detention Centres. 238 males self-harmed in this period and 26 females.

The rates of self-harm are appallingly high for people in the 26-35-age range: 116 people in eight months – 105 men and 11 women. They were followed by those people entering their adulthood aged 20-25 years, of whom 103 had self-harmed – 98 males and 5 females.

29 children and young people up to the age of 20 were recorded as having self-harmed in ACM/DIMIA facilities in eight months; a rate of 3.62 per month.

These statistics do not record exposure to self-harm by other children and young people, but the "collateral damage" to children from such exposure is real.

Self-harm is endemic in DIMIA's immigration detention centres. There is a pervasive culture of serious self-harm among adults, which threatens all children in DIMIA's detention facilities with significant risk of permanent damage to their social, intellectual and emotional development. The rate of self-harm amongst children is very high and totally unacceptable. Moreover rates of self-harming amongst adults is so widespread and high, it can be said that there is a culture of carnage in DIMIA institutions.

The best interests of the children are not being followed by DIMIA, for if these criteria were followed, given the scale of self-harm which DIMIA's own records show, any responsible organisation could not keep children in such dangerous conditions. DIMIA is acting negligently in regards to children and many of the adults held in its Immigration Detention Centres.

The purpose of DIMIA is migration, not child protection, and its officers are generally ignorant of child protection standards under domestic child protection legislation and professionally ill equipped to make decisions about the welfare of children who are detained.

There is a high probability that DIMIA has further information on its records showing that its officers have knowledge of the scale and degree of self-harm occurring in its facilities and the damage this is causing to children. To continue to ignore and hide such mistreatment of children in DIMIA institutions would be ethically reprehensible and leaves the Commonwealth open to charges of negligence. As it stands the Commonwealth may well face massive compensation claims in the future from asylum seekers who are granted refugee status and sue for damages arising from cases asserting DIMIA's negligence in regard to care for adults and failing to protect the best interests of children.

The report includes testimony of former child detainees, covering areas such as:

- the conditions under which children are detained;
- health, including mental health, development;
- education; and
- effects of detention centre culture on children and young people.

Some of the young peoples' experiences in DIMIA's detention centres were:

"I said that I would kill myself because I saw people before me try to hang themselves..."

"Some people cut themselves with knives, or drank shampoo to kill themselves. I told some of my friends to do that. Because we couldn't live in that condition..."

"Some of the young people who has (sic) been in for a long time were also depressed."

"I saw a small child hitting his head against the fence because he was so upset – he had been there for ten months and was asking for his father."

"I saw an Afghani guy cut his own throat in my compound – he was working with me in the kitchen that day, and after work, he went outside and he cut himself up everywhere. It was really hard. Even the officers started crying when this happened".

The report considers human rights obligations voluntarily undertaken by the Australian Government in regards to children and concludes that Australia is violating three United Nations Human Rights Conventions in regards to children, including (dates of Australia's signature included):

1. **The Convention on the Rights of the Child** (1990) - which calls for governments to abide by the best interests of the child and to only detain them as a measure of *last resort*;
2. **The International Covenant on Civil and Political Rights** (1975) – which prohibits arbitrarily detaining people including children; and

3. **Convention Relating to the Status of Refugees (1954)**- which prohibits punishing people seeking asylum by virtue of the illegal nature of their arrival.

Moreover, the Australian Government is flouting three different sets of United Nations Standards, which seek to protect children, including:

1. **UNHCR Revised Guidelines on Applicable Criteria relating to the Detention of Asylum Seekers** – which recommended children should not be detained.
2. **UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum** - which recommends that children who are unaccompanied should not be detained.
3. **The United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing Rules)** which set out standard of treatment for juveniles which recommends alternatives to institutional detention.

RECOMMENDATIONS

1. **The Australian Parliament urgently convene a joint parliamentary inquiry into the scale and impact of self-harm on detainees, the legal and financial compensation implications for current and future governments and to recommend measures to prevent such damage to human beings in DIMIA institutions and care in the future.**
2. **The Australian Government move immediately to implement the standards for the care of children contained in the following human rights conventions it has signed and related UN Guidelines:**
 - **The Convention on the Rights of the Child - *abide by the best interests of the child and use detention as a measure of last resort;***
 - **The International Covenant on Civil and Political Rights – *refrain from arbitrarily detaining children;***
 - **Convention Relating to the Status of Refugees – *refrain from punishing children with detention by virtue of the illegal nature of their arrival;***

- **UNHCR Revised Guidelines on Applicable Criteria relating to the Detention of Asylum Seekers – *respect the provision that states that children should not be detained;***
 - **UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum - *which recommends that children who are unaccompanied should not be detained;* and**
 - **The United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing Rules) which *recommends “alternatives to institutionalisation to the maximum extent possible, bearing in mind the need to respond the specific requirements of the young.”***
3. **A humane system of reception is adopted where people are held temporarily for a specific period not exceeding 28 days with adults and seven days with children and their primary carers while health, identity and security checks are made.**
 4. **Once the needs of the State to assess health, identity and security risk have been met, then the Australian Government adhere to UN human rights standards it has signed, and move quickly to release children and their carers from detention into the full care of the community (where thousands of other asylum seekers already reside) with appropriate support.**
 5. **Support for minors with their families to live in the community could be provided by an expanded Asylum Seeker Assistance Scheme managed by the Australian Red Cross that already provides income support and Medicare benefits to thousands. This support should be available for the duration of the assessment of people's claims and relevant appeals within the Immigration determination system. The Australian Government should expand funding for this program accordingly.**
 6. **In the case of unaccompanied minors, the State Governments receive increased funding from the Commonwealth to expand increased case management, psycho-social and trauma counselling, income support and education, health and work entitlements.**

- 7. DIMIA staff, subcontracted service providers in immigration detention centres, as well as the Minister for Immigration's ministerial staff, should urgently receive training about:**
 - Australia's human rights obligations and relevant UN Guidelines and standards on detention of asylum seekers, in particular for children, juveniles, and unaccompanied minors; and**
 - definitions of child abuse – such as psychological and emotional abuse, under domestic child protection legislation and appropriate actions to prevent such abuse occurring.**

- 8. Australian MPs and Senators desist from using terms such as 'illegals', 'queue jumpers', 'forum shoppers' etc and the pejorative notions associated with these negative labels which hide the fact that it is human beings – children, parents, brothers, fathers, sons, daughters and mothers, many of who have fled grave persecution - that Australia is mistreating and causing to self-harm in its Immigration Detention Centres.**

List of Acronyms

ACM	Australasian Correctional Management
ACS	Australian Correctional Services (a subsidiary of Australasian Correctional Management)
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
IAAAS	Immigration Advice and Application Assistance Scheme
ICCPR	International Covenant on Civil and Political Rights
IDC	Immigration Detention Centres
IDS	Immigration Detention Standards
JAS	‘Justice for Asylum Seekers’
UAMs	Unaccompanied Minors
UNHCR	United Nations High Commissioner for Refugees

A. INTRODUCTION

The Western Young People's Independent Network (WYPIN) and the Catholic Commission for Justice Development and Peace (CCJDP) Melbourne have prepared this report as a submission to the Human Rights and Equal Opportunity Commission (HREOC) 'National Inquiry into Children in Immigration Detention'. The report's launch coincides with the arrival in Australia, in late May 2002, of the United Nation's Working Group on Arbitrary Detention and the UN Human Rights Commissioner, Mary Robinson's, special envoy to investigate conditions in Australian Immigration Detention Centres.

As of 1 February 2002, the total number of women and children in mainland Australian Immigration Detention Centres was 637. This number comprised of 259 adult women, 224 male children, 141 female children, 13 unaccompanied minors (UAMs).¹ 1147 children and minors were held in detention in 2000.² Mandatory detention of children and their families arriving by boat in Australia is routine, contrasting with those who arrive by plane and subsequently claim asylum, who largely remain living within the Australian community.

WYPIN is a youth service targeting refugee and migrant young people living in the Western region of Melbourne. WYPIN was established in 1989 by a group of young people who were interested in challenging racism in the community and empowering young people to develop programs and activities in line with their needs and aspirations. WYPIN's Committee of Management is made up of young people.

WYPIN's main focus is as an advocate and voice for young people of refugee and migrant backgrounds in the Western region. WYPIN runs programs that focus on the educational and recreational needs of young people as well as focusing on anti-racism education and settlement issues. WYPIN is well known for using drama and performance with young people as a community education tool and working with young people to explore issues around race and ethnicity through drama.

WYPIN supports young people around a range of settlement issues, including access to education, employment and recreational services. WYPIN works with

¹ http://www.minister.immi.gov.au/detention/women_&_children.htm#children

young people to assist them to feel connected to their new community as well as encouraging them to develop and explore their identity.

WYPIN is seen as a critical youth voice on refugee issues in the Western region of Melbourne. As a refugee youth specific service provider WYPIN is particularly aware of the specific settlement and psychological needs of young refugees. Based on WYPIN's experience, it is considered that the first 6 months after arrival in Australia are critical to a young person's settlement and development. The young people, who have often escaped war-torn countries and harsh regimes, witnessed or themselves experienced torture and trauma, require support to deal with these issues, not uncertain periods of incarceration.

The Catholic Commission for Justice Development and Peace Melbourne (CCJDP) aims to help educate and give leadership to the Catholic and wider community in the gospel message of justice and in the social teachings of the Church. The Commission's Charter requires it to work for justice in public, local and national structures. It seeks to achieve these ends through research, analysis, working with parish networks, public forums, in schools and in the media. It actively seeks to explore ways that social justice can be improved in society and in the performance of mechanisms that have a role in public life. The CCJDP has raised the issue of violations of human rights of asylum seekers in a variety of fora including the media, the lobbying of parliamentarians and producing documents. The CCJDP monitors development regarding the human rights of asylum seekers via the Australian Human Rights Register. The CCJDP published a special Refugee Edition of the Register in December 2001, which documented entries from Non-government Organisations around Australia.

In addition to the promotion of and respect for universal human rights and standards that will be referred to throughout this submission, the CCJDP uses the principles of Catholic social teaching to test the justness of public policy.³ Pope John Paul II has voiced his concern about States having "contempt for the fundamental human rights of so many people, especially children..."⁴

² Information obtained from Amnesty International, National office. August 2001.

³ For example Catholic social teaching is concerned that public policy does not undermine the primacy of the family: "[T]he individual, the family and society are prior to the State, and...the State exists in order to protect their rights and not stifle them." Catholic Social Welfare, Australian Catholic Social Welfare Commission, Vol.1, No.1, July 1992.

Additionally, the Church has clear positions on the rights of asylum seekers. Pope John Paul II points out that refugees, however they might arrive in a country – illegally or not - still have their human rights:

*His irregular legal status cannot allow the migrant to lose his dignity, since he is endowed with inalienable rights, which cannot be violated nor ignored.*⁵

Moreover, the Catholic Church does not endorse sweeping State powers to detain all asylum seekers. The 'Pontifical Council for Pastoral Care of Migrants and Itinerant People' warned that:

*A person applying for asylum should not be interned unless it can be demonstrated that he or she represents a real danger, or there are compelling reasons to think that he or she will not report to the competent authorities for due examination of his or her case. Moreover such people should be helped with access to work and to a just and rapid legal procedure.*⁶

Finally, in its Statement of March 22, 2002, the Australian Catholic Bishops' Conference expressed concern about the detention of asylum seekers and minors by the Australian Government:

*Mandatory detention is itself a matter for concern: alone among the nations, Australia excludes any discretion being exercised as to whether, in particular cases, detention may be inappropriate or should be abbreviated.... Many asylum seekers, including whole families, have been detained for more than a year. The Church's pastoral care of asylum seekers convinces us that detention, beyond the minimum time necessary for carrying out security and health checks, identity checks and the lodgment for Protection Visas, is deeply destructive of human dignity. This is particularly true of children.*⁷

The Interviews

WYPIN and CCJDP conducted interviews on 4 April 2002 with four minors who had experienced periods of detention in Australian immigration detention centres in 2000-

⁴ John Paul II *Novo Millennio Ineunte: At the Beginning of the New Millennium*, Strathfield, 2001, p.68.

⁵ John Paul II, Message for World Migration Day 1995-6, *Undocumented Migrants*, 25 July 1995 p.2.

⁶ *Cor Unum*: Refugees: A Challenge to Solidarity, 1992, 11.

⁷ Australian Catholic Bishops' Conference, 'Refugees and Asylum Seekers', March 22, 2002.

2002. WYPIN and CCJDP were concerned that the minors understood the purpose of the HREOC Inquiry and why they were being asked to voluntarily participate in providing testimony. The participants all consented to having their testimony used for the purposes of the 'National Inquiry into Children Held in Detention'. In addition to initial discussions with the minors via phone, inviting them to participate on a voluntary basis, time was spent in a group discussing the aims and nature of the Inquiry and issues of confidentiality. While not all of the four wished to remain anonymous, WYPIN and CCJDP have maintained the anonymity of the interviewees and refer to them by letters eg. 'A' etc. To further protect the identity of the interviewees, WYPIN and CCJDP will not refer to the exact dates of their detention (the length of period of detention will be described).

This report is also seen as a critical opportunity for minors who have been in detention to voice their experience and be heard. The young minor participants expressed a strong wish for their experience to be heard and documented so that other young people would not have to suffer like them. The interview process was also part of a cathartic and healing experience for the minors to be heard and validated.

In preparing this submission, WYPIN and CCJDP have attempted to adhere to the standards contained in the United Nations High Commissioner for Refugees (UNHCR), February 1997 Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, which states:

Unaccompanied children have often had little or no choice in the decisions that led to their predicament and vulnerability. Irrespective of their immigration status, they have special needs that must be met.

WYPIN and CCJDP hope that the information contained in this submission will assist the Australian Parliament in reforming the Australian Immigration Detention System by introducing standards, such as the one above, which have hitherto been lacking in many areas in regard to children seeking asylum in Australia.

In addition to the testimony provided, there are three additional accounts of abuse of children in DIMIA facilities which were first aired in the publication Migration Action, in

October/December 2000.⁸ These reports raise disturbing questions about the mode of operation of Australasian Correctional Management (ACM). The allegations have not been independently investigated.

AGE

The testimony provided in this submission comes from minors aged 15-18 (all were under 18 when in detention).

- Interviewee 1. 'B' was born in 1985 and was held in detention for six months at Woomera Immigration Detention Centre (IDC).
- Interviewee 2. 'A' was born in 1986. He was held in Curtin IDC for three months
- Interviewee 3. 'M' was born in 1984. He was held in Woomera IDC for 4 months.
- Interviewee 4. 'N' was born in 1984 and was held in Curtin IDC for 4 months.

Reports suggest that senior DIMIA Officers in Canberra and staff within the Minister of Immigration's office have a low regard for the human rights of adolescents held in Australian immigration detention centres. This is on the basis that they are no longer children, have come from war-torn countries where people allegedly 'grow up more quickly' or already may be performing adult roles in such societies in areas of marriage, work or combat.⁹

This line of thinking implies that such adolescents are not going to have the same needs as their Australian peers or the younger children in DIMIA's centres. Such thinking flies in the face of the understanding of the UNHCR which notes that 18 years is the common and internationally accepted legal defining line and that for practical reasons, adolescents still have the rights of children. Adolescents may have adult bodies and fulfil some adult roles but their emotional maturity, judgement and social status are not the same as that of adults with life experience. The UNHCR argues adolescents need 'special care and assistance' while they are 'developing their identities and learning essential skills'.¹⁰ For the purposes of this submission, in accordance with UNHCR practice and opinion, adolescents are considered children and the standards of the Convention on the Rights of the Child (CROC) apply.

⁸ 'A Statement from Justice for Asylum Seekers Alliance', Migration Action, Vol.XXII, No.2, October/November 2000

⁹ Discussion with the Immigration Minister's Immigration Detention Advisory Group, January 2002.

¹⁰ UNHCR's Manual, Refugee Children: Guidelines on Protection and Care, Geneva, 1995, Ch.2, Sec.III.

B. TESTIMONY

This section focuses on the experiences of young people in detention and how they felt it affected them. It considers:

- **the conditions under which children are detained;**
- **health, including mental health, development;**
- **education; and**
- **security practices in detention.**

i) Minors' Experience of Detention

Minors clearly felt that detention was not a good place for them. Their experience of it was of being imprisoned. They further indicated that detention periods should be short and that ongoing detention was problematic for people's sense of wellbeing.

'M' reported that when he arrived at Woomera he realised he was being detained. "First when I got there, it looked like a gaol. First it was normal. But then I got to know people who had been there for two and half years, and I worried that I could be held there for that long".

'A' expressed similar concerns, "Some of the young people who had been in for a long time were also depressed...it's OK to be in detention centres for one or two months, but after then, everyone wants to go, they want to get out."

'N' reinforced this, "It's good for people to be in a detention centre for a short time... everyone wants to get out as soon as they can from detention."

'B', after spending six months in Woomera Immigration Detention Centre, wanted to send this message to Australians:

We don't want this life in prison. If we wanted to be in prison, we would stay in our own countries. We want a life here, schooling. We don't want to be in a prison in the middle of the desert.

The location in the desert compounded for 'B' the sense of being unheard and abandoned. He saw this isolation as the reason that the protests against these conditions were not understood in the wider Australian community:

On TV they show all the fires and people trying to escape the detention centre, but they don't show why. On the news they say we are uncivilized. But what can we do? In the desert who can hear us?

In addition to the psychological sense of abandonment, 'B' found the desert environment harsh and the physical impact tough with temperatures reaching up to 50 degrees, he believed. This made the rooms very hot as the bricks warmed up.

ii) Amenities

The Minister for Immigration makes much of the level of amenities available to people held in immigration detention centres. DIMIA's website proclaims:

Suitable accommodation for family units and children are made available where possible and recreational facilities including playgrounds, toys and games are provided.¹¹

So how do children experience Australia's immigration detention centres? The minors noted that after the initial period of arriving and settling into detention centres, the allure of such facilities paled against the reality of continuing detention and separation from loved ones. In general, minors had no major complaints about the level of amenities: it was the culture of Australasian Correctional Management (ACM)/Department of Immigration, Multicultural & Indigenous Affairs' (DIMIA) centres that they had strong feelings about.

'B' said that there were public bathrooms for everyone at Woomera Immigration Detention Centre (IDC) however, "The water wasn't fresh, we would see insects in the food." There were nine people in one room, he said. "In my donga, there were just two people in each room as it was for people under 18." He observed that while accommodation was "OK", there was a larger institutional imperative of controlling people which was not lost on him and was seen in a punitive light:

¹¹ http://www.minister.immi.gov.au/detention/women_&_children.htm#children

They kept the people separately, and when you make problems, you are sent to another compound. Like Oscar [compound], that's where they send people who make trouble.

A sense of being transient and homeless was reinforced by the institutional nature of the immigration detention centres - 'N' reported that he was moved three times at Curtin in three and half months. So too, was 'B' who reported that,

After your first interview, you are moved to a new compound, so that you can't tell the people in your compound who hadn't had an interview what happens. I was moved three times while I was in Woomera. The same thing happens after your second interview with a lawyer – you are moved.

'A' who was held at Curtin IDC said that the food was “OK and enough” and there was a place to play football, basketball, soccer, and table tennis. He noted that Curtin lacked a specific prayer room so people had to “pray the Jummah outside. But you could pray in your room if you liked.” Having acknowledged the amenities 'A' combined these two observations, which reveals the reality for young people:

There were sports for young people, and videos and computers. I was very happy in the camp. They made the young people happy – they looked after them [then he observes] There were people cutting their wrists – they had been held there a year. I would do that too if I was there for a year. It was OK for me, 'cause I was there for only a few months, and they used to take the young people out to go swimming. But only the young people...

The damaging environment of prolonged detention and consequent self-harm on people negates that provision of material amenities. 'A' found that “In the beginning I would play with other people in the detention centre, but I stopped because I was thinking of my family – I was feeling sad.”

'M's experience reinforces the view that ongoing detention quickly leads to depression, “I would just sleep all the time. You can play sport, but you get bored quickly. I asked for many things, like gym equipment, which they promised to bring but never did.” 'A' attempted to resolve his depression by working in the kitchen:

I would work in the kitchen for 12 hours every day and was paid \$1 a day. They (ACM) asked me to work. Cooking, cleaning, washing. Other people worked there too. I was the first under 18-year-old to work in the kitchen, the officers told me.

Employing someone under the age of 18 in the kitchen for 12 hours at a rate of \$1 per day is a violation of children's rights, being exploitation of their labour. This could allow a company like ACM to save on staff wages and keep their overheads down.

iii) Health

The minors' opinions about medical services varied depending on the detention centre - one considered Woomera particularly bad. 'M' had a difficult time when he was sick with a skin 'disease' [possibly a psychological reaction to stress] and the ACM officers would not take him to see a doctor. It took two to three weeks before they brought him to a doctor and only after he had written a letter stating he "did not want to live."

'N' however had a different experience at Curtin – when he was sick, a nurse came at once.

'B' believed there was not good medical treatment at Woomera IDC if you got sick. People were susceptible to sore throats and flu he noticed. People had to wait at Woomera to see a nurse: "It took one week until I could see a doctor. If you want to see someone faster, you can only see a nurse." He also revealed "some people had broken arms, but they [ACM] wouldn't send them to a doctor, they just bandaged their arms." These were people who had self-harmed by slashing their wrists.

'B' had a good opinion of the psychologist whom he had reason to use on many occasions:

The psychologist was very merciful to me [sic]...I asked to help me out of humanity not because of his job. So he rang my case officer and he said that I had my visa [approved by DIMIA] two months ago, but ASIO still hasn't [sic] processed my application.

iv) Education

The human right to education was not emphasised very much, perhaps because it did not feature prominently in the lives of the minors who experienced detention in ACM/DIMIA Centres. A picture of minimal classes with students barely engaged emerges - a lackadaisical affair due to the detention environment, which militates against classroom education. 'N' reported that he went to class every day at Curtin, where there were 20 other children learning. However, after a while, "I did nothing all day in the detention centre. We had two hours of classes each morning, and they gave us books on homework."

'N's testimony corroborates the views of the Western Australian Inspector of Custodial Services, Professor Richard Harding, who recounted his visit to Curtin on 25 June 2001 in a speech last year where he described education as a 'charade'. Professor Harding said:

ACS/DIMA [Australian Correctional Services – a subsidiary of ACM, and the Department of Immigration etc] had been very anxious that one should arrive before 9.00am so as to be able to see the Centre's education classes in daily progress. A glossy brochure indicated that children were receiving five hours' education in four different groups. In reality, they were receiving one hour's education. Teaching took place between 9.00am and 10.00am; thereafter, the children stayed in the teaching area until 11.00am during which time some contact with teachers might occur; then there was a lunch break until 1.00pm; and after that so-called 'homework', if the children felt like doing it. The so-called 'education program' was largely a charade though doubtless five hours' full education was being paid for and signed for and signed off by the Canberra based 'monitors'.¹²

The ACM and DIMIA schooling program at the Curtin IDC centre is being replicated at Woomera IDC. 'B' explained further that at Woomera IDC there was "only a school for language", one hour a day for those under 18 years old. The education programs at Curtin and Woomera IDCs seem to be Australia's 21-century equivalents of Dickens' Dotheboy's Hall in 'Nicholas Nickleby', with as much pedagogical integrity as the classes of Dickens' school principal, Squeers.

¹² Professor Richard Harding, International Corrections and Prisons Association Conference, "Standards and Accountability in the Administration of Prisons and Immigration Detention Centres: A Description of

Moreover, 'B' found that being detained interfered with his ability to study:

I chose not to go to school each day, because your mind cannot concentrate – my mind is on my family and what I'd see happen to people in the detention centres.

What exactly are minors seeing at detention centres that might distract them from the ACM and DIMIA's educational offerings?

v) ACM Security and its Effects on Minors

The effect on minors of being detained and becoming the subjects of security works on several levels. Firstly, it operates on the level of interpersonal relationships between the minors and the institution's officers – the ACM guards. Secondly, there are the effects of detention on adults and the flow-on effect that can have on children and minors. And finally, there are the wider institutional relationships with minors as 'detainees'.

The minors had different views about the guards. 'A' thought that the officers at Curtin were good. "If you need something, you just asked them and they would go and get it for you." 'A' reveals why he might have no reason to complain, however: "I didn't have any problems with the guards while I was in *gaol*" [authors' emphasis]. His sense that he was being imprisoned is clear and the fact that ACM guards seemed friendly and obliged with small requests must indeed have been reassuring. Later 'A' revealed, "I didn't want to make trouble".

The relationships at Woomera IDC between minors and ACM guards seem more problematic with alleged behaviour spanning verbal put-downs and intimidation to physical abuse by guards. Minors acknowledged that guards were people and represented a variety of personalities – some who acted well towards them and some who did not.

'B' thought that some of the ACM officers were "very good and nice", but others would disparage the minors and other asylum seekers by stating that "you came here illegally." The minors felt such put-downs keenly; again 'B' went to the ACM office with a request but was brusquely shouted at to "go away". 'B' continued:

the Role of the Western Australian Inspector of Custodial Services for Bringing Equity and Decency to

I said to her, this is not the right way to deal with us. You could say "Sorry the office is closed, or come back before five o'clock?" And she said "You come here illegally to this country and then you answer back to me?" She said this to me after I leave my family, after they sold all their things, their stock, and their cows, to protect me.

'B' reported that he was called both by his name by the guards and by number at times.

'M' imparted a sense of arbitrary behaviour of guards –“One day they be smiling at you, the next day they would be hitting you”. He continued, “Some of the officers threatened [us] like animals. They would just say 'go away' and not do anything from them unless we would say please.” He added, “You need to do things to get the officers' attention, like try to kill yourself...”

This unpredictability was deeply upsetting for 'M' who was told by a guard to go to sleep one night. “I told him I wasn't tired, so he slapped me. If I had a knife, I would have killed him. My own father had never hit me. I wanted to attack him back.”

Such intense feeling is normal in an adolescent but what is abnormal is the institutional context that gives rise to such interactions between juveniles and guards. The United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing Rules) are relevant in considering the institutional effects of Australian detention policies on minors.¹³ The Beijing Rules distil the collective wisdom of many nations in dealing with juveniles in institutions and find that:

The many adverse influences on an individual that seem unavoidable within any institutional setting evidently cannot be outbalanced by treatment efforts. This is especially the case for juveniles, who are vulnerable to negative influences. Moreover, the negative effects, not only of loss of liberty but also of separation from the usual social environment, are certainly more acute for juveniles than for adults because of their early stages of development.

the Operation of Australia's Immigration Detention Centres"; Perth, 30 October 2001.

¹³ UN General Assembly, United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing Rules), Resolution 40/33, 29/11/85.

The propaganda disseminated by the Government around 'illegal' immigration could adversely influence the treatment of asylum-seekers by ACM guards. Currently such information is not being countered by adequate education of personnel in sub-contracted services for detention centres. This is in regard to both Australia's human rights obligations (that is Article 31 of the 1951 Convention relating to the Status of refugees that prohibits the punishment of refugees for entry), and in the management of minors and juveniles, as recommended in the Beijing Rules. These state in Rule 22.1:

Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilised to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases.

Currently DIMIA, ACM and other sub-contracted service providers display high levels of ignorance about UN standards for treatment of asylum seekers and in particular juveniles and children. Professor Harding, the Western Australian Inspector of Custodial Services, has observed, "DIMIA is not in reality an agency that is concerned with accountability; it is in effect an operation agency".¹⁴

More problematic again are the adverse psychological effects on minors of interacting with depressed and anxious adult asylum seekers, particularly those who have been detained by the Australian Government for periods of a year or more. What did the minors observe and feel during their stay in the ACM/DIMIA Immigration Detention system?

vi) Self-harm in ACM/DIMIA Detention Centres and its Effects on Minors

The Department takes its duty of care towards all detainees, especially women and children, very seriously.

DIMIA Website 2002¹⁵

When 'A' arrived at Curtin, he was surprised at the aberrant behaviour of people:

¹⁴ Harding, op cit.

¹⁵ http://www.minister.immi.gov.au/detention/women_&_children.htm#children

The people who had been in the detention centre were making trouble every day, every week. They'd cut themselves, or jump out of buildings, or be rude to the officers. I had never seen that sort of behaviour before...

The levels of depression and frustration within immigration detention centres are high and disturbances are regular, if not endemic. Professor Harding considers that

The conditions that exist at Curtin Centre are almost intolerable. It is no coincidence that riots do occur in a system that lacks accountability. Riots occur for a reason; they are seldom mindless or the work of 'rabble-rousers'. Anyone who knows the simplest thing about prison riots knows also that unacceptable conditions against which there is no recourse, and thus in relations to which there is a profound sense of inequitable treatment, are the precursor to riots.¹⁶

'A' observed upon his arrival at Curtin, "Some people seemed depressed, or sick." He reported with adolescent nonchalance, that, at Curtin: "There were people cutting their wrists, but I didn't care about that. It's up to you if you want to cut yourself."

'A' recognised that this self-harm was a result of desperation arising from the arbitrary nature of the periods of time people could spend in Australian detention: "I could understand why they were cutting themselves – they had been there for a year." 'A' felt his own coping mechanisms would be exhausted if he was held for a prolonged period: "I would do that too [cut oneself] if I was held there for a year."

'M' revealed that at Woomera IDC:

I also saw people sew their lips - a friend of mine did this because he was there for two years, and they kept asking him to wait for his visa. In the end he asked to be sent back to Iran.

'A' observed the psychological damage this was causing other children: "Some of the young people who has been in for a long time were also depressed."

'M' said that at Woomera IDC:

¹⁶ Harding, op cit. October 2001.

I saw a small child hitting his head against the fence because he was so upset – he had been there for ten months and was asking for his father.

'M' recounts that the frustration of detainees would spill over into rioting and self-harm:

At the camp they would start to burn things. I saw an Afghani guy cut his own throat in my compound – he was working with me in the kitchen that day, and after work, he went outside and he cut himself up everywhere. It was really hard. Even the officers started crying when this happened.

'B' paints a grim picture of the Woomera IDC and the effect that witnessing adult self-harm had on himself and his peers:

Some people cut themselves with knives, or drank shampoo to kill themselves. I told some of my friends to do that. Because we couldn't live in that condition.

'B' also developed the following understanding of the different ACM responses to his psychological needs:

Sometimes I'd go to the psychologist, and tell them I was remembering my family, and he would always agree with me, and suggested that I didn't remember my family as much. If you asked the officer to see the psychologist, they would say it would take seven days. But if you attacked the office by throwing stones, or by cutting yourself, they would take you straight away. But if you asked respectfully, they would take seven or ten days.

Inevitably, the minors are affected by the culture of despair and self-harm surrounding them and begin to form irrational desperate responses. 'B' manifested suicide ideation as a learnt behaviour arising from the observation of others' behaviour that engaging in self-harm is the best way to achieve a positive response from those controlling one's destiny. In some senses, self-harm is a rational response to the irrational nature of an inhumane system. 'B' told the psychologist: "I said that I would kill myself because I saw people before try to hang themselves and one week later they get visas [sic]. And told my friends that if we'd done it [self-harm] in the first month [of their arrival] we'd get visas."

'B' recounts how minors became involved in self-harming behaviour during a hunger strike undertaken by a large group of people at the Woomera IDC:

When [we] arrived at the detention centre it took 25 days for three interviews [he is referring to interviews conducted by DIMIA and IAAAS], [and] after one and half months some people got their first visa. There were seven of us that were under 18. The people that arrived with us got visas after two months, but the boys under 18 didn't get a visa after five months – four months after the third interview.

I told my friends we had to do something so we wrote a letter to DIMIA saying we'll wait a week and if we don't get a visa by then, we will kill ourselves and you will be responsible for this. Seven Iraqis and 15-16 Afghanis [signed]. No one from the under 18s got visas which is why we wrote a letter to DIMIA.

So they sent someone from DIMIA about one day after and they said that they were still thinking about it. Two days later they sent someone for the Human Rights [HREOC?] – they called me and two of my friends. So I told them everything that is going on in the detention centre.

I told them no parent would leave a child alone their age unless it was too dangerous for them to stay in their own country.

We don't want this life in prison. If we wanted to be in prison we would stay in our own countries. We want a life here– schooling. We don't want to be in prison in the middle of the desert.

We are not responsible if we kill ourselves, but you are.

One day after we told all this to the Human Rights Commission, (I spoke to them for one hour) they sent someone from the South Australian Government.

Before we sent the letter to DIMIA we had a hunger strike for five days, and then we sent the letter.

We told them that we would kill ourselves on Friday if they did not do something, so on Tuesday and Thursday we got our visas.

It took five months for them and they did nothing. So we wrote them this letter they could suddenly let us out a few days later. Why?

vii) The Impact of Detention.

The four minors interviewed for this submission manifested different legacies from their experience within the government's immigration detention centres.

After enduring four months at the Woomera IDC, 'M' was given no time to take in the news and farewell people: "When my visa came I had one hour to leave. I couldn't say goodbye to my friends. I saw them handcuffed on TV [during coverage of a disturbance]." Despite his sudden departure, 'M' is suffering a form of post-traumatic stress disorder as a result of Australian immigration detention policy:

I have nightmares about detention centres, and flashbacks that come all of a sudden, like of that guy that slashed himself. I have flashback everyday. I think of all the people at the detention centre – not just of the guy who cut himself.... I get headaches now, thinking about family and friends.

'N' was more simple and succinct in his feelings displaying the frailty of a teenager thrust into a situation out of his control: "It was hard in detention, because I didn't know anyone. I came alone."

'B', who experienced hunger strikes, said "I want to use my name [for the interview] because I lived in the conditions in the detention centre and I am sad about the people in there..." He continued:

I am trying to remember people in the detention centre because it is not right for them to be there. I was very happy to be at the rally for refugees because I felt that there were people who wanted to help me and agreed with me. The people in detention centres are also human, they are children, and they have feelings. I am trying to forget the detention centre, but I try to remember the people.

All of the young people, while loving the freedom which is the right of young people ('A' said, "It was good to get out of the detention centre. I have a lot of friends now"), are finding it difficult living in the community because of the range of burdens weighing upon them – their ordeals in Australia's immigration detention centres being just the most recent.

Most were missing their families terribly and feeling separation anxiety and guilt. 'A' confessed, "Whenever I don't do anything, its impossible not to think about my family. Everyone is like that. This is my first time away, I miss my family."

'N' found it impossible to communicate with his family: "I haven't had contact with my family," he lamented, "as they are not in the city. I've tried to send letters to Pakistan in the hope that someone will take it across the border."

'M' could speak to his family: "They tell me to finish my studies, be patient, every day is a new day." However after enduring six months in the Woomera IDC, "I don't want to bring my family here any more because Australia has been a sad experience..."

All of the minors were on Temporary Protection Visas, and their feelings of insecurity and uncertainty about their status led to difficulties with settlement and problems focussing on education. 'N' worried: "I want to keep studying, but I don't get enough money from Centrelink. I'm finding it really hard to live with the small amount of money I am given. I just don't get enough money for all the expenses I have. But I'd really like to keep studying." Nevertheless, the future was uncertain, "I don't know what will happen to me after three years."

'M' also felt insecure:

I am not sure about my future. I still have to wait three years for my visa – I don't know what to do. I can't make any decisions because I don't know what's going on with my visa, if [my country's situation] changes, they [DIMIA] might send me back.

'M' believed that, "The public don't know what is going on in the camp. They know nothing about what is going on inside." The humanity and empathy of the young asylum seekers shines through in 'M's deep conviction that:

It's not just young people that shouldn't be in the detention centres – no one should be there. These people are escaping wars, trying to get a better life and then they are placed in places like Woomera. It is unfair....

'B' didn't want to talk about his current situation – he was still preoccupied with the fate of people in detention: “The permanent visa [for himself] isn't important for me as the people in the detention centre...for five months we had no rights, no human rights, no children's rights...”

C. Psychological and Emotional Abuse of Children

This Section examines legal and psychosocial conceptions of what children are experiencing in IDCs and who is responsible. It contains three reports with allegations of abuse occurring in IDCs which were first aired in Migration Action Journal in October/September 2000. It contains disturbing new data, obtained from DIMIA, about the scale of self-harm in DIMIA's institutions.

i) Defining Abuse

Child abuse is where an act, or a failure to act, on the part of an adult, endangers or impairs a child's physical or emotional health and development. Abuse is not accidental but neither is it always the intention of the person to inflict harm or injury. This may be the case where institutions are responsible for the abusive policies or procedures that threaten, or damage, the child's development. The Victorian Children's and Young Person's Act 1989 s.63, for example, defines abuse in terms of 'significant harm', that is the effect of abusive acts on the child. Types of abuse include:

- **Neglect**, which is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be significantly harmed.
- **Sexual abuse**
- **Physical abuse**
- **Emotional abuse**, which occurs when the child's parent or care giver repeatedly rejects the child or uses threats to frighten the child. This may involve name-calling, put-downs, or continued coldness from the parent or the care giver to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Evidence: There must be evidence of the child's need(s) not being met as a result of a care giver or parent failing to exercise care. This is not, in the first instance, a question of responsibility, but rather whether there has been an act of omission in care, which has an impact on the child. For instance, a parent may be prevented from exercising care as a result of government policy: a child may attempt to self-harm, as a result of being held in an Australian immigration detention centre in a culture where self-harm is endemic.

Allegation 1. 'ACM staff terrorise youngster'

An Iraqi man 'Tahseen' arrived in Australia on 27 November 1999 with his 11 year old daughter 'Zenab'. They have since been released from immigration detention.

On 4 June 2000, prior to a 'break out' at Woomera IDC in early June, 'Tahseen', who was considered to be a trouble maker because he was more vocal about his human rights, was put into a separate prison at the centre. The prison had separate cells and a central space.

Later, his daughter was put in the cell with him, as she had no one to look after her - her mother already being deceased. There were 25 people in the prison, including 23 adult men, a male five-year-old child and 'Zenab'. When ACM placed the child with adult detainees in prison, they violated the child's rights under the Convention on the Rights of the Child that the Australian Government brought into force in Australia in 1991.

The child was held in the prison until 13 June 2000. On 8 June, while other detainees had broken out of the centre, ACM guards came to the prison section wielding sticks with the apparent intention of beating the prisoners. 'Zenab' became uncontrollably upset. Throughout her period in the internal prison, and since then, she has suffered from terrible nightmares and anxiety attacks. Since her release she continues to bed-wet and wet herself during the daytime. She did not have these difficulties before. Although clinic staff saw her, her father complains she received no treatment at all. A medical discharge card given to her upon release from detention puts her condition down to participation in the 'breakout' however she was behind bars for nine days during the 'breakout'.

Types of Evidence

The evidence required to make a notification of child abuse occurring in Victoria, for example, includes:

Emotional Abuse:

- Displaying low self esteem
- Tending to be withdrawn, passive, tearful
- Displaying aggressive or demanding behaviour
- Being highly anxious
- Showing delayed speech
- Acting like a much younger child - eg soiling, wetting pants
- Displaying difficulties in relating to adults and peers

Neglect:

- A child is not being adequately housed, constantly moving, or denied housing
- Medical needs not being attended to.
- Inappropriate clothing eg. summer clothes in winter
- Poor hygiene
- Malnutrition
- Frequent hunger
- Left unsupervised for long periods of time

Some of the minors spoke about their experience in DIMIA's detention centres.

"I said that I would kill myself because I saw people before me try to hang themselves..."

"Some people cut themselves with knives, or drank shampoo to kill themselves. I told some of my friends to do that. Because we couldn't live in that condition..."

"Some of the young people who has been in for a long time were also depressed."

"I saw a small child hitting his head against the fence because he was so upset – he had been there for ten months and was asking for his father."

"I saw an Afghani guy cut his own throat in my compound – he was working with me in the kitchen that day, and after work, he went outside and he cut himself up everywhere. It was really hard. Even the officers started crying when this happened"

ii) Scale of Self-harm in ACM/DIMIA Detention Centres

Under the General Agreement between the Commonwealth of Australia and Australasian Correctional Services Pty Ltd (clause 4.3), ACM is required to "provide reports in the medium which allows the Commonwealth to access the information in the manner that best fulfils the requirements of the Immigration Detention Standards..."¹⁷. On 24 October 2001, CCJDP applied to DIMIA under the *Freedom of Information Act 1982* for statistical information on incidents of self-harm between 1 October 2000 and 31 October 2001 reportable under Immigration Detention Standards [the request is contained in the appendices]. Subsequent discussions with DIMIA in February 2002 revealed that the cost of providing the level of detail requested by CCJDP would run into tens of thousands of dollars. This was prohibitive and a disincentive to pursuing the original request so we agreed to DIMIA's suggestion that we receive statistics without much of the requested detail such as nature of self-harm and ACM/DIMIA's response. Data was received from DIMIA on 23 April 2002 showing incidents of self-harm from 1 March 2001 – 30 October 2001 and is attached in the appendices.

In the eight months between 1 March 2001 and 30 October 2001 there were 264 incidents of self-harm reported in Australian Immigration Detention Centres. 238 males self-harmed in this period and 26 females. Suggestions made by some

¹⁷ General Agreement between Cwth. of Australia and Australasian Correctional Management, 27 February 1998.

observers, that despairing people self harm in detention centres on a daily basis are true.

The rates of self-harm are appallingly high for people in the 26-35-age range: 116 people self-harmed in eight months – 105 men and 11 women.

They were followed by those people entering their adulthood aged 20-25 years, of whom 103 had self-harmed – 98 males and 5 females.

Immediately, we begin to understand why adolescents - particularly males - might be depressed and begin to manifest suicide ideation, influenced by their older friends and acquaintances among the incarcerated. The Table below shows that 29 children and young people up to the age of 20 were recorded as having self-harmed in ACM/DIMIA facilities in eight months; a rate of 3.62 per month. These statistics do not record exposure to self-harm by other children and young people, but the "collateral damage" to children from such exposure is real.

Minors and young adults self - harming in DIMIA's Immigration Detention Centres

March 2001 - October 2001

29 self-harmed in the 8-month period above: 22 males and 7 females:

- *2 children 0-2 years old had participated in a hunger strike*
- *3 children 3-5 years old had participated in a hunger strike*
- *1 child 3-5 had 'voluntarily starved' himself*
- *2 children 5-8 had participated in a hunger strike*
- *2 children 9-12 had participated in a 'voluntary starvation'*
- *8 children 13-16 had self-harmed – 5 had 'voluntarily starved'*
- *2 minors, aged 17 years, had self-harmed*

Additionally, 9 young adults 18-20 had self-harmed:

- *7 males and 2 females of whom 3 had 'voluntarily starved'*

N.B See comments below about 'hunger strikes' and 'voluntary starvation'

Source: DIMIA April 2002.

For the purposes of this data, self-harming includes 'voluntary starvation' and hunger strikes. CCJDP has requested further clarification about these terms and others from DIMIA on 23 April 2002, and is still waiting for a reply. There is some variation to terms used in the DIMIA statistics and until DIMIA provide some further clarification on these terms, we rely on the opinion of former ACM staff members at Woomera IDC that these variations are due to slightly different terms being used by individual ACM employees when making notifications of self-harm rather than different categories per se.

The view of former Woomera health workers, who spoke to CCJDP on condition of anonymity, is that the recording of children's participation in hunger strikes and as 'voluntary starvation' is not due to allegedly manipulative parents forcing their children not to eat, but rather refers to children profoundly affected by the severe depression and psychological trauma of their parents and other adults, and who withdraw from eating as one form of manifesting their own severe stress and trauma.¹⁸

The issue to be considered is whether any children and their parents should be held at all in an environment where such severe psychological stress is the norm. Professor Patrick McGorry, Director of the Department of Psychiatry, University of Melbourne Youth Program, argues that a recent study showed that detained asylum seekers had experienced twice the level of war trauma exposure of those asylum seekers in the community.¹⁹ Over 70% had been tortured and 90% experienced severe trauma. He found that "Those who had suffered the most severe persecution are perversely at most risk of detention in Australia. This is not really surprising because these are the people most desperate to leave and hence the most likely to enter 'illegally'".²⁰

DIMIA asserts that:

The Department is committed to ensuring that children held in immigration detention receive appropriate care. A permanent working party of senior departmental officers

¹⁸ DIMIA's website states: "Discussions between Immigration Minister Philip Ruddock and South Australian Human Services Minister Dean Brown occurred in December 2001. Both Ministers agreed the alternative arrangements were needed to protect some children at the facility from the coercion of other adult detainees." http://www.minister.immi.gov.au/detention/women_&_children.htm#children

¹⁹ Silove D, Steel Z, Mollica RF. 'Detention of asylum seekers: assaults on health, human rights, and social development', *The Lancet*, 2001; 357(5):1436-1438.

*meets on a fortnightly basis to review of all detention cases and, in particular, cases of concern such as children.*²¹

DIMIA has an agreed set of standards [Immigration Detention Standards – [IDS] with ACM for treatment of people. DIMIA's website proclaims:

The IDS outline the quality of life expected in the centres and take into consideration individual needs such as the gender, culture and age of the detainees.

*Emphasis is placed on the sensitive treatment of the detention population which may include torture and trauma sufferers, family groups, children, the elderly, people with a fear of authority, and those who are seeking to engage Australia's protection obligations under the Refugee Convention ...*²²

Professor McGorry disagrees:

*Clinical and research evidence clearly shows that detention is psychologically harmful to traumatised refugees exposed to it. The recovery environment after trauma is critical to recovery and the ambient stress and trauma of the detention environment is not only nontherapeutic but frankly toxic. Medical and psychiatric care in these environments is substandard.*²³

The CCJDP FOI data obtained from DIMIA, showing endemic self-harm, demonstrates that these ACM/DIMIA standards are meaningless in practice in DIMIA's detention centres. There is a culture of human carnage under DIMIA management. There is a pervasive culture of serious self-harm among adults, which threatens all children in DIMIA's detention facilities with significant risk of permanent damage to their social, intellectual and emotional development. The rate of self-harm amongst children is very high and totally unacceptable.

iii) Child Protection

The recent Memorandum of Understanding (MOU) signed by DIMIA and the former South Australian Liberal Government in December 2001, reveals that DIMIA is

²⁰ Patrick McGorry, 'Asylum seeking and mandatory detention', *Australian Family Physician*, Vol.31, No.3, March 2002, pp.275-77.

²¹ http://www.minister.immi.gov.au/detention/women_&_children.htm#children

²² <http://www.immi.gov.au/facts/82detention.htm#7>

²³ McGorry, Op cit.

responsible for all children in its detention centres. South Australia's Family and Youth Services (FAYS) Department does not have ultimate responsibility for responding to abuse of children and there are clear limits to State power to protect the best interests of the child:

- 4.1 *DIMA maintains the ultimate duty of care for all immigration detainees. That is, the ultimate responsibility for the welfare of unlawful non-citizens in immigration detention remains with DIMA. The day to day operations of detention services have been contracted out by DIMA to a private detention services provider.*
- 4.2 *FAYS has a legal responsibility to investigate child protection concerns for children in immigration detention in South Australia. However, any interventions undertaken to secure the care and protection of detainees must be actioned by DIMA. DIMA will consider carefully FAYS recommendations to ensure that the best interests of the child are protected.²⁴*

The states and territories have had legislation to protect children from such abuse for a decade or more. The definition of child abuse in South Australia clearly covers the psychological and emotional abuse of children occurring in ACM/DIMIA institutions:

CHILDREN'S PROTECTION ACT 1993 - SECT 6

Interpretation

"abuse or neglect", in relation to a child, means—

"(a)" sexual abuse of the child; or

"(b)" physical or emotional abuse of the child, or neglect of the child, to the extent that—

(i) the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or

(ii) the child's physical or psychological development is in jeopardy...

²⁴ Memorandum of Understanding (MOU) between the Department of Immigration and Multicultural Affairs (DIMA) and the South Australian Department of Human Services, Family and Youth Services (FAYS) relating to Child Protection Notifications and Child Welfare Issues pertaining to children in immigration detention in South Australia, December 2002.

Western Australia

The Western Australian Family and Children's Services describe abuse and its consequences in the following ways [emphasis in bold is authors']:

The following definition of child maltreatment has been formulated by child protection professionals. The wording of these definitions is important because of the legal implications related to child maltreatment.

Child maltreatment occurs when a child has been subjected to sexual, emotional or physical actions or inactions, the severity and/or persistence of which has resulted in significant harm or injury to the child; or where a child has been exposed or subjected to exploitative or inappropriate sexual acts.

The description of child maltreatment includes situations where a child is denied available food, shelter, medical attention or supervision to the extent that the child has suffered significant harm or injury.....

Emotional maltreatment describes significant impairment of a child's social, emotional, cognitive and intellectual development, and/or disturbance of the child's behaviour which result from behaviours such as persistent hostility, rejection or scapegoating.

All forms of maltreatment are likely to result in emotional problems for the child, particularly a lack of self-esteem and a distrust of adults. The longer the maltreatment continues the more serious the effects. Maltreated children are more likely than other children to be self destructive or aggressive, to abuse drugs and alcohol, or to become young offenders or 'street kids'. In some situations maltreatment may result in permanent physical damage and even death.

In the longer term adults who have been maltreated may be more likely to maltreat their own children and can often experience difficulties in forming satisfactory relationships with other adults.

*Treatment and counselling services for children who have been maltreated assist in working through the trauma and in reducing the effects of the maltreatment. **The most serious effects are likely to occur when no one takes action to stop the maltreatment and protect the child.***

Physical or behavioural signs can assist in recognising child maltreatment. Injuries to a child such as bruises or fractures may be a sign of maltreatment although it must be remembered that such injuries are also seen in children who are not maltreated. It is the persistent occurrence of injuries which may be cause for concern.

Behavioural changes in a child can also be a sign of maltreatment. For example a child suddenly being highly anxious or withdrawn for no apparent reason may be a cause for concern. However a child's behaviour is likely to be affected if he or she is under stress and there can be many causes of

*stress including child maltreatment. It is important to find out specifically what is causing the physical and/or behavioural signs you can see.*²⁵

Keeping children safe

The State child protection agencies have the power to investigate notifications of child abuse in Commonwealth facilities but can only make recommendations to DIMIA. These may or may not be acted upon. The best interests of the children are not being followed by DIMIA, for if the criteria above were followed by DIMIA, given the scale of self-harm which FOI searches have revealed, any responsible organisation could not keep children in such dangerous conditions.

The feeling among many professionals working with the child victims of institutional abuse in DIMIA's facilities is that the criteria used for DIMIA's responses to child abuse notifications are rarely in the 'best interests of the child', or that of the mass of children detained. Rather, they are in the 'best interests of the Department' on a case by case basis according to the political risk that public awareness of children's self-harm could cause. Such treatment of children in Commonwealth care is not surprising in a Department that is running large institutions that control many thousands of human beings, but does not directly employ social workers and psychologists at a senior level to advise it about the effects of its policies on those human beings. The purpose of DIMIA is migration, not child protection, and its officers are ignorant and professionally ill-equipped to make decisions about the welfare of children who are detained.

CASE 2. Physical Abuse of an Child in ACM/DIMIA Detention Centre and Failure in Medical Treatment

'Isa' and her three children, now released, spent nine and a half months in detention in Maribyrnong IDC in contravention of three UN Human Rights Conventions that are in force in Australia. Her children were aged 11 ('Mohamed'), 4 ('Nadia'), and 2 ('Katrina') at the time. 'Isa' had a protracted battle with the Department of Immigration, Multicultural and Indigenous Affairs to arrange for the eldest daughter to attend school outside the detention centre. Inside the detention centre, 'Mohamed' was expected to do his schooling by correspondence or participate in the daily English class run for other detainees. He already had excellent English. Through 'Isa's persistence and complaints, eventually he was permitted to attend the local school.

'Nadia' was deeply traumatised by her previous experiences and, as the family's detention dragged on, she became more depressed and manifested symptoms of posttraumatic stress disorder. She would frequently sit in a dark room rocking and

²⁵ http://www.fcs.wa.gov.au/_content/child_maltreatment_investigations/protect.html#a3

crying. She refused to play. She did not sleep. Despite numerous complaints, no psychologist was organised by ACM/DIMIA. Eventually when a private psychologist was organised, their report was alarming about the mental well being of the child. A day or two after being visited by the psychologist, the mother was quite seriously assaulted by another woman detainee and 'Nadia's wrist was broken. It was around two weeks before the child was taken to the hospital where an X-ray confirmed that her wrist was broken. During that time, the child was crying and clearly in pain, with the mother strongly advocating to the detention centre that her child be taken to hospital. Written complaints about the failure to investigate the cause of the broken wrist were put to ACM. ACM investigated the case and concluded there was no basis to the complaint. However the cause of the broken wrist and the two-week delay in medical treatment were not officially discovered.

iv) Professional Negligence

Based on the information obtained under Freedom Of Information (FOI) shown above, there is a high probability that DIMIA has further information on its records showing that its officers have knowledge of the scale and degree of self-harm occurring in its facilities and the damage this is causing to children. The conclusion drawn on the basis of the evidence above is that significant harm is occurring to large numbers of children. The sheer scale of self-harm in these facilities - 264 incidents reported in just 8 months - indicates not just profound damage to the adults, but is particularly damaging to the psychological and emotional development of children. To ignore such treatment of children in DIMIA institutions would be ethically reprehensible and leave the Commonwealth open to charges of negligence. The possibility of future criminal charges being laid against ACM and DIMIA officials for failing to respond and remove children from these environments is real, as are future compensation claims by asylum seeker children granted refugee status who become future Australian citizens.

CASE 3. ACM/DIMIA Place Children in Solitary Confinement, and Starvation

'Baban' was held in 'stage two' at the Villawood detention centre with his three-year-old son 'Ahmad'. Both had been in detention for more than 18 months. The child was 17 months upon his arrival in Australia. His mother and two other siblings are still in Iran. In July 2000, 'Baban' participated in a hunger strike against conditions in detention. At 4am on 31 July 2000, 19 people including 'Baban' and his son were transferred to Port Hedland detention centre. Amongst the 19 were five male children aged two-and-half-years, four years, four-and-half-years, eight years, and sixteen years. The adults were handcuffed, some with plastic cuffs and those considered to be troublemakers with metal cuffs. 'Baban' asked one of the guards to undo his handcuffs so that he could hold his child. The guard did so. Two other guards came up to the father challenging why his handcuffs were off. 'Baban' complained that his hair was pulled and his child, who was clinging to his leg, was pushed away roughly by the guards. 'Baban' challenged the guard's treatment of his child and the guards put the child into plastic leg locks. The child was left in leg locks for around 45 minutes. They were taken off prior to leaving the detention centre.

The plane to Port Hedland was privately chartered. Guards were on board. One father was there with his two children who were talking to each other. The guards told them to be quiet. The father challenged the guards' harsh words and the older child (aged eight) was handcuffed. He was handcuffed throughout the plane journey.

For around 32 hours, three of the five children did not have any food. None of the children were participating in the hunger strike. The children had their last food at around 8pm on the Friday night. They were awoken during the night and told to be ready for transfer at 4am the next morning. On the plane, sandwiches were offered to the two children who were awake. The parents of the three children who were asleep asked if they could take sandwiches for their children to eat later when they woke. They were refused. Upon arrival at Port Headland, the appointed dinnertime was already over. The parents asked for food for the children but were told that they would have to wait until breakfast at 7am the next morning. Hence three of the children had no food for 32 hours.

Upon arrival at Port Hedland, all 19 people were put into individual isolation cells including children who were held in isolation for around two hours before being reunited with their parents. 'Baban' continued with the hunger strike for a further three days after arriving at Port Hedland. Guards threatened that he would die in there and no one would know what happened and no one would care for his son. He was told that he would be deported if he continued with the hunger strike. He was told that if he broke the hunger strike he would be released into the general community.

Eventually he broke his hunger strike but he was not released from the cell for a further ten days. For the whole 13 days, his son was held with him in a one-person cell without windows, a shower or a toilet. No bedding was provided for the child. Twice a day they were taken for a few minutes to the toilet. At other times his son needed to go to the toilet. 'Baban' would bang on the door but no guards would come and his child would soil the floor. There were no toys or any other items for the child to play with. Aside from the trips to the toilet, they were both held in this cell for 24 hours per day.

On 20 August 2000, 'Baban' and 'Ahmad' were transferred back to Villawood detention centre. 'Baban' tried to arrange for his son to be seen by the detention centre doctor but the doctor was always busy. The nurse tried to make the appointments with the doctors but they did not happen. 'Baban' became very worried about his son, because since the experience of being locked in the isolation cells, the child's demeanour had markedly changed. 'Ahmad' was not eating or sleeping very well, cried almost continuously and was very angry. 'Ahmad' became sick and 'Baban' again tried to be seen by the detention centre doctors. 'Baban' asked for friends to bring medication in for his son, but this is not allowed. Two NSW Department officers were told of the condition of the 'Ahmad' and arranged for a psychologist to visit.

'Baban' says:

"Yesterday he ['Ahmad'] went to bed at around 1am and 6am he woke and he wakes up three to four times in the night screaming. He did not use to be like this. He is not eating. I cannot get any help here and I don't know what to do. What could any parent do in this terrible situation? I cannot protect him from this treatment. This is what has happened to my child.

"I never want to remember everything that has happened to my child. It was very hard for him especially in the cell. The child wouldn't run or play, there were no toys, nothing for him to do at all. When I remember those times I get really upset."

SECTION D. HUMAN RIGHTS STANDARDS

i) **Australia and Human Rights Standards**

This section examines the provisions made by Australia to implement its international human rights obligations regarding child asylum seekers, including unaccompanied minors.

The Australian Government has voluntarily agreed to adhere to three United Nations Human Rights Conventions in regards to children, including:

1. **The Convention on the Rights of the Child** (1990) - which calls for governments to abide by the best interests of the child and to only detain them as a measure of *last resort*;
2. **The International Covenant on Civil and Political Rights** (1975) – which prohibits arbitrarily detaining people including children; and
3. **Convention Relating to the Status of Refugees** (1954)- which prohibits punishing people seeking asylum by virtue of the illegal nature of their arrival.

The dates that the Australian Government voluntarily ratified these treaties – that is, formally agreed to adhere to them, are shown above. Based on what we know about experiences of children in detention, the Australian Government is violating the human rights of children seeking asylum.

Moreover the Australian Government has flouted three different sets of United Nations Standards which seek to protect children, including:

4. **UNHCR Revised Guidelines on Applicable Criteria relating to the Detention of Asylum Seekers** – which recommended children should not be detained.
5. **UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum** - which recommends that children who are unaccompanied should not be detained.
6. **The United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing Rules)** which set out standard of treatment for juveniles which recommends alternatives to institutionalisation be taken.

In June 1999, the Executive Committee of the UN High Commissioner's for Refugees Program examined the situation of detaining asylum seekers.²⁶ This UN Standing Committee was concerned with the States increasingly resorting to the institutionalisation of detention of asylum seekers. The Committee stated that it

...deplores that any countries continue to routinely detain asylum seekers (including minors) on an arbitrary basis, for unduly long periods, without giving them adequate access to UNHCR and to fair procedures for timely review of their detention status.

Such detention is arbitrary when it is not accompanied by fair and efficient procedures for review. It may also be arbitrary if it is disproportionate, or indefinite. In Australia in 1999-2000, more than 2,500 asylum seekers were held more than six months in mandatory detention.

The Australian Human Rights and Equal Opportunity Commission has noted:

*When prolonged detention occurs, conditions for people can become unacceptable. Provisions for education, health, welfare, recreation, provision for religious and cultural observances, which might be acceptable in the short term, become inadequate and unacceptable in the long term.*²⁷

The policy of mandatory detention leads to prolonged detention in many cases. These human rights conventions also include Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which states "*Detention must be subject to judicial or administrative review to ensure that it continues to be necessary in the circumstances.*"

At present, the Australian Government is not adhering to Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which successive Australian Governments of both political parties had voluntarily agreed to respect after it was signed. It entered into force in Australia on 10 December 1975. In 1999/2000 in Australia:

²⁶ Executive Committee of the High Commissioner's Program, [UNHCR], Detention of Asylum Seekers and Refugees: The Framework, the Problem and Recommended Practice, EC/49/SC/CRP.13, 4 June 1999.

²⁷ Human Rights and Equal Opportunity Commission, 'Those Who Come Across the Seas: Detention of Unauthorised Arrivals', Cwth. of Australia 1998,

- 1571 refugees were held in mandatory detention for periods between 6 and 9 months;
- 834 refugees were held in detention for periods of between 9 and 12 months;
- 192 were held for 12 to 24 months;
- 27 were held for 24 to 36 months; and
- 11 were held for more than 36 months.²⁸

Many of those detained for such lengthy periods of time are children. As a result, the Australian Government is currently violating human rights of people claiming asylum by arbitrarily detaining many of them.

The Executive Committee of UNHCR (hereon 'the Committee') noted that such practices were inconsistent with established human rights standards and urged States to explore more actively all feasible alternatives to detention. The Committee stated that "the right to liberty is a fundamental human right set out in universal and regional human rights agreements."²⁹

ii) **The UNHCR Guidelines on the Detention of Asylum Seekers**

The UNHCR Committee refers to the UNHCR Revised Guidelines on Applicable Criteria Relating to the Detention of Asylum Seekers³⁰ [hereon referred to as the Guidelines], which could be considered best practice standards. The UNHCR Guidelines are unequivocal:

The Detention of asylum seekers is in the view of UNHCR inherently undesirable.³¹

The UNHCR Guidelines are explicit about detention of persons under the age of 18 too:

Minors who are asylum seekers should not be detained.³² [UNHCR's emphasis]

²⁸ CCJDP Calculations based on DIMIA Factsheets. See DIMIA website.

²⁹ Human Rights and Equal Opportunity Commission, 'Those Who Come Across the Seas: Detention of Unauthorised Arrivals', Cwth. of Australia 1998,

³⁰ Office of the United Nations High Commissioner for Refugees, UNHCR Revised Guidelines on Applicable Criteria relating to the Detention of Asylum Seekers, Geneva, February 1999.

³¹ Ibid.

³² Ibid.

The Australian Government currently flouts UNHCR's stipulation on not detaining asylum-seeker children. Given that the Guidelines are not an international treaty, and do not bind Australia in a legal sense, should we expect Australia – a sovereign state and founding member of the United Nations – to adhere to the 'guidelines' of a UN agency charged with the responsibility of dealing with refugees and asylum seekers?

The Guidelines are important and relevant to Australia because they are based on a number of international human rights treaties and standards that Australia has voluntarily ratified (and has been involved in creating) and they make the case for not detaining asylum-seeker children. The UNHCR's Manual, Refugee Children: Guidelines on Protection and Care³³ reinforces this position of treating asylum seeker children as beings who possess human rights, arguing that international treaties are important to refugee children because they set standards. When a State such as Australia ratifies a treaty, the State promises to the international community (and its own people) that it will conduct itself according to the standards in the treaty. Australia ratified the Convention on the Rights of the Child [CROC] in 1989. It entered into force on 7 December 1990. The CROC is important to minors seeking asylum because it sets out the following standards, which Australia has agreed to abide by:

- Article 37 of the Convention of the Rights of the Child (CROC). This requires States to ensure that detention of minors be used only as a measure of last resort and for the shortest possible time.
- Article 2. This requires that States take all measures appropriate to ensure that children are protected from all forms of discrimination or punishment on the basis of the status activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members;
- Article 3. This provides that in any actions taken by State parties concerning children, the best interest of the child shall be the primary consideration;
- Article 9. This grants the right not to be separated from their parents against their will;
- Article 29. Education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities.

³³ UNHCR's Manual, Refugee Children: Guidelines on Protection and Care, Geneva, 1995

The full legal impact of Australia's signing of the CROC cannot be felt under Australian law as Commonwealth parliamentarians have failed to bring any of the provisions of the CROC into Australian legislation. Nevertheless, Australia's decade-old ratification of the CROC has the powerful moral effect of a set of internationally recognised universal human rights as well as being the most ratified human rights convention. Australia agreed to uphold universal human rights when it signed the UN Charter in 1947 and became a member of the international community. To ignore or flout such international human rights standards leads not only to Australia's current violation of the human rights of children seeking asylum, but threatens to weaken the international system of protecting the human rights of children.

The Australian Government incarcerated 1147 asylum seeker children in 2000 and has detained hundreds more in 2001-2. At best, little or no effort has been made by the Australian Government to abide by UN human rights standards for children seeking asylum, and the Commonwealth Parliament should as a matter of urgency adopt the UNHCR guidelines on asylum seekers and implement its recommendations in regard to children.

iii) Mandatory Detention of Child Asylum-Seekers and Punishment

The UNHCR Guidelines state that there should be a 'presumption against detention'. This is based on two grounds: one of principle and one based on experience. The principle is embodied in Article 14 of the Universal Declaration of Human Rights which states that the right to seek and enjoy asylum is a basic human right while UNHCR's experience shows that:

The position of asylum seekers differs fundamentally from all other-ordinary immigrants in that they may not be in a position to comply with legal formalities of entry. This element, as well as the fact that asylum seekers have often had traumatic experiences, should be taken into account in determining any restorations on freedom of movement based on illegal entry or presence.³⁴

The accounts of the minors illustrate the trauma that asylum seekers carry as a result of the separation from their family and the dangerous flight to asylum. One of the minors, 15 year old 'A' made the journey to Australia reluctantly, filled with grief at

³⁴ UNHCR Guidelines, op. cit.

leaving his home and family: "I didn't want to come here, but my mother said the Taliban would kill me. I didn't even know where Australia was." It took 'A' one month and 14 days to reach Australia. In Indonesia he embarked upon a voyage where he feared for his life:

On the boat there were about 300 people. I was scared on the boat. It was small, and there were many people, it didn't seem safe. I was scared. People honestly thought they were going to die before they reached Australia.

Another 17-year-old minor, 'M' had suffered significant distress growing up. His family house was burnt in 1991 possibly as a result of the conflict surrounding 'Operation Desert Storm' against Iraq. The Iraqi government in 1996 was arresting people in his area and they fled to Iran.³⁵ Detention of a minor can compound such distress and exacerbate trauma.

The Committee further pointed out that Article 31 of the 1951 Convention relating to the Status of refugees prohibits the punishment of refugees for illegal entry. Australia signed this UN Convention in 1954. Since the introduction in 1992 of mandatory detention for unauthorised arrivals, which falls disproportionately upon asylum-seekers who arrive by boat on our northern shores, violation of Article 31 has become routine in the Australian immigration detention system.

A 16-year-old minor, 'B', explained the reality of childhood and youth for him and how he felt about being 'illegal':

In my country, if your father, or cousin, or brother had a problem with the government, like saying something bad about the government in front of people, or avoiding military service, if they can't catch your father or brother, they will catch you instead. And they will tell your family that they will not release you until the father or brother come and that you will be kept in jail and eventually executed. ...My cousin didn't want to do army service, which means they would come for me, and then they ask (DIMIA) why do you come here illegally? They don't know what is happening in my country now.

³⁵ Interview 3. 'M', Melbourne, 4/4/02.

The Committee observed that minor asylum seekers are regularly detained or threatened with detention because of their own, or their parents', illegal entry into the country. Such detention, the Committee said, "can pose grave risks to their well being, their education and their psychological development."³⁶ Australia routinely incarcerates children and their families who arrive by boat without a visa.

iv) Unaccompanied minors

The UNHCR has a separate set of standards for unaccompanied minors that are also based on human rights principles and mutually reinforce the other UNHCR guidelines already discussed. The UNHCR guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum³⁷ also assert the guiding principle in any childcare and protection action is the principle of the "best interests of the child", and that unaccompanied minors are entitled to "special care and protection".

Unaccompanied minors should not be kept in detention, the Guidelines observe, and continue:

States which, regrettably and contrary to the preceding recommendation, may keep children seeking asylum in detention, should, in any event, observe article 37 of the Convention on the Rights of the Child, according to which detention should be used only as a measure of last resort and for the shortest appropriate period of time....

The Guidelines on Unaccompanied minors also illustrate where Australia is currently failing these groups of children:

- *They must not be held under prison-like conditions.*
- *The underlying approach to such a programme (sic) should be 'care' and not 'detention'.*
- *Facilities should not be located in isolated areas where culturally-appropriate community resources and legal access may be unavailable.*

All six of Australia's immigration detention centres possess prison-like conditions, surrounded as they are by palisades, barbed wire and managed by a prison

³⁶ UNHCR Executive Committee "Detention of Asylum Seekers", Op. Cit.

³⁷ UNHCR, Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, Geneva, February 1997.

management company, Australasian Correctional Management (ACM). Moreover the programs run by ACM for children cannot transcend the prison-like environment and the fact that people are detained undermines the duty of care to ensure the best interests of the child. Three of the six centres – Port Hedland, Woomera and Curtin - fail the last test, as they are in remote areas where culturally appropriate community resources are not available. The testimony that is provided in this report is evidence towards this conclusion.

How might the current system be improved?

v) The Guidelines and Alternatives to Detention

In August 2000, the UN Economic and Social Council's Sub-commission on the promotion and protection of human rights, encouraged states to "adopt alternatives to detention" of asylum seekers.³⁸ The UN's views were informed by UNHCR's Guidelines on Applicable Criteria relating to Detention of Asylum Seekers. The UNHCR Guidelines argue that the detention of asylum seekers is "Inherently undesirable." This is even "more so" in the case of vulnerable groups such as single women, children, unaccompanied minors and those with special medical and psychological needs.

The Guidelines assert a 'general principle' that asylum seekers should not be detained. Under Article 14 of the Universal Declaration of Human Rights, the right to seek and enjoy asylum is recognised as a basic human right. In exercising this right asylum seekers are often forced to arrive at or enter a territory illegally. The Guidelines argue that the circumstances of asylum seekers differ fundamentally from that of ordinary immigrants in that they are not able to comply with legal formalities for entry. This fact coupled with the fact that many asylum seekers have suffered trauma, "*should be taken into account in deterring any restriction on freedom of movement based on illegal entry or presence.*"

The UNHCR guidelines reinforce Article 9 of the ICCPR, arguing that detention "must be subject to judicial or administrative review to ensure that it continues to be necessary in the circumstances." The Guidelines argue that detention should only be resorted to in case of necessity, and therefore the detention of asylum seekers who

³⁸ UN Economic and Social Council, 'Detention of Asylum Seekers, Sub-Commission on Human Rights Resolution 2000/1', E/CN.4/SUB.2/RES/2000/21, 18 August 2000.

come "directly" in an irregular manner (such as unlawful non-citizens) should not be automatic nor should it be unduly prolonged." The Guidelines suggest that this should apply to asylum seekers pending determination of their status.

The Guidelines recommend that detention should only take place after a full consideration of all possible alternatives. In assessing whether detention of asylum seekers is necessary, the Guidelines state that account should be taken of whether it is reasonable to do so and whether is "proportional to the objectives to be achieved." It should only be imposed in a non-discriminatory manner for a minimal period.

The UNHCR Guidelines are clear that detention should only be resorted to in three instances:

1. For preliminary interviews while identifying the basis of an asylum claim. It is not to be used or extended while determination of the claim is occurring.
2. When it has been established that an asylum seeker has had an intention to mislead or refusal to cooperate. Travelling with fraudulent documents or without documents are not sufficient grounds in themselves, particularly the latter, as asylum seekers have may not have been able to obtain genuine documents in their country of origin.
3. To protect national security and public order in cases where there is evidence that the asylum seeker has criminal connections or record.

As an aside, on the above point of security, it is interesting to note that minors had indirectly heard of ill-considered allegations made against asylum seekers by the former Defence Minister Peter Reith during the last Federal election, that some may be terrorists. 'B' noted without prompting, in regard to the length of time it took to be processed by DIMIA and ASIO: "If you are a terrorist or spy, you don't come by boat."

vi) Improving the Standards of Care for Children in Detention

Contrary to the alarming assertions put forward by the Government, which suggest that all who are concerned about human rights of asylum-seekers wish to abandon management of the borders and allow people seeking asylum to freely enter the country, WYPIN and CCJDP share a more rational view with many other responsible refugee organisations. WYPIN and CCJDP acknowledge both the legitimate need of the state to manage borders and immigration and the expectation of the Australian public that border management is done professionally and effectively. WYPIN and CCJDP do not support the recent manufacturing of a sense of hysteria around the issue of "border control," the down-playing of Australia's humanitarian obligations to

assist those seeking asylum, or ill-willed assertions that people seeking asylum threaten national sovereignty or are potential terrorist threats. Such hysteria, while undoubtedly bringing political benefits, makes for irrational policy development which can be illogical, inhumane, costly and unsustainable – such as the creation of the Pacific detention centres. These remote centres are gravely worrying due to the lack of public scrutiny of conditions and the welfare of people, particularly children and young people.

WYPIN and CCJDP support a humane system of reception where people are held temporarily while health, identity and security checks are made. The introduction of standards based on UNHCR Guidelines would be a crucial and humane advance on the current system where publicly responsible standards are ill defined or absent altogether.

Children and their carers should not be detained, however, for a period longer than 7 days for children and their primary carers and 28 days for adults. After that they should be released into funded support programs that allow them to reside within the community while their claims are processed.

The arguments put up against the community release of children and their carers are built on hollow foundations. Most people who arrive by plane and then claim asylum remain living in the community while their claim is processed. The professed fear of people released from detention absconding is rather exaggerated given that two thirds of asylum seekers – numbering several thousands - already live out of detention in the community and manage to comply with DIMIA reporting requirements. This has always been the case of course; DIMIA statistics reveal that no unauthorised asylum seeker released on a bridging visa in Australia from 1996-1997 failed to meet their reporting obligations to DIMIA.³⁹ Assertions about Australia not having a national identity card system are misleading. Such records are unnecessary in the existing DIMIA compliance system for people in the community. This has a high degree of implicit compliance through the fact that people rely on certain government-provided benefits for their livelihood, and have a vested interest in seeing their claim through. Similarly, an experiment in the US of 640 detainees

³⁹ Information provided by the Office of the Minister for Immigration and Multicultural Affairs in response to a question on notice by Natasha Stott-Despoja on September 1, 1997 – Question 803. (Submission to the Senate Legal and Constitutional References Committee – HREOC)

released into the community had a 95% rate of compliance on release.⁴⁰ In Sweden, there has proven to be a high level of compliance with decisions, with very few asylum seekers absconding while under supervision. A system of release into the community, after initial health and security checks, has brought significant reduction in the use of taxpayers' money and in public outcry. Sweden now has the lowest levels of illegal immigrants living in the community in Europe, with research showing that resettled refugees integrate quickly into the community with no increase in levels of welfare dependency or crime.⁴¹

Support for minors with their families to live in the community could be provided by an expanded Asylum Seeker Assistance Scheme (ASAS) managed by the Australian Red Cross that provides income support and Medicare benefits. Such a system could provide an expanded range of supports from welfare agencies and a national case management system for asylum seekers [as advocated by 'Justice for Asylum Seekers' ('JAS')⁴²].

The average cost of keeping a child or adult in a mainland detention centre has increased to \$120 per day. Costs vary from centre to centre as they include expenses such as those for employees, travel, motor vehicles, telephones, interpreting costs, depreciation and other administrative costs.

By comparison, many asylum claimants living in the community are eligible for a period of time for the Government funded ASAS which is managed by the Australian Red Cross. In 2000-1, 2,691 people claiming asylum received ASAS payments averaging at 89 per cent of the Centrelink special benefit.⁴³ A single male over 21 is paid approximately \$400 per fortnight on the scheme, while a couple without dependants are paid approximately \$600. Administration costs for the scheme runs at an average of 12 per cent and it cost the public purse \$11,185,000 in 2001, up from \$9,950,000 in 1999-2000.

ASAS provides a casework service and limited financial assistance to asylum seekers in the community. Casework services offer:

- *crisis intervention and needs assessment*
- *counseling*

⁴⁰ AC Helton, 'Reforming Alien Detention Policy in the US', 1992

⁴¹ Österberg, T: Economic Perspectives on immigrants and Intergenerational Transmissions Handeshogskolan, Goteborgsuniversitet, 2000.

⁴² For further information, contact Marc Purcell, JAS co-convenor, (03) 9926 5710

⁴³ DIMA Fact Sheet 42, Assistance for Asylum Seekers in Australia.

- *administration of limited financial assistance, health care and pharmaceutical program*
- *referral to other agencies (legal, medical, specialist counseling, social, education, material-aid, housing)*
- *advocacy*
- *group work*
- *administration of limited emergency relief funds.*⁴⁴

Ongoing assistance is subject to continuing needs assessment by Red Cross ASAS caseworkers.

Asylum seekers who meet certain exemption criteria may qualify for ASAS payments within the six-month waiting period.⁴⁵ Assistance is also available for health and character check costs associated with the Protection Visa application process.

In the case of unaccompanied minors, the State Governments have existing funding relationships with the Commonwealth to provide case management, income support and education, health and work entitlements. This support should be available for the duration of the assessment of people's claims and relevant appeals within the Immigration determination system.

The Guidelines argue that there should be a “presumption against detention” particularly where alternatives are possible:

- monitoring mechanisms – such as reporting obligations; or
- guarantor requirements.

⁴⁴ Australian Red Cross, Victorian ASAS Unit, 'Asylum Seekers and the Asylum Seeker Assistance Scheme,' Info-sheet, February 2001.

⁴⁵ Exemption categories include:

- ◆ parents caring for children under 18 years of age
- ◆ unaccompanied children under 18 years of age
- ◆ persons over 65 years of age
- ◆ persons who are unable to work due to health and/or mental health problems (including torture and trauma)
- ◆ full-time carers
- ◆ women with high-risk pregnancies.

WYPIN and CCJDP support the use of the former: monitoring systems such as a reporting obligation which could be exercised by DIMIA creating a compliance desk for minors which could liaise with bodies caring for the minors such as Red Cross or the State Government-based unaccompanied minors programs. For example, if the minor is receiving ASAS payments via the Australian Red Cross, then Australian Red Cross could provide DIMIA's compliance unit with notification of where the minor and their carers are living and give regular reports that the minor or their guardian have checked in to Australian Red Cross to receive their payments.

Similarly, if State refugee minor programs are supporting the minor, then those programs could ensure that the minors remain in contact and similarly provide data about contacts made with the minors to DIMIA. In both cases (with ASAS or the unaccompanied minor programs), the compliance should be unobtrusive and should not impart a sense to the minor that they are being punished. In both cases, legal responsibility for compliance should remain with DIMIA unless guardianship is otherwise delegated by DIMIA to a State Government. The role of ASAS and the State's unaccompanied minors' programs should be to provide a flow of information to DIMIA to ensure that the minor is available and contactable and conversely to assist with advocating the minor's situation to DIMIA.

Because of limited financial resources in the community, WYPIN and CCJDP do not support the concept of financial guarantors, believing such mechanisms to be inappropriate and an inefficient use of community funds. Taxpayers are already voluntarily supporting asylum seekers in the community and have better uses for their money than to be paying bonds to DIMIA.

E. Conclusion

The Department of Immigration, Multicultural and Indigenous Affairs is responsible for Immigration Detention Centres where there is an endemic culture of self-harm amongst detainees. The Department of Immigration, Multicultural and Indigenous Affairs is exposing children to this culture of self-harm and as a result is causing serious harm to occur to children and young people where the development of the child is threatened or damaged. This is best described as institutional child abuse.

Such abuse has arisen because of the disregard for the human rights of asylum-seeker children by successive Australian Governments since 1992. This institutional abuse is a human tragedy that will leave a legacy of scars for a generation because Australia's Immigration Detention Centres further damage children, who have already suffered considerable trauma and persecution in their home countries. As adults, they will struggle to come to terms with their compounded suffering. The human cost of the Australian Government's violations of the human rights of asylum-seeker children is incalculable. The disturbing testimony provided above reflects the experiences of just four young people. However, thousands of children and adolescents have been incarcerated in Australia's Immigration Detention Centres in the past decade.

The Department of Immigration, Multicultural and Indigenous Affairs has shown that it uses inappropriate, unprofessional and dangerous means in handling the best interests of the children in its care. It is an inappropriate body to be dealing with children, lacking transparency and accountability in regard to its management of the immigration detention centres. DIMIA seems to lack any sense of awareness of the internationally agreed human rights standards or domestic legislative requirements protecting children, that argue for them not to be held in detention. The responsibility for the daily care of children should be removed from DIMIA immediately and transferred to more experienced and professional bodies at such as the Australian Red Cross, and state-based unaccompanied minors' programs.

Australia should immediately stop the damaging detention of children and young people. Australia should immediately release children and their carers into the community alongside the thousands of other asylum-seekers already living freely in our society. Unless the Australian Parliament realises the enormity of the tragedy of asylum-seeker children unfolding in DIMIA's detention centres, and moves quickly to

remedy this terrible damaging of the young, then it will stand condemned as making Australia a violator of the human rights of children. Current and future governments could be held accountable in the courts for the damage they are knowingly doing to young people. The risks of self-harm in detention centres are now too well known and any attempt to dismiss the risk of harm to young people and children in DIMIA centres could be seen as negligence. DIMIA could be responsible for a new generation of profoundly damaged young people coming into our society or being returned as damaged people to the countries whence they fled.

F. ATTACHMENTS:

- 1. CCJDP request to DIMIA regarding incidents of self-harm in detention centres 24 October 2001**
- 2. DIMIA's data on Incidents of self-harm in Australian Immigration Detention Centres 23 April 2002**

Attachment 1: CCJDP request to DIMIA regarding incidents of self-harm in detention centres 24 October 2001

The Catholic Commission for Justice Development and Peace would like to apply for the following information from the Department of Immigration and Multicultural Affairs:

1. Statistical details about Incidents of Self-harm from 31 October 2000 – 31 October 2001 (reportable though Incident Reporting Procedures detailed in Operational Orders) in Curtain Reception Centre, Woomera IDC, Port Headland Reception Centre, Perth IDC, Villawood IDC and Maribyrnong IDC; in particular to include:
 - Dates of all incidents
 - Nature of incidents (describe act of self harm)
 - Age, sex and nationality of person committing self harm (names and ID not required)
 - Numbers of days, person committing self harm, had been held in detention
 - Action taken by ACM and/or DIMA in response to self harm detailing medical referral (if occurred)

2. Statistical details of incidents of solitary confinement from January 2001 – 31 October (reportable though Incident Reporting Procedures detailed in Operational Orders) in Curtain Reception Centre, Woomera IDC, Port Headland Reception Centre, Perth IDC, Villawood IDC and Maribyrnong IDC; in particular to include:
 - Dates of all incidents and duration of solitary confinement
 - Reason for solitary confinement
 - Age, sex and nationality of person held in solitary confinement
 - Any comments or reasons about extension of solitary confinement by Australian Correctional Management staff and /or DIMA.

3. Statistical details of incidents of hunger strike from January 2001 – 31 October (reportable though Incident Reporting Procedures detailed in Operational Orders) in Curtain Reception Centre, Woomera IDC, Port Headland Reception Centre, Perth IDC, Villawood IDC and Maribyrnong IDC; in particular to include:
 - Dates of all incidents and duration of hunger strike
 - Numbers of people making hunger strike
 - Age, sex and nationality of persons holding hunger strikes
 - Nature of actions taken by Australian Correctional Management staff in response to incidents of hunger strike

4. Correspondence between DIMA and ACM pertaining to the above incidents

We will not be requiring names of ACM or DIMA officials, or the personal details or ID about persons held in detention centres, beyond general statistical information about age, gender and nationality.

Attachment 2: DIMIA's data on Incidents of self-harm in Australian Immigration Detention Centres 23 April 2002

**Incidences of self harm in Australian Immigration Detention Centres
1 March – 30 October 2001**

This is a copy of data provided by DIMIA. Numbers have been added to the original and it has been reformatted for electronic communication.

	Incidence Of Self Harm	Age	Gender
1	Self Harm - Hunger Strike – Minor	0-2yrs	Male
2	Self Harm - Hunger Strike – Minor	0-2yrs	Female
3	Self Harm - Hunger Strike – Minor	3-5yrs	Female
4	Self Harm - Voluntary Starvation - Adult	3-5yrs	Female
5	Self Harm - Hunger Strike – Adult	3-5yrs	Female
6	Self Harm - Hunger Strike – Minor	3-5yrs	Male
7	Self Harm - Hunger Strike – Minor	5-8yrs	Male
8	Self Harm - Hunger Strike – Minor	5-8yrs	Male
9	Self Harm - Voluntary Starvation - Minor	9-12yrs	Male
10	Self Harm - Voluntary Starvation – Minor	9-12yrs	Male
11	Self Harm - Voluntary Starvation - Minor	13-16yrs	Male
12	Self Harm – Adult	13-16yrs	Male
13	Self Harm – Hunger Strike – Minor	13-16yrs	Female
14	Self Harm – Minor	13-16yrs	Male
15	Self Harm - Voluntary Starvation - Minor	13-16yrs	Male
16	Self Harm - Voluntary Starvation-Minor	13-16yrs	Male
17	Self Harm – Minor	13-16yrs	Male
18	Self Harm - Hunger Strike – Minor	13-16yrs	Male
19	Self Harm – Minor	17yrs	Male
20	Self Harm – Minor	17yrs	Male
21	Self Harm – Adult	18-20yrs	Male
22	Self Harm – Hunger Strike – Adult	18-20yrs	Female
23	Self Harm – Attempted	18-20yrs	Female
24	Self Harm – Adult	18-20yrs	Male
25	Self Harm – Adult	18-20yrs	Male
26	Self Harm – Attempted	18-20yrs	Male
27	Self Harm – Voluntary Starvation – Adult	18-20yrs	Male
28	Self Harm - Voluntary Starvation - Adult	18-20yrs	Male
29	Self Harm – Attempted	18-20yrs	Male
30	Self Harm – Attempted	20-25yrs	Male
31	Self Harm – Adult	20-25yrs	Male
32	Self Harm – Attempted	20-25yrs	Male
33	Self Harm – Adult	20-25yrs	Male
34	Self Harm - Hunger Strike – Adult	20-25yrs	Male
35	Self Harm – Adult	20-25yrs	Male
36	Self Harm – Adult	20-25yrs	Male
37	Self Harm – Adult	20-25yrs	Male

38	Self Harm - Voluntary Starvation - Adult	20-25yrs	Male
39	Self Harm – Adult	20-25yrs	Male
40	Self Harm - Hunger Strike – Adult	20-25yrs	Male
41	Self Harm – Adult	20-25yrs	Male
42	Self Harm – Adult	20-25yrs	Male
43	Self Harm - Adult	20-25yrs	Male
44	Self Harm – Adult	20-25yrs	Male
45	Self Harm – Adult	20-25yrs	Male
46	Self Harm - Voluntary Starvation - Minor	20-25yrs	Male
47	Self Harm – Attempted	20-25yrs	Male
48	Self Harm – Attempted	20-25yrs	Male
49	Self Harm – Adult	20-25yrs	Female
50	Self Harm – Adult	20-25 yrs	Male
51	Self Harm – Adult	20-25yrs	Male
52	Self Harm – Adult	20-25yrs	Male
53	Self Harm – Adult	20-25yrs	Male
54	Self Harm – Adult	20-25yrs	Male
55	Self Harm – Attempted	20-25yrs	Male
56	Self Harm – Adult	20-25yrs	Male
57	Self Harm – Adult	20-25yrs	Male
58	Self Harm – Attempted	20-25yrs	Male
59	Self Harm – Adult	20-25yrs	Male
60	Self Harm – Adult	20-25yrs	Male
61	Self Harm - Voluntary Starvation – Adult	20-25yrs	Male
62	Self Harm – Attempted	20-25yrs	Male
63	Self Harm – Attempted	20-25yrs	Male
64	Self Harm – Attempted	20-25yrs	Male
65	Self Harm – Adult	20-25yrs	Male
66	Self Harm – Adult	20-25yrs	Male
67	Self Harm – Adult	20-25yrs	Male
68	Self Harm – Attempted	20-25yrs	Male
69	Self Harm – Adult	20-25yrs	Female
70	Self Harm – Attempted	20-25yrs	Male
71	Self Harm – Attempted	20-25yrs	Male
72	Self Harm – Adult	20-25yrs	Male
73	Self Harm – Attempted	20-25yrs	Male
74	Self Harm – Adult	20-25yrs	Male
75	Self Harm – Attempted	20-25yrs	Male
76	Self Harm – Adult	20-25yrs	Male
77	Self Harm – Adult	20-25yrs	Male
78	Self Harm – Adult	20-25yrs	Male
79	Self Harm – Attempted	20-25yrs	Male
80	Self Harm - Hunger Strike – Minor	20-25yrs	Female
81	Self Harm – Adult	20-25yrs	Male
82	Self Harm - Voluntary Starvation – Adult	20-25yrs	Male
83	Self Harm – Adult	20-25yrs	Male
84	Self Harm – Attempted	20-25yrs	Male

85	Self Harm – Attempted	20-25yrs	Male
86	Self Harm – Adult	20-25yrs	Male
87	Self Harm – Adult	20-25yre	Male
88	Self Harm – Attempted	20-25yrs	Male
89	Self Harm – Voluntary Starvation – Adult	20-25yrs	Male
90	Self Harm – Adult	20-25yrs	Male
91	Self Harm – Voluntary Starvation – Adult	20-25yrs	Male
92	Self Harm – Voluntary Starvation – Adult	20-25yrs	Male
93	Self Harm – Voluntary Starvation – Minor	20-25yrs	Male
94	Self Harm – Adult	20-25yrs	Male
95	Self Harm – Attempted	20-25yrs	Male
96	Self Harm – Adult	20-25yrs	Male
97	Self Harm – Adult	20-25yrs	Male
98	Self Harm - Hunger Strike – Adult	20-25yrs	Male
99	Self Harm – Adult	20-25yrs	Male
100	Self Harm – Adult	20-25yrs	Male
101	Self Harm – Adult	20-25yrs	Male
102	Self Harm – Adult	20-25yrs	Male
103	Self Harm – Attempted	20-25yrs	Male
104	Self Harm – Adult	20-25yrs	Male
105	Self Harm - Attempted	20-25yrs	Male
106	Self Harm – Adult	20-25yrs	Male
107	Self Harm – Adult	20-25yrs	Male
108	Self Harm – Hunger Strike – Minor	20-25yrs	Male
109	Self Harm – Attempted	20-25yrs	Male
110	Self Harm – Attempted	20-25yrs	Male
111	Self Harm – Attempted	20-25yrs	Male
112	Self Harm – Adult	20-25yre	Male
113	Sod Harm – Adult	20-25yrs	Male
114	Self Harm – Attempted	26-35yrs	Male
115	Self Harm - Hunger Strike – Adult	26-35yrs	Male
116	Self Harm – Hunger Strike – Minor	26-35yrs	Female
117	Self Harm – Attempted	26-35yrs	Male
118	Self Harm - Adult	26-35yrs	Male
119	Self Harm - Adult	26-35yrs	Male
120	Self Harm - Hunger Strike - Adult	26-35yrs	Male
121	Self Harm - Adult	26-35yrs	Male
122	Self Harm - Adult	26-35yrs	Female
123	Self Harm - Adult	26-35yrs	Male
124	Self Harm - Attempted	26-35yrs	Male
125	Self Harm - Adult	26-35yrs	Male
126	Self Harm - Adult	26-35yrs	Male
127	Self Harm - Adult	26-35yrs	Male
128	Self Harm – Attempted	26-35yrs	Male
129	Self Harm - Voluntary Starvation – Adult	26-35yrs	Male
130	Self Harm – Attempted	26-35yrs	Male
131	Self Harm - Adult	26-35yrs	Male

132	Self Harm – Adult	26-35yrs	Male
133	Self Harm – Adult	26-35yrs	Male
134	Self Harm – Adult	26-35yrs	Male
135	Self Harm – Hunger Strike - Adult	26-35yrs	Female
136	Self Harm – Hunger Strike - Adult	26-35yrs	Male
137	Self Harm – Hunger Strike - Adult	26-35yrs	Male
138	Self Harm – Adult	26-35yrs	Male
139	Self Harm – Adult	26-35yrs	Male
140	Self Harm – Adult	26-35yrs	Male
141	Self Harm – Voluntary Starvation - Adult	26-35yrs	Male
142	Self Harm - Adult	26-35yrs	Male
143	Self Harm - Adult	26-35yrs	Male
144	Self Harm - Attempted	26-35yrs	Male
145	Self Harm - Attempted	26-35yrs	Male
146	Self Harm - Adult	26-35yrs	Male
147	Self Harm - Adult	26-35yrs	Male
148	Self Harm - Adult	26-35yrs	Male
149	Self Harm - Adult	26-35yrs	Male
150	Self Harm - Adult	26-35yrs	Male
151	Self Harm - Adult	28-35yrs	Male
152	Self Harm - Adult	26-35yrs	Male
153	Self Harm - Adult	26-35yrs	Male
154	Self Harm - Hunger Strike - Adult	26-35yrs	Male
155	Self Harm - Hunger Strike – Adult	26-35yrs	Male
156	Self Harm - Adult	26-35yrs	Male
157	Self Harm – Adult	26-35yrs	Male
158	Self Harm – Voluntary Starvation – Adult	26-35yrs	Male
159	Self Harm – Adult	26-35yrs	Male
160	Self Harm – Adult	26-35yrs	Female
161	Self Harm – Voluntary Starvation – Adult	26-35yrs	Male
162	Self Harm – Adult	26-35yrs	Male
163	Self Harm – Voluntary Starvation – Minor	26-35yrs	Male
164	Sod Harm – Adult	26-35yrs	Male
165	Self Harm – Adult	26-35yrs	Male
166	Self Harm – Hunger Strike - Adult	26-35yrs	Male
167	Self Harm – Adult	26-35yrs	Female
168	Self Harm – Adult	26-35yrs	Male
169	Self Harm – Adult	26-35yrs	Male
170	Self Harm - Hunger Strike - Adult	26-35yrs	Male
171	Self Harm – Adult	26-35yrs	Male
172	Self Harm – Attempted	26-35yrs	Female
173	Self Harm – Attempted	26-35yrs	Male
174	Self Harm – Attempted	26-35yrs	Male
175	Self Harm – Adult	26-35yrs	Male
176	Self Harm – Adult	26-35yrs	Male
177	Self Harm – Adult	26-35yrs	Male
178	Self Harm – Voluntary Starvation – Adult	26-35yrs	Female

179	Self Harm – Voluntary Starvation – Adult	26-35yrs	Male
180	Self Harm – Adult	26-35yrs	Male
181	Self Harm – Adult	26-35yrs	Male
182	Self Harm –Adult	26-35yrs	Male
183	Self Harm – Adult	26-35yrs	Male
184	Self Harm – Voluntary Starvation – Adult	26-35yrs	Male
185	Self Harm - Voluntary Starvation – Adult	26-35yrs	Male
186	Self Harm – Adult	26-35yrs	Male
187	Self Harm – Adult	26-35yrs	Male
188	Self Harm - Hunger Strike - Adult	26-35yrs	Male
189	Self Harm – Attempted	26-35yrs	Male
190	Self Harm – Adult	26-35yrs	Male
191	Self Harm – Attempted	26-35yrs	Male
192	Self Harm - Adult	26-35yrs	Male
193	Self Harm - Adult	26-35yrs	Male
194	Self Harm - Adult	26-35yrs	Male
195	Self Harm - Adult	26-35yrs	Male
196	Self Harm - Adult	26-35yrs	Male
197	Self Harm – Adult	26-35yrs	Male
198	Self Harm - Adult	26-35yrs	Male
199	Self Harm – Attempted	26-35yrs	Male
200	Self Harm – Voluntary Starvation – Adult	26-35yrs	Male
201	Self Harm – Adult	26-35yrs	Male
202	Self Harm – Adult	26-35yrs	Male
203	Self Harm – Adult	26-35yrs	Male
204	Self Harm – Attempted	26-35yrs	Male
205	Self Harm – Attempted	26-35yrs	Female
206	Self Harm – Adult	26-35yrs	Male
207	Self Harm - Voluntary Starvation – Adult	26-35yrs	Male
208	Self Harm - Adult	26-35yrs	Male
209	Self Harm - Voluntary Starvation – Adult	26-35yrs	Male
210	Self Harm – Adult	26-35yrs	Male
211	Self Harm – Adult	26-35yrs	Male
212	Self Harm – Attempted	26-35yrs	Female
213	Self Harm – Attempted	26-35yrs	Male
214	Self Harm - Adult	26-35yrs	Male
215	Self Harm - Adult	26-35yrs	Male
216	Self Harm - Adult	26-35yrs	Male
217	Self Harm - Adult	26-35yrs	Male
218	Self Harm - Voluntary Starvation – Adult	26-35yrs	Male
219	Self Harm - Adult	26-35yrs	Male
220	Self Harm - Adult	26-35yrs	Male
221	Self Harm - Hunger Strike - Adult	26-35yrs	Male
222	Self Harm – Voluntary Starvation – Minor	26-35yrs	Female
223	Self Harm - Adult	26-35yrs	Male
224	Self Harm - Voluntary Starvation – Adult	26-35yrs	Female
225	Self Harm - Adult	26-35yrs	Male

226	Self Harm - Adult	26-35yrs	Male
227	Self Harm - Adult	26-35yrs	Male
228	Self Harm - Adult	26-35yrs	Male
229	Self Harm – Attempted	26-35yrs	Male
230	Self Harm - Hunger Strike - Adult	36-45yrs	Male
231	Self Harm - Adult	36-45yrs	Male
232	Self Harm - Adult	36-44yrs	Male
233	Self Harm – Hunger Strike - Adult	36-45yrs	Male
234	Self Harm – Attempted	36-45yrs	Male
235	Self Harm - Attempted	36-45yrs	Male
236	Self Harm - Adult	36-45yrs	Male
237	Self Harm - Attempted	36-45yrs	Male
238	Self Harm - Adult	35-45yrs	Male
239	Self Harm - Hunger Strike - Minor	36-45yrs	Male
240	Self Harm - Voluntary Starvation –Minor	36-45yrs	Female
241	Self Harm - Attempted	36-45yrs	Male
242	Self Harm - Hunger Strike - Adult	36-45yrs	Female
243	Self Harm – Adult	36-45yrs	Female
244	Self Harm – Voluntary Starvation – Minor	36-45yrs	Female
245	Self Harm – Adult	36-45yrs	Male
246	Self Harm – Adult	36-45yrs	Male
247	Self Harm – Adult	36-45yrs	Male
248	Self Harm – Adult	36-45yrs	Male
249	Self Harm – Adult	36-45yrs	Male
250	Self Harm - Hunger Strike - Adult	36-45yrs	Male
251	Self Harm - Minor	46-55yrs	Male
252	Self Harm - Adult	46-55yrs	Male
253	Self Harm - Adult	46-55yrs	Male
254	Self Harm - Adult	46-55yrs	Male
255	Self Harm - Hunger Strike - Minor	46-55yrs	Male
256	Self Harm - Adult	46-55yrs	Male
257	Self Harm – Adult	46-55yrs	Male
258	Self Harm – Voluntary Starvation – Adult	46-55yrs	Female
259	Self Harm -Adult	46-5ryrs	Male
260	Self Harm - Adult	46-55yrs	Male
261	Self Harm - Attempted	46-55yrs	Male
262	Self Harm – Adult	46-55yrs	Male
263	Self Harm – Adult	46-55yrs	Male
264	Self Harm - Hunger Strike - Adult	55-65yrs	Male