



THE HIDDEN MEN

A report to the Minister for Immigration
and Citizenship on visits to the
Curtin Immigration Detention Centre

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BACKGROUND TO THE REPORT

We have held grave concerns for the detention of asylum seekers in the Curtin IDC since the announcement in April 2010 of the centre's re-opening. The criticisms of Curtin IDC included in many government, non-government, media and academic reports of the past still hold despite claims that physical conditions have improved. We are on the record as being staunch opponents of mandatory detention. The cruelty of indefinite detention in this isolated location can never be made humane.

The visits to the Curtin IDC by Dr Caroline Fleay and Professor Linda Briskman have been both as refugee advocates and Curtin University researchers. The visits (five by Dr Fleay and two by Professor Briskman in 2011) were prompted by the isolation and recognition that so few people visit this centre. Under the previous government visits were not allowed to Curtin. Even though visits are now permissible, the distance and the costs of travel greatly inhibit this prospect for most Australians.

During our visits throughout 2011 there were between 1,000 and 1,400 men detained at Curtin. At the time of each of our visits there were very few visitors other than ourselves. Indeed, during our visit from 15-18 September we were not aware of any other visitors to the centre, and in the 10-13 November visit there was only one other visitor.

We would like to acknowledge DIAC staff at the Curtin IDC for organising and conducting a tour of the facility for us during our May visit.

We would also like to highlight the Australian government's Key Immigration Detention Values that support the mandatory detention policy but are intended to limit its application. In particular, Key Detention Values 4, 5 and 7 are pertinent to the findings of this report:

4. Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both the accommodation and the services provided, would be subject to regular review.
5. Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time.
7. Conditions of detention will ensure the inherent dignity of the human person.¹

We commend the Australian Human Rights Commission's recent report into immigration detention at Curtin IDC.² We support the findings of the AHRC's report and its recommendations. We raise many of the same issues in this report and, given our more recent visits to Curtin IDC, provide further evidence to support these concerns.

¹Department of Immigration and Citizenship 'Key Immigration Detention Values' [Online] Available: www.immi.gov.au/managing-australias-borders/detention/about/key-values.htm

² Australia Human Rights Commission 'Immigration Detention at Curtin: Observations from Visit to Curtin Immigration Detention Centre and Key Concerns Across the Detention Network 2011' [Online] Available: http://www.hreoc.gov.au/human_rights/immigration/idc2011_curtin.html

We also commend the ABC1 Four Corners program *Asylum* broadcast 24 October 2011³, and the article by Michael Gordon in *The Age*, 29 October 2011⁴, that raise many of the mental health concerns discussed in this report.

Finally, we would like to highlight the Centre for Human Rights Education, Curtin University, and Asylum Seekers Christmas Island's combined Submission to the Joint Select Committee on Australia's Immigration Detention Network.⁵ This submission outlines some of the concerns raised here and many others in relation to other places of immigration detention in Australia.

³ ABC Four Corners *Asylum* 24 October 2011 [Online] Available:
<http://www.abc.net.au/4corners/stories/2011/10/20/3344543.htm>

⁴ Michael Gordon 'The deaths that shame us' *The Age*, 29 October 2011, p. 1.

⁵ Centre for Human Rights Education, Curtin University, and Asylum Seekers Christmas Island 'Joint Submission, Joint Select Committee on Australia's Immigration Detention Network' August 2011 [Online] Available:
http://www.aph.gov.au/Senate/committee/immigration_detention_ctte/immigration_detention/submissions.htm

OVERVIEW OF REPORT

Curtin IDC in remote northwest Australia was first opened in September 1999. It was closed three years later in September 2002. The IDC was re-opened in June 2010 to hold adult male asylum seekers and now detains the largest number of asylum seekers in Australia. It is a high security centre that is surrounded by two large fences that are electrified. The service provider contracted to operate the IDC is the private company, Serco Australia.

This report highlights a range of issues of concern that were evident during our five visits to Curtin IDC. These are not the only issues of concern at this detention centre but are those that were most visible during the visits.

The most important concern is the level of despair among the men detained at the centre. During our most recent visits (15-18 September and 10-13 November 2011) this level of despair was acute for many of the men we spoke with during these four day periods. We hold grave concerns for the mental health of many of these men, particularly those who have been in detention for many months, and urge the Australian Government to arrange for their immediate release from Curtin IDC. As at the middle of November we note that a number of Curtin IDC detainees have been relocated to Pontville IDC in Tasmania. This has done little to alleviate their uncertainty and wellbeing.

Closely related to the issue of despair is the lengthy delays in claims processing. Every man we met during our every visit cited the waiting for news of their refugee claim as their major source of anguish, and the inconsistencies evident within the process.

Other issues of concern visible during our visits relate to periods of crowded accommodation, limited recreation opportunities, extremely limited opportunities for communications with those outside of Curtin IDC, the location of the centre in remote northwest Australia and the prison-like physical conditions, and the day-to-day management of the centre by Serco.

The mandatory detention policy that allows for the incarceration of asylum seekers who arrive by boat until their claims have been finalised, is the root cause of most of the despair at Curtin IDC. As outlined by the concerns raised in this report, the practice of mandatory detention constitutes severe systemic abuse and is punitive in nature.

Mandatory detention must be abolished. Asylum seekers arriving by boat must be allowed to live in community settings with resources and supports that allow them to live a decent life while they wait for their refugee claims to be processed. A staged release of people from immigration detention centres must begin immediately and be completed within months for the sake of the mental health of detainees, and all long-term detainees provided with permanent visas on mental health grounds.

SUBSTANTIVE ISSUES

1. DESPAIR

At the end of all of our visits, we came away with a keen sense of the despair experienced by many of the men held in the Curtin IDC. During our most recent visits (15-18 September and 10-13 November) it was evident that this sense of despair is now acute. We continue to hold extreme concerns for the mental, emotional and physical welfare of many of the men who are detained at Curtin IDC. Urgent action is now required to ensure that all long-term detainees in particular are released from Curtin IDC and either given visas or placed in community settings.

Despite claims by some of the Serco staff we spoke to that most of the men were 'doing ok', we found in our discussions with the men that this was not the case. All spoke of their anguish at being detained with no end date in sight and receiving very few updates about the progress of their refugee claims. They also expressed living with the profound fear of being deported at any moment. Many of the men have now been detained for more than 18 months. There is also very little to occupy the time at Curtin IDC, which magnifies their distress. As one young man told us, 'every day in here feels like one year – I grow old in here'. Another man said:

It is so hard to be in detention for such a long time and having to cope with so much uncertainty. It is so hard when we don't know what the future holds. Some of us have been in detention for more than 18 months and we still do not know what the future holds. The stress and tension that the people here feel increases day by day.

Others remarked that being in detention was 'more torture than physical torture', with one man describing it as worse than living with the fear of the Taliban as 'at least if the Taliban kills you, it is quick'.

Many men fear for the safety of their families trying to survive back in their own country or in a neighbouring country. As one man explained, 'there is nobody to support my family. I can't eat because I worry that my wife and children have nothing to eat.'

Many of the men we have met told us that they experience sleeplessness, frequent nightmares, depression and anxiety. Many also said they had become extremely withdrawn, not wishing to engage with others and preferring to stay in their rooms for much of the day. We could see this clearly by our September visit to Curtin IDC – we were shocked to see that many of the men we had met on previous visits were no longer talkative and were spending the majority of their days on their own.

As a consequence of their anguish and despair, there are many men in Curtin IDC taking anti-depressant medication, sleeping tablets and/or medication for stomach ailments. This clearly indicates the level of distress felt by these men, despite their grave concerns at having to rely on medication in order to survive the experience of detention.

Other symptoms of such despair are physical. For example, many report feelings of numbness in the limbs, tingling sensations, panic attacks, back pain, neck pain, headaches, loss of consciousness, and weight loss. Others experience memory loss. All of these symptoms serve to create further anguish for the men.

Such despair has also manifest in self-harming and suicide attempts. One man committed suicide in Curtin IDC in March 2011. There have been many reports of other suicide attempts and this is prevalent throughout the detention network. During our seven day visit in July, we were aware of at least two suicide attempts that week alone. The experience of indefinite detention and the despair

that it generates is a humiliating experience for many of the men. As one told us, 'I no longer feel like a man, I am nothing in here'. Suicide attempts also serve to further traumatise other detainees who witness it or who know those who attempt it.

The indefinite nature of their detention is the root cause of this despair – having to wait in detention for their refugee claims to be finalised is the number one issue for the men and the only means possible to address this is to end the mandatory detention policy. As the Human Rights and Equal Opportunity Commission concluded in 2007:

The main way to treat a mental-health concern is to remove the primary cause of the problem. In the case of immigration detainees, detention and uncertainty are amongst the main causes and they cannot usually be addressed by the mental-health professionals.⁶

As one man told us, 'two years in here will wash anybody's brain and it will affect and destroy our future'. Another described being in detention for 18 months as being immobile and dead: 'if you move, you are alive and healthy, but if you stop, it means you are dead'.

This indefinite detention clearly contravenes the Australian government's own Key Immigration Detention Values 4 and 5. Detention is being used as a first resort, not last, and for excessive periods of time. This is generating despair and ill health – both mental and physical – for the detainees at Curtin IDC. The Key Immigration Detention Values cannot be realised while mandatory detention continues.

2. LENGTHY DELAYS IN CLAIMS PROCESSING

The most important issue evident from our visits to the Curtin IDC is the length of time many men are waiting for decisions on their refugee claims. Many waited months for first decisions, reflecting the suspension of claims processing of Afghan and Sri Lankans in 2010. For those whose first decisions were rejected, they now wait months for an IMR interview. After an IMR interview, wait times for decisions have ranged from one week to eight months.

For example, one Afghan man arrived in Australia on the day that the processing of claims for Afghans was suspended for six months. After the suspension was lifted, he waited a further six months for his Refugee Status Assessment decision from DIAC. This decision was negative. He then waited a further two months for his Independent Merits Review interview. After another two months, he received the news that he had received a positive decision, overturning the first RSA decision. This meant he was now recognised as a refugee. But then he had to wait another two months for his Security Clearance. Throughout this 18 month period in detention his mental health deteriorated significantly.

There are others in Curtin IDC who arrived during the six months suspension of Afghan claims who are yet to receive their IMR interview. For some of them, this has meant a waiting time of more than eight months. Waiting times for IMR decisions have also ranged from one week to eight months. As some of the men in Curtin IDC have told us, 'at least there should be a timeframe' provided and adhered to for both the RSA and IMR processes.

Conversely, some men and their migration agents are given very little time to prepare for IMR interviews – some interviews are scheduled one week in advance, others are given up to a month's notice. For those with short periods of notice, there is obviously less time to prepare their case. In

⁶ Human Rights and Equal Opportunity Commission (2007) 'Summary of Observations following the Inspection of Mainland Immigration Detention Facilities, January 2007' [Online] Available: www.humanrights.gov.au/human_rights/asylum_seekers/inspection_of_mainland_idf.html

addition, some migration agents do not communicate with their client by either telephone or face-to-face until one hour prior to the IMR interview. This means that the detainee is given very little time to provide their agent the necessary details about their case. This low level of access is, of course, exacerbated by the remoteness of Curtin IDC and the difficulties that migration agents have in contacting their clients (see section 5: Communications).

For those men who receive negative IMR decisions, since the November 2010 High Court of Australia ruling there is now the opportunity that they may seek judicial review through the Federal Magistrates Court. Aside from adding many more months to their time in detention, there is little information provided to the men in Curtin IDC about this process. As one man remarked, 'now I have to appeal to the court and the worst part is that nobody helps you in this process, neither the case manager nor the migration agent'. More recently, upon receiving the news of a negative IMR decision, the men receive a list from their DIAC case manager containing the contact details of law firms and other organisations. These are contacts that may be able to help them find a lawyer to assess whether they have a case that can be taken to the Federal Magistrates Court. However, it is then up to the men to contact these organisations. For those men with little English, this is very difficult. As the lawyers who agree to take these cases are not provided with any federal funding, this system largely relies on the willingness of lawyers to do pro bono work. Detainee contact with lawyers during the judicial review process also suffers from the same problems of access to detainees at Curtin IDC as other parts of the claims process.

During our most recent visits we were aware of a number of men in Curtin IDC who found the above process confusing and extremely distressing. The fact they felt that we, visitors to the centre, may be the only ones to help them navigate this process is very disturbing. As we are not lawyers, we were limited in the assistance we could provide.

It is now evident that a number of men in Curtin IDC have had positive decisions from the Federal Magistrates Court. This means that DIAC is directed to organise another IMR interview for them on the basis that the previous IMR decision was legally unsound. This means further months in detention while the men wait for another IMR interview to be scheduled and the decision reached.

We also have grave concerns for the consistency of the assessment process. Some migration agents are conscientious and clearly prepare thorough submissions on behalf of their clients at both the RSA and IMR level, while others do not. There have also been reports of disturbing inconsistencies between DIAC officials and IMR reviewers in their findings on refugee claims. Finally, there are reports of inconsistencies in the reliability and quality of interpreting services. Thus it appears to be essentially a lottery for asylum seekers in regards to who their agent is, who assesses their claims, who conducts the IMR and who is providing the interpreter service. In addition, many men told us they had received little information about the progress of their claims from their DIAC case managers. When they asked their case manager for news, they were usually told 'I don't know'.

The length of time waiting for ASIO security clearances is also far too long. For men at the Curtin IDC with favourable refugee claims decisions, some have waited for six months for security clearances despite the fact that ASIO advises it does not have a requirement that detention is necessary during this process.⁷ Given that there is no progress on the status of this assessment provided during the waiting period, this exacerbates the high levels of anxiety, depression and tension with the Curtin IDC. For those who fail the security clearance, there is no opportunity to challenge the decision nor

⁷ ASIO (2011) ASIO Report to Parliament 2010-2011, p. 27 [Online] Available: <http://www.asio.gov.au/img/files/Report-to-Parliament-2010-11.pdf>

to find out the reasons why. There are men in Curtin IDC and other detention centres who continue to be detained because of negative security clearances. What their future holds is uncertain.

We are also concerned that detainees are not always made available on days of their interviews, causing great distress. During our May visit to Curtin IDC we were aware that one man was flown to Brisbane on the day of his IMR interview to attend court several days later and give evidence in a people smuggling case. He was given a message the night before that he needed to be ready early the next morning to travel to Brisbane. No reason was given. Early the next morning he was flown to Brisbane and was not told the reason until he arrived. This caused him considerable anguish. It was several days later before he was taken to the courthouse. After complaints from the IMR reviewer and advocates, including ourselves, the IMR was rescheduled by DIAC for the following weekend.

More recently a detainee in Curtin IDC was told on the day of his IMR that it would be cancelled. He did not understand the reason for the cancellation and one week later was transferred to the Pontville IDC in Tasmania. It was not until a further week had passed that he was informed by a refugee advocate who had talked to his migration agent that his IMR had been cancelled due to his reviewer having run out of time to conduct his interview. As at 16 November, one month later, the man continues to wait for another IMR date to be scheduled. All of this has added considerably to his feelings of despair.

That many men in Curtin IDC continue to be subject to lengthy periods in detention while they wait for their claims to be finalised is clearly in contravention of the Australian government's Key Immigration Detention Values 4 and 5. In particular, it contravenes that detention should be 'for the shortest practicable time' (Key Immigration Detention Value 5) and the length of detention is not 'subject to regular review' (Key Immigration Detention Value 4). Asylum seekers should not be detained while they wait for their refugee claims to be finalised, especially given the excessive periods of time the processing currently takes.

3. ACCOMMODATION

By our visit in May there were approximately 1,400 men detained at Curtin IDC, 200 more than the centre's capacity. During this visit we observed the measures taken to accommodate the extra 200 men. Although our DIAC tour did not include access to sleeping areas, we were aware of the creation of dormitories for up to 40 men in buildings that were previously for recreation purposes. Creating dormitories to house so many men in the one room could only have exacerbated the anxiety of all the men detained at Curtin IDC. Recreation facilities such as televisions and some exercise equipment at this time were relocated to tents, known as marquees. Removing these facilities to marquees served to downgrade these amenities and further reinforced to the men that their needs were not important.

4. RECREATION

There are some televisions provided for the men to watch at Curtin IDC. Some men who have friends outside of Curtin IDC have also received DVD players and are able to watch movies to pass the long days. Others have had laptops provided by friends in order for them to watch movies and write, but have not been allowed access to them by Serco. The reasons given include that it is against policy for the men to possess laptops with any internet access capacity, even when WiFi had been removed and no modem provided with the laptop. Given that the men have access to the internet through the few computers provided by Serco, this policy is puzzling and serves to further frustrate the men and exacerbate the length of time they spend in detention with very little to do.

The library provided is small and inadequate. For example, there are few books in Farsi/Dari and very few English-Farsi dictionaries. Hundreds of the men have requested to refugee advocates,

including ourselves, that they be given access to English-Farsi picture dictionaries. We are aware that two refugee advocates have requested Serco purchase at least 100 of these dictionaries and placed in the library to assist Farsi-speaking men learn English. While responses from Serco have been positive in response to both these requests, these dictionaries are still not in the library.

As at our September visit to Curtin IDC, it was evident that the marquees previously erected to contain some of the recreational equipment had been removed. This meant that the equipment the marquees had contained had also been removed. Some of this included physical exercise equipment, which meant that the men had even fewer exercise facilities available to them. Despite some early indications from management that the equipment would be relocated elsewhere in the compound, this took some months to happen and to date not all of the equipment has been returned. This not only reinforces to the men that detention is punishment but it also takes away some of the few facilities available for activities.

Few of the men have had access to any outings. We are only aware of a small number of men who have been allowed to visit Derby. For example, on the last day of our May visit a small group were allowed to attend a public showing of their art in a Derby cafe. We also are aware that sometimes planned outings are cancelled on the day which serves to further depress those detainees who were expecting some small reprieve from the monotony of each day. We understand that these outings are offered mainly to the men who “work” in the garden area, Aqualand, of the Curtin IDC. The work in this area includes gardening, carpentry and sewing. Although recognising that opportunities for excursions in the Derby area are limited, those which have been offered may lack sensitivity. For example, ironically for men detained for long periods, some excursions have been to the old Derby prison.

5. COMMUNICATIONS

Both internet and phone access available to the men in the Curtin IDC is extremely inadequate.

There are 18 computers for 1,000-1,400 men at the Curtin IDC. In order to try to access a computer, the men must start queuing at around 5am in the morning in order to try to book one of the computers for one hour that day. The internet access that has been organised for the Curtin IDC is also slow and sporadic. All of this makes it very difficult for the men to make email contact with family and friends, or to find information through the internet that may be relevant for their refugee claims. This level of computer and internet provision is woefully inadequate and would be relatively easy to rectify. We understood that detainees were told in late 2010 that there would be 100 computers and telephones soon available. During our May 2011 visit we were told by DIAC that more computers were soon to be coming to Curtin IDC but, to date, they have not arrived.

Telephones are available for the men to make outgoing calls if they have purchased phone cards. All of the telephones are located in non-air conditioned areas, however, so that during the many hot days in this region it is very uncomfortable to make calls. In the evenings of many months of the year there is also the problem of mosquitoes in these areas. Phones are not available for incoming calls, further limiting avenues of communication between the men, their family and friends, and their lawyers and migration agents. It is disconcerting that the men are not allowed mobile phones as this provision would alleviate some of the communication difficulties.

Communication between migration agents/lawyers and their clients is particularly problematic. Several lawyers have informed us that it has taken up to two weeks for Serco to organise telephone meetings between detainees and their legal representatives. We are aware of at least one case where a migration agent needed to contact her client urgently and was unable to do so for five days given the above difficulties.

6. PHYSICAL SURROUNDS

We noted during our May visit the endeavours to improve the surrounds which appeared to coincide with the impending visit of the Australian Human Rights Commission that month. Since our first visit in January, plants in various places and a cricket pitch have been erected. We observed signs advertising many activities but we were not able to ascertain whether these activities were taking place and it was also evident that at least some of the men were not aware of these activities. We did, however, notice that many men were clearly listless and idle.

Many days in northern Western Australia are hot and dusty, and this was especially evident in our January and November visits. This means that it is extremely uncomfortable for the men to leave their rooms in the daytime. At certain times of the year the mosquitoes in the area are voracious and this makes the situation even more difficult. We have recently heard that the provision of mosquito repellent had been withdrawn following its use in an act of self-harm. This approach to “risk management” seems highly inappropriate.

We note now that the two large external fences are electrified, further reinforcing the sense of imprisonment. When DIAC staff were asked about this, no explanation was offered for why this was now felt to be necessary. As one detainee remarked, ‘when I see the fences I feel like I am a criminal and I feel I am worth less than an animal’.

7. DAY-TO-DAY MANAGEMENT

As with the private operators that preceded Serco, we are concerned about the ongoing contracting out to the private for-profit sector. One of the key issues is the lack of accountability inherent in having at least two layers of responsibility, and the clear communication breakdown that ensues. Added to this is a confusing chain of command that is militarised in its approach.

We are concerned that as numbers in detention increase and the number of staff expand, that there is inadequate screening of suitability of employees and inadequate training provided. It has been evident during all of our visits that although some Serco staff are responsive and flexible to the needs of detainees, others are clearly exercising the power that their position gives them over the lives of others. Because of the limits to discretionary behaviour in a rigid rule-bound system, we are aware that even staff imbued with kindness are limited in their ability to enact kind deeds for fear of retribution.

There is a clear lack of understanding and expertise by some Serco staff on how to handle traumatised detainees. We met many men on medication for anxiety and depression and observed the long line of men waiting for their medication at the end of each day. Some of these men were clearly seriously mentally ill and it was apparent that their conditions were not treated seriously. The fact that there has been one suicide in Curtin IDC as well as many other attempts, and many other acts of self-harm, should alert authorities to the seriousness of the situation. We are also aware of incidents where Serco staff have called on other detainees to help deal with cases of attempted suicide, which has served to further traumatise the detainees called upon to assist. We understand that Serco staff carry “cut down” knives, which is indicative of an awareness of the problem, but this measure does nothing to alleviate the causes of extreme despair.

In addition, we hold concerns for privacy issues in relation to mental health services. This includes reports of camera surveillance of counselling sessions, violating the detainee’s right to privacy and undoubtedly adding further unwarranted stress to what would already be a very distressing discussion.

During several of our visits we have met seriously disturbed detainees and hold grave concerns that they are at risk of suicide. In May we happened to notice an IHMS staff member walk by the visits area and we passed on our concerns to her about one man displaying psychotic symptoms and another who was suicidal. We are not confident that these concerns have been addressed as we know at least one of the men is still in detention. During our September visit we were given a lengthy suicide note by another man that was passed to us on our last day through a fellow detainee. We were alarmed at the content of this letter and spent considerable time when we returned to Perth to bring it to the notice of authorities. A message for IHMS left at the Curtin IDC main number did not receive a response; the Curtin IDC reception person refused to provide us with the direct number for IHMS and would only take a message. Through an informal contact we were provided with a mobile number for an IHMS staff member who refused to speak with us and was more concerned about how we got his number than the fact that we wished to convey urgent information. He said he would ask someone to contact us but this never occurred. We provide this detail because of the lack of duty of care shown to suffering detainees. As there have been suicides in detention centres including Curtin IDC in the past year, and the most recent tragedy at Villawood IDC, we are extremely troubled that the privacy of service providers is considered a higher priority than the lives of asylum seekers.

We are also concerned about the inadequate medical services for the men in the Curtin IDC. We understand that if a request to see a doctor is made, the men must wait for at least three days to one week before they can talk to a doctor. If there was to be an emergency medical situation, it was unclear to us how this would be effectively managed. Requests to see a dentist can take up to fourteen months.

We are aware of allegations of abuse of detainees by Serco staff, both verbal and physical. We are not suggesting this is widespread but these allegations are most concerning. For example, we saw extensive bruising on the chest of one man during our July visit to Curtin IDC who explained that it had been caused by the rough handling of a Serco staff member. The detainee was not willing to make a complaint and it is unlikely that many such incidents are reported.

Other men told us that they noticed a difference in how Serco staff treated them after staff had been working for periods of time without a break. After sustained periods of working at Curtin IDC, the men observed that staff would become 'very bored' and 'talk badly with us'. Others described some of the Serco staff as polite and kind but that others use 'abusive language and speak rudely to us'. In addition, there have been consistent reports to us that most of the staff call the men by their identification numbers instead of their names. We have also regularly witnessed this during our visits.

A few of the staff have treated us as visitors with disdain and rudeness, making the experience of visiting detainees in Curtin IDC even more difficult. This was particularly so during our September and November visits. During the September visit, Serco management insisted we be escorted to the toilet block by two male officers on one occasion. During the November visit, one of the visitors who came with us was asked to show a Serco staff member the contents of her tampon box before entering the toilet. We were also restricted in the hours we could visit the men during our September visit. Management insisted that we leave the main compound between 12-1pm to allow the men to have their lunch. This was enforced even after we had explained that we had brought food to share with the men we were visiting, and that the men would be waiting for us with the food until we were allowed to resume our visit at 1pm. Thus we had the bizarre experience of sitting outside the reception area of Curtin IDC for one hour at lunchtime while the men we were visiting sat inside the compound waiting for us. We were also told we had to leave the detention centre at 5pm each day. As we had travelled 2,500 km from Perth for only a four day visit, it was distressing for us and the men to not be able to maximise the time we could spend inside the detention centre.

The November visit was even more distressing. During this visit permission was denied to enter the main compound as we had done on previous occasions. Each day we were escorted to a room on the perimeter of the detention centre and between four and six men were brought to visit with us. When we asked why one man who had been allowed to visit with us on the second day was no longer brought to us on the third and fourth days, we were told he had left Curtin IDC. Upon our return to Perth, we found out this was not true. We were only allowed to visit with the remaining men our entire visit. When we explained that we wanted to visit with many more of the men we had seen on previous visits, we were told that only those whose names and numbers included on our Visitor Forms would be brought to us. On the second day we provided a list of 65 further names and numbers of men on our Visitor Forms but were told it was not possible to arrange for all of them to visit with us in the perimeter room. We were also informed that had we told Serco prior to our visit that we wanted to meet with so many of the men, arrangements could have been made. We highlighted that we did not realise before our arrival that the rules for visiting had changed, otherwise we would have informed Serco of this intention. On the last day of our visit, we asked to meet with just three extra men but we were also told this would not be possible as these men had not been pre-approved for a visit. We know from the few men who were allowed to visit with us that many others were deeply disappointed they were missing out. Given the levels of despair throughout Curtin IDC, we are greatly concerned at the impact this may have had on the men.

We are aware of other visitors being impeded in being able to visit men at Curtin IDC. On one occasion during our September visit, we were with some of the men as they noticed two other visitors leaving the reception area outside the main compound. These visitors had been told that the men they had come to see could not be found. In fact, both of the men had asked Serco staff in the main compound if the visitors had arrived at the arranged time and were told they had not. Missing out on this visit understandably caused the men great anguish. These visitors have had similar difficulties on other occasions, including being told that if the men do not show up for a visit, it is because they do not want to see their visitors. The men later verified this was not the case and were distressed at having missed out on further visits. These incidents have continued despite the visitors submitting written complaints to Serco each time.

A group of 40 visitors from Perth had driven to Curtin IDC in April to visit with some of the men and were denied access. Given that many of the men knew the visitors were coming, this created a great degree of sadness, especially as they knew the visitors were waiting outside the Curtin IDC over the following few days with the hope they may have been granted access. The result was a hunger strike involving 200 of the men. That even access for just a few of these visitors at a time to the main compound was not allowed is very hard to understand and served to prolong the hunger strike.

Overall, what is clearly evident from our five visits to Curtin IDC is that visitors are no longer welcome and the wellbeing of the men detained there is often not the central focus of daily decision making by staff. Many examples mentioned above attest to this and this adds further to the despair that the men experience through their indefinite detention. The examples also clearly illustrate that Key Immigration Detention Value 7 – ‘conditions of detention will ensure the inherent dignity of the human person’ – is being contravened. In addition, Serco’s claim in its ‘Welcome to Curtin IDC’ brochure that it is ‘committed to supporting all people in detention in a respectful manner and ensuring that their dignity and wellbeing is maintained at all times’ is not being met.

CONCLUSION

All of our visits to Curtin IDC highlighted that despair results from detaining people indefinitely, particularly in remote locations. During our September and November visits, it was very clear that levels of despair for many of the men detained in Curtin IDC are now acute. The mandatory detention policy that allows for the incarceration of asylum seekers who arrive by boat until their claims have been finalised, is the root cause of most of this despair. The information outlined in this report demonstrates how small and large incidents and practices contribute to the torment of those on the receiving end of mandatory detention. Such indefinite detention, particularly in a remote location, is cruel and inhumane and contravenes the UN Refugee Convention and a range of other UN human rights treaties that Australia has ratified, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also contravenes the Australian Government's own Key Immigration Detention Values. We can come to no other conclusion that mandatory detention constitutes severe systemic abuse and is punitive in nature.

There are only three remedies possible:

- 1. Abolish mandatory detention.**
- 2. Process asylum seeker claims in community settings with resources and supports that provide them with a decent life while waiting.**
- 3. Provide permanent visas on mental health grounds for all current long-term detainees.**

Given that most detainees will eventually be accepted as refugees and be members of the Australian community, it is in everyone's interests to have healthy, productive people in our midst.

As outlined in Key Immigration Detention Value 4, indefinite or otherwise arbitrary detention should not be applied to asylum seekers in Australia. In addition, consistent with Key Immigration Detention Value 5, detention should be used as a last resort only and for the shortest practicable time. This is not happening. Finally, as outlined in this report, detention at Curtin IDC does not 'ensure the inherent dignity' of detainees that Key Immigration Detention Value 7 demands.

Given that research continues to show there are credible alternatives to mandatory detention as a response to the arrival of asylum seekers, there is no reason for continuing the policy. For example, a recent report by the UN High Commissioner for Refugees highlights that allowing people to live in the community until their refugee claims have been finalised is more humane, significantly cheaper, and very few people do not comply with release conditions.⁸ The Australian Human Rights Commission makes similar findings in their recent report on Curtin IDC.⁹

To attempt to make Curtin "humane" by adding plants and a few recreation facilities is never going to address the distress of indefinite detention in such an isolated facility, far away from both services

⁸ United Nations High Commissioner for Refugees, April 2011, *Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants*, Alice Edwards, Expert Consultant.

⁹ Australia Human Rights Commission 'Immigration Detention at Curtin: Observations from Visit to Curtin Immigration Detention Centre and Key Concerns Across the Detention Network 2011' [Online] Available: http://www.hreoc.gov.au/human_rights/immigration/idc2011_curtin.html

and visitors. It is also never going to address an immigration processing system that is excessive in length and producing inconsistent outcomes for asylum seekers.

As we tender this report, some indications of changes to asylum seeker policies are evident. As at October 2011 legislation to enable offshore processing has been abandoned and the Australian government has suggested it may further utilise community based alternatives to detention for some asylum seekers arriving by boat. As Minister for Immigration, Chris Bowen, commented recently on ABC Four Corners:

we can and are moving more people into the community...We need to reduce the number of people in detention, and obviously I would consider Curtin as a centre to close before I close other centres which are perhaps less confronting and less harsh. I do think Curtin is a harsh environment for that particular group of people.¹⁰

We are heartened to hear of thinking in this direction, however, this approach must not be a tack-on to mandatory detention. Community based alternatives to detention need to be a central policy for all asylum seekers, regardless of their mode of arrival. There is also considerable expertise in the asylum seeker advocacy movement and non-government organisations in this field to provide durable and humane suggestions on developing community-based models that are non-punitive and divorced from an approach that privileges detention. We would be happy to contribute to this reform process.

The need for this policy change is urgent. A staged release of people from immigration detention centres must begin immediately and be completed within months for the sake of the mental health of detainees in Curtin IDC and other centres.

Dr Caroline Fleay

Professor Linda Briskman

¹⁰ ABC Four Corners *Asylum* 24 October 2011 [Online] Available:
<http://www.abc.net.au/4corners/stories/2011/10/20/3344543.htm>