

# NEVER AGAIN: LET'S END THE DETENTION OF CHILDREN ONCE AND FOR ALL

The report of the Australian Human Rights Commission's National Inquiry into Children in Immigration Detention provides compelling evidence of the need for Australia to cease the detention of children once and for all. Drawing on interviews in detention facilities with more than 1000 children and their parents, the report offers a deeply disturbing record of the harm inflicted on so many children by successive governments. The Government, Opposition and all members of the Australian Parliament must take immediate action to ensure that all children are released from Australian-funded detention centres, in Australia and Nauru, and to ensure that these policies are never repeated.

The indefinite mass detention of children is a national disgrace for which both of Australia's major political parties bear responsibility. Under the Rudd and Gillard Governments, record numbers of children were detained, reaching a peak of 1,992 in July 2013. Under the Abbott Government, hundreds of children have experienced prolonged detention, with the average time spent in detention rising from three months in August 2013 to more than 14 months in January 2015. In doing this, governments have ignored numerous reports, including from the Commission's previous national inquiry in 2004, which have outlined detention's shocking impacts on the mental health of children.

At the public hearings conducted as part of the inquiry, previous Ministers for Immigration Chris Bowen and Scott Morrison both acknowledged that the detention of children was not an effective mechanism for deterring boat arrivals or preventing deaths at sea.<sup>1</sup> Without a clear policy purpose, it is bewildering that this deeply harmful and exorbitantly costly practice has continued for so long.

For more than a decade under successive governments, we have watched Australia's detention policies go through the same cycle: people are kept in indefinite detention unnecessarily for prolonged periods until the human and financial costs of doing so become so high as to compel the Government to make greater use of community-based alternatives. It is high time that we put an end to this cycle.

Australia is the only country in the world to detain children as its first option. In the United Kingdom, for example, the number of children simultaneously in UK immigration detention over the past three years has not exceeded four, a tiny fraction of the number detained by Australia.<sup>2</sup> The United Kingdom also has legislative limits on the detention of children which restrict the detention of families with children in pre-removal centres to a maximum of 72 hours, or seven days if authorised by the responsible minister.

Effective alternatives to detention already exist in Australia – and have done so for a decade. We urge the Australian Government to expand the use of these alternatives, ensure that they are used routinely for children and families and develop safe alternatives to detention for children now detained in Nauru.

We reject the argument that the welfare of asylum seeker children sent to Nauru is the sole responsibility of the Government of Nauru. The harm being inflicted on children detained there is a

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<sup>1</sup> Former Immigration Minister Chris Bowen said that detention was “not an effective deterrent” and that the “cost on children was too great for any deterrence value”. See Bowen, Chris, Testimony at the AHRC Public Hearings on 9 September 2014 (page 1), available at <https://www.humanrights.gov.au/sites/default/files/Hon%20Chris%20Bowen.pdf>. When asked if the “purpose of long-term detention [is] to deter people from coming to Australia by boat?”, Minister Scott Morrison said “no”. See Morrison, Scott, Testimony at the AHRC Public Hearings on 22 August 2014 (page 25), available at <https://www.humanrights.gov.au/sites/default/files/Hon%20Scott%20Morrison%20Mr%20Bowles.pdf>

<sup>2</sup> A comparison of quarterly statistics for the detention of children in Australia and the UK from 2012 to 2014, compiled by Refugee Council of Australia, can be found at <http://bit.ly/1CcOG6a>.

direct result of Australia's actions. Australia was responsible for sending children and their families to Nauru against their will, in full knowledge that they would face prolonged indefinite detention. Australia remains responsible for funding the detention centre in Nauru; indeed, without Australia's support, the centre would cease to operate.

After the Commission's 2004 report into the detention of children, the Australian Government pledged that children would be detained only as a last resort. As the Commission's new report clearly shows, such non-binding political promises are meaningless. We urge the Australian Parliament to:

1. Introduce legislation to prevent children from being detained for immigration purposes in the future.
2. End the offshore processing of asylum claims and return all asylum seekers currently subject to offshore processing to Australia, prioritising children and their families.
3. Refer allegations of child sexual abuse in Australian-funded detention centres to the Royal Commission into Institutional Responses to Child Sexual Abuse.

As the UN Committee on the Rights of the Child has ruled, "the detention of a child because of their or their parent's migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child."<sup>3</sup> So long as Australia continues to detain children as a measure of first rather than last resort; so long as our laws fail to protect children against prolonged indefinite detention; so long as any child remains in detention as a result of Australia's actions, we will be failing in our duty to protect the best interests of children in our care.

We have comprehensive, consistent and irrefutable evidence of the harm caused by prolonged indefinite detention. We have practical, humane and effective solutions at our disposal. It's time to end the detention of children once and for all. It's time to stand up and say: *never again*.

*This statement is supported by:*

*Refugee Council of Australia (statement coordinator)*

*A Just Cause*

*ACT Council of Social Service*

*ActionAid Australia*

*Adventist Development and Relief Agency Australia*

*Ahmadiyya Muslim Association of Australia*

*Aireys Inlet Rural Australians for Refugees*

*Amnesty International Australia*

*Anglican Social Responsibilities Commission, Diocese of Perth*

*Apollo Bay Rural Australians for Refugees*

*Asia Pacific Journalism Centre*

*Association for Services to Torture and Trauma Survivors (ASeTTS)*

*Association for the Wellbeing of Children in Health*

*Asylum Insight*

*Asylum Seeker Resource Centre*

*Asylum Seekers Centre*

*Auburn Diversity Services Inc*

*Australian Afghan Hassanian Youth Association*

*Australian Anti-Bases Campaign Coalition*

*Australian Baptist Ministries*

*Australian Catholic Migrant and Refugee Office*

*Australian Catholic Social Justice Council*

*Australian Churches Refugee Taskforce*

*Australian Coalition to End Immigration Detention of Children*

*Australian Council For International Development*

*Australian Council of Social Service*

*Australian Council of Trade Unions*

*Australian Doctors International*

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<sup>3</sup> Committee on the Rights of the Child, *The Rights of all Children in the Context of International Migration: Report of the 2012 Day of General Discussion*, paragraph 78, <http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/ReportDGDChildrenAndMigration2012.pdf>

Australian Jewish Democratic Society  
Australian Lasallian (Asia-Pacific) Foundation  
Australian Lutheran World Service  
Australian National Committee on Refugee Women  
Australian Refugee Association  
Australia-Tamil Solidarity  
Ballarat Catholic Diocesan Social Justice Commission  
Ballarat Community Health  
Balmain for Refugees  
Baptcare (Victoria and Tasmania)  
Baptist Care Australia  
Baptistcare Incorporated (WA)  
Bayside Refugee and Advocacy Association  
Bellarine for Refugees  
Blue Mountains Refugee Support Group  
B'nai B'rith Australia/New Zealand  
Border Crossing Observatory, Monash University  
Braidwood Rural Australians for Refugees  
Bridge for Asylum Seekers Foundation  
Brigidine Asylum Seekers Project  
Brisbane Refugee and Asylum Seeker Support Network (BRASS)  
Broadway and Glebe Catholic Social Justice Group  
Burmese Rohingya Community in Australia  
Campus Refugee Rights Club, University of Melbourne  
Canberra Refugee Support  
Caritas Australia  
Catholic Archdiocese of Melbourne, Office of Justice and Peace  
Catholic Diocese of Darwin  
Catholic Diocese of Parramatta, Social Justice Office  
Catholic Diocese of Toowoomba, Social Justice Commission  
Catholic Immigration Office (Sydney)  
Catholic Justice and Peace Commission, Archdiocese of Brisbane  
Catholic Social Justice Commission, Archdiocese of Canberra-Goulburn  
Catholic Social Services Australia  
Catholics in Coalition for Justice and Peace  
Centacare South West NSW  
Central Victorian Refugee Support Network  
Centre for Advocacy Support and Education for Refugees  
Centre for Human Rights Education, Curtin University  
Centre for Multicultural Youth  
Centre for Refugee Research, University of NSW  
Centrecare (WA)  
ChildFund Australia  
Children's Healthcare Australasia  
Children's Rights International  
ChilOut  
Christian Brothers Oceania  
Christian Brothers Tasmania  
Coalition for Asylum Seekers, Refugees and Detainees  
Coalition for Justice and Peace in Palestine (Sydney)  
cohealth  
Combined Refugee Action Group  
Common Grace  
Communicare  
Community Migrant Resource Centre  
Conference of Leaders of Religious Institutes in NSW  
Council of Social Service of NSW  
Cyber Christian Community WA  
Darwin Asylum Seekers' Support and Advocacy Network  
Daughters of Our Lady of the Sacred Heart Overseas Aid Fund

*Domestic Violence Service Management*  
*Dominican Sisters of Eastern Australia and the Solomon Islands*  
*Edmund Rice Centre Mirrabooka*  
*Edmund Rice Centre Sydney*  
*Edmund Rice Network Tasmania*  
*Ethnic Communities' Council of Victoria*  
*Federation of Ethnic Communities' Councils of Australia*  
*Federation of Liberian Communities in Australia*  
*FHEAL Foundation*  
*Fitzroy Learning Network*  
*Geelong Interchurch Social Justice Network*  
*Geelong Refugee Action and Information Network*  
*Global Campaign to End Immigration Detention of Children*  
*God's Dwelling Place Bethany City Church*  
*Habitat for Humanity Australia*  
*Help - Himalayan Youth Foundation*  
*Horn of Africa Relief and Development Agency*  
*House of Hospitality, Broadmeadow (NSW)*  
*House of Welcome*  
*House of Welcome Ballarat*  
*Humanitarian Research Partners*  
*Hunter Ecumenical Social Justice Network*  
*Immigration Advice and Rights Centre*  
*Independent and Peaceful Australia Network (NSW)*  
*Indigenous Social Justice Association*  
*International Commission of Jurists Australia*  
*International Detention Coalition*  
*International Society for Human Rights - Australia*  
*Islamic Council of Victoria*  
*Islamic Relief Australia*  
*Jesuit Refugee Service Australia*  
*Jesuit Social Services*  
*Josephite Community Aid*  
*Justice Connect*  
*Justice for Palestine Matters, Sydney*  
*Justice, Ecology and Development Office, Catholic Archdiocese of Perth*  
*Justice, Peace and Integrity of Creation Commission, Carmelites of Australia and Timor Leste*  
*Kommonground*  
*Labor for Refugees*  
*Lentara UnitingCare*  
*Loddon Campaspe Multicultural Services*  
*Loreto Sisters of Australia and South East Asia*  
*MacKillop Family Services*  
*Marist Sisters*  
*Marrickville Peace Group*  
*Melaleuca Refugee Centre*  
*Mercy Community Services*  
*Mercy Works*  
*Migrant Resource Centre of South Australia*  
*Missionaries of the Sacred Heart Justice and Peace Centre*  
*Multicultural Council of Tasmania*  
*Multicultural Youth Advocacy Network Australia*  
*Nonlethal Security for Peace Campaign*  
*Northern Settlement Services*  
*NSW Teachers Federation*  
*NT Council of Social Service*  
*Occupational Opportunities for Refugees and Asylum Seekers*  
*Oromia Support Group Australia*  
*Oxfam Australia*  
*Partners Relief and Development Australia*

*Pax Christi Australia*  
*Pax Christi Queensland*  
*Pax Christi Victoria*  
*Peace and Justice Commission, NSW Ecumenical Council*  
*Peace and Social Justice Network, Religious Society of Friends (Quakers)*  
*Plan International Australia*  
*Presentation People's Social Justice Group, Ballina*  
*Presentation Sisters Lismore*  
*Presentation Sisters Queensland*  
*Presentation Sisters Wagga Wagga*  
*Quakers, WA Regional Meeting*  
*Queenscliff Rural Australians for Refugees*  
*Refugee Advice and Casework Service*  
*Refugee Advocacy Network*  
*Refugee and Immigration Legal Centre*  
*Rural Australians for Refugees, Bendigo*  
*Rural Australians for Refugees, Daylesford and District*  
*Safe Asylum*  
*Salvation Army - Eastern Territory*  
*Sanctuary Australia Foundation*  
*Save the Children Australia*  
*SCALES Community Legal Centre*  
*SCARF Inc, Illawarra*  
*Settlement Council of Australia*  
*Settlement Services International*  
*Sisters of St Joseph*  
*Sisters of the Good Samaritan*  
*Sisters of the Little Company of Mary, Australia*  
*Social Justice Ministry, Catholic Parish of Chatswood*  
*Sophia's Spring Uniting Church, East Brunswick*  
*Spring Creek Community House*  
*St Bede's Social Justice Group, Braidwood*  
*St Vincent de Paul Society National Council of Australia*  
*Stand Up: Jewish Commitment to a Better World*  
*Surf Coast Rural Australians for Refugees*  
*Sydney Justice and Peace Coalition*  
*Sydney Multicultural Community Services*  
*Tasmanian Asylum Seeker Support*  
*Tasmanian Catholic Justice and Peace Commission*  
*Tasmanian Council of Social Service*  
*The Grail Australia (NSW)*  
*The Tasmania Opportunity*  
*Townsville Multicultural Support Group*  
*Trinity Aid for Refugees*  
*Union of Australian Women Victoria*  
*Uniting Church in Australia*  
*Victorian Council of Social Service*  
*Vietnamese Overseas Initiative for Conscience Empowerment (VOICE) Australia*  
*WA Council of Social Service*  
*Warrnambool Rural Australians for Refugees*  
*West Wagga San Isidore Refugee Committee*  
*Western Region Ethnic Communities Council*  
*Western Sydney Community Forum*  
*Women and the Australian Church*  
*Women's Health in the South East*  
*World Wellness Group Ltd*