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headspace submission: Inquiry into Australia's Immigration Detention Network

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Introduction

headspace welcomes the opportunity to submit a response to the Joint Select Committee's inquiry into Australia's Immigration Detention Network. **headspace** advocates against policies and practices that are detrimental to the wellbeing of children and young people. The impact of detention on children and young people is significant and has long term implications. **headspace** appreciates the current complexities surrounding immigration issues, asylum seekers, and the requirement of the government to protect Australia's borders. It is a complex issue that requires a range of policy responses and programs. **headspace** acknowledges that the current government has implemented a range of improvements to immigration laws and policies. However, we believe that further work is required to protect the health and wellbeing of asylum seekers in particular children and young people.

In this submission we will focus on the health and wellbeing of children and young people in Australia's detention centres and advocate for change including the recommendation that no child or young person should be detained.

About headspace

headspace, the National Youth Mental Health Foundation, is funded by the Australian Government. Established in 2006, **headspace** has provided services to almost 50,000 young people at 30 centres in metropolitan, regional and remote areas across Australia.

The national work is driven through four core platforms: community engagement and awareness raising, provision of training and education, driving service sector reform and building knowledge in evidence based treatment.

headspace centres sees young people aged from 12 to 25 years. Our centres provide high quality early intervention services for mental health challenges commonly experienced by young adults, with the aim of preventing long-term adverse effects.

headspace centres provide assistance across four core streams of mental health, physical health, alcohol and other drug, and vocational assistance and advice, and we aim to empower young people to seek assistance early. Any young person who needs support, advice or just someone to talk to about a mental health problem, can walk into a **headspace** centre and be treated with respect and compassion, within a confidential and safe environment. A family member can also refer a young person to **headspace**.

headspace believes all young people are important and deserve the best care possible. Our workers listen to and try to understand the needs of young people so they can realise better health and

wellbeing. We also work with other mental health and community agencies to improve the lives of young people.

The Independent Evaluation of **headspace**¹ was favourable in its view of the **headspace** model, its acceptability among young people, and the quality of care provided across the four core streams.

Background: The current system

Australia is one of the few nations in the world which imposes mandatory detention on asylum seekers.² In May 2011, there were 6,729 people in immigration detention (5,117 on the mainland and 1,612 on Christmas Island). A total of 1,082 children (aged under 18) are in detention: 818 on the mainland and 264 on Christmas Island.³ Seventy percent of the children are male (759). The latest data (May 2011) do not provide information on the number of unaccompanied children, but in January 2011 there were 465 in total.⁴ Of the 6,729 people in immigration detention facilities, 83 per cent of people had been detained for three or more months. Nearly a quarter had been detained between 12 to 18 months.⁵ No figures were available on the average length of detention for children and young people.

Since 2005 children are no longer detained in immigration detention 'centres'. They are detained in 'alternative locations' or 'detention facilities.' Children in these facilities are fenced in with limited freedom of movement and the places are under guard 24 hours a day. Some facilities have no play areas and supervised visits to local parks are allowed for one hour every two weeks.⁶ Children held in detention facilities have limited access or no access to schooling.⁷

It is important to note the Department of Immigration and Citizenship (DIAC) data are divided into under 18s and over 18s with an assumption that over 18s are adults and should be treated within adult systems and services. **headspace** challenges these assumptions and advocates for youth specific services for 18 to 25 years and removal from adult services that are not developmentally appropriate for this group. With this in mind we believe that the current system of mandatory detention is not only detrimental to those under 18, but also to young people aged 18 to 25 years old. **headspace** believes that the needs and rights of this group have been overlooked.

Mental health issues and mandatory detention

*"Children and young people have a range of developmental needs including physical activity, competence and achievement, self-definition, creative expression, positive social interactions, structures and clear limits and meaningful participation. The ability to meet the developmental needs of children is greatly compromised in the artificial and restricted environment of a detention centre"*⁸

There is a growing body of evidence that supports our view that the current system of mandatory detention has significant detrimental effects on the mental health and welfare of young people.^{9 10 11} Subsequently, there have been many calls for the system to change by many health and welfare organisations including the Australian Medical Association and the Australian Psychological Society.¹²

^{13 14}

People seeking asylum are often vulnerable and susceptible to mental health issues resulting from their pre-migration trauma. Children are particularly vulnerable.¹⁵ It is likely that exposure to trauma will lead to a range of psychological reactions including posttraumatic stress disorder, depression, anxiety, substance misuse, and psychotic disorders. Trauma related syndromes include significant distress or impaired functioning, intrusive thoughts and emotions about the traumatic events, avoidance, emotional numbing and/or hyper-arousal.

Research has shown that the prevalence of mental health problems reduces significantly over the course of resettlement if that experience is positive. It is critical that refugees are supported and welcomed into their new communities. However, post migration stressors (e.g. restricted access to support and limited educational and employment opportunities) have a significant impact on mental health outcomes and detention, in particular, exacerbates the impacts of other traumas.^{16 17}

A range of factors have been identified as contributing to the existence of mental health issues of children and young people in detention. These include:

- torture, trauma and loss prior to arrival
- the length of detention
- uncertainty of future
- negative visa decisions and reasons for these decisions
- uncertainty of visa process
- the breakdown of families within detention
- living in a closed and isolated environment
- children and young people's perception that they are not safe within detention facilities
- seeing people self-harm and attempt suicide
- inadequate recreation and educational opportunities^{18 19}

Mental health problems experienced by children and young people in detention include: suicidal ideation and acts of self harm, post traumatic stress disorder (PTSD), major depressive disorders

(MDD), anxiety, nightmares, bedwetting, dissociative behaviour, impaired cognitive development, emotional numbing and a sense of hopelessness.^{20 21} It has been reported that in 2010 self-harm rates amongst asylum seekers in detention facilities had increased by 400 per cent from the previous year and that there had been an increase in children and young people self-harming, in particular.²²

Some commentators have stated that the severity of mental health issues is linked to children's ongoing detention and that the impact of detention outweighs that of pre-migration experiences in the development of mental health issues. One study of 20 children found that after two years in detention all children were diagnosed with at least one psychiatric disorder and 80 per cent were diagnosed with multiple disorders, compared with only one child from initial assessment (time of arrival).²³

In addition to the mental health impacts mandatory detention often has a negative impact on family cohesion and the ability of parents to care for their children. The detention environment takes away the normal family environment where parents provide food, income, discipline etc. The declining mental health of parents in detention facilities has a significant impact on their children. The longer families are in detention the further the capacity of parents to care for their children is compromised. This further exacerbates mental health problems for children and young people.

A rationale for change

*"By definition, refugees are survivors. They have survived because they have the courage, ingenuity and creativity to have done so. These are qualities which we value in Australia. The challenge for Australia is to assist newly arrived refugees to process the experiences of their past and rebuild their lives in Australia. If we do this we will reap the benefits of the qualities and experiences they bring to Australia."*²⁴

The current system breaches several United Nation's conventions and treaties in particular the Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) enshrines a child's right to protection and was signed by Australia in 1990. The CRC is underlined by the key principles of non-discrimination (Article 2), best interests of the child (Article 3), respect for the views of the child (Article 12), right to be heard, and recognition of the evolving capacities of the child (Article 5). It incorporates basic human rights such as: the right to privacy, bodily integrity (the right not to have your body interfered with) and autonomy (the right to make decisions about your life), including the right to control one's health and body.

The CRC states that signatories should recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and ensures that *no child shall be deprived of his or her liberty unlawfully or arbitrarily*. In addition Article 37 of the CRC states that holding children in detention shall be used as a measure of the last resort and only for the shortest possible time. The CRC also imposes a special obligation to children seeking asylum and article 37 requires signatories to uphold their right to live in 'an environment which fosters the health, self-respect and dignity of children' in order to ensure recovery from past trauma. By maintaining the current system of mandatory detention it is our view that Australia is in breach of the Convention.

We have obligations as international citizens to treat people with dignity and respect

*"Children are some of the most vulnerable people in our community. How we treat children shapes their future, impacts what sort of adults they will be, affects what contribution they will make to society and influences how our society will function for years to come."*²⁵

The period of youth is one of transition during which young people move from dependence to independence. Through this time, young people have to negotiate a number of physical and psychological changes and make important decisions about friendships, relationships, sexuality, education, career and general lifestyle which may have long term implications for their life. For some young people, the pathway from childhood to adulthood is less smooth. Various physical and psychosocial health issues may impede their progress and create significant difficulties in the short, medium, and long term.

The intersection of adolescence with seeking asylum places young people in a particularly vulnerable position given the backdrop of adolescence with settling into another country with different cultural norms and practices.²⁶ These challenges are further compounded for young people in detention facilities where their freedom is limited and their future is uncertain. Those who arrive alone without family or guardians are doubly disadvantaged as they also suffer the trauma of being separated from their family and have to navigate the migration process alone. Our current system fails to recognise and acknowledge the inherent vulnerabilities of children and young people in detention facilities.

In addition to the breach of the CRC the current system is in breach of the other human rights conventions and laws. It penalises desperate and vulnerable people who have committed no crime and are in need of protection and assistance. **headspace** believes that treating people with dignity and respect and presuming innocence rather than guilt helps to reinforce their trust in the system.

It supports our current mental health policy: prevention and intervention and a renewed focus on young people

“The irony is that the long-term impact of this system on children is likely to be borne by Australian society as a whole, since almost all children in detention centres eventually become members of the Australian community. They will carry the effects of their experience with them throughout their lives.”²⁷

Our current mental health policies have recognised the high rates of mental illness in young people and the benefits of prevention and early intervention with this age group. The current government has recognised this through generous financial support of these services. Young refugees are at increased risk of developing mental health issues compared to the general population. We know that detention causes and prolongs mental health problems in young refugees. Our immigration policies need to align with our health policies and recognise that by abolishing mandatory detention, this will prevent mental health problems occurring and provide access to early intervention programs to reduce the impact of mental health issues from pre-migration experiences. The continued policy of mandatory detention will result in long term mental health issues for young refugees and the need for more costly long term support and treatment. Research carried out by the Refugee Council of Australia has shown that refugees make important economic, civil and social contributions to Australian Society.²⁸

Conclusion

headspace acknowledges the inherent strengths of refugees and the potential contribution that refugee communities can make to Australia. The current immigration detention network has serious detrimental effects on people’s mental health. Children and young people are particularly vulnerable. **headspace** believes that children and young people seeking asylum should be supported and protected and not be held in detention facilities.

Recommendations

- Children and young people are no longer detained in ‘detention facilities’ and are integrated into Australian communities. This includes young people aged 18 to 25 years old.
- The ‘best interests of the child’ principle, which is integral to the Convention on the Rights of the Child, is adopted in immigration policies affecting children and young people.
- Timely and appropriate mental health services are provided to children and young people in detention facilities to provide early intervention and prevention to minimise the impact of mental health issues.

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