



GPO Box 1947  
Canberra ACT 2601  
Level 2 Favier House  
51 Cooyong St  
Braddon ACT 2612

T 02 6285 1366  
admin@cssa.org.au  
[www.cssa.org.au](http://www.cssa.org.au)  
ABN 18 810 059 716

14 October 2016

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam,

**Submission to the Inquiry into “*Serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru Regional Processing Centre, and any like allegations in relation to the Manus Regional Processing Centre.*”**

Thank you for the opportunity to make a submission to this Inquiry on a serious matter of Government policy affecting the human rights of vulnerable people seeking asylum.

Catholic Social Services Australia (CSSA) has been very concerned about the growing evidence and external reviews (such as the report recently released by the United Nations Committee on the Rights of the Child<sup>1</sup>) which show a lack of care and respect for the basic human rights and dignity of people seeking asylum in Australia, who are being held in isolated offshore detention centres and away from public scrutiny. We are most particularly concerned on the impact on children of indefinite detention in offshore facilities.

Catholic Social Services Australia is the Catholic Church’s peak national body for social services. Our 52 member agencies are the frontline service providers caring for and directly assisting some 450,000 people across 650 sites nationally.

Our vision is for a compassionate and just Australia, a place where all people are treated with respect and have the opportunity to fully participate and contribute to society and live a dignified, healthy and meaningful life. We recognise we live in a global community where according to the UNHCR<sup>2</sup> an unprecedented 65.3 million people around the world have been forced from their homes. Pope Francis has called on Catholics to welcome such vulnerable people as our brothers and sisters.

Some of our member organizations support newly arrived individuals and families, refugees and humanitarian entrants, and new and emerging migrant communities and groups. These members provide a range of critical support services to assist newly arrived people, including settlement case management, employment services, community education and development, youth work and advocacy services. Others Catholic agencies have, in the past, worked in onshore Immigration Detention Centres providing pastoral support.

<sup>1</sup> See <http://us7.campaign-archive2.com/?u=0bfcfbfe7b23d4d0399421d8b1&id=1dbfe78e7e>

<sup>2</sup> <http://www.unhcr.org/figures-at-a-glance.html>

These member organizations have, and continue to deal with, the many complexities facing newly arrived people, particularly those arriving from areas of conflict or seeking asylum. People fleeing conflict are particularly vulnerable and require compassionate support that will enable people to build trust and feel secure in their new communities – factors which are critical to successful settlement over the longer term.

The vulnerability of people seeking asylum is clear and this is at the heart of The Australian Catholic Bishops Conference statement released in October 2016 calling for offshore detainees to be brought to Australia, with an end to the harsh treatment of people seeking our protection.

*“In Australia, we do not have to directly meet the responsibilities that many other nations bear. But we do bear the shame of the expulsion and harsh treatment of the people who sought our protection only to be detained on Nauru and Manus Island. International agencies have been appalled by the conditions under which they live and the effects on their health, spirits and self-respect. Pope Francis, to whom people detained on Manus Island have written, has also expressed his deep concern. The human costs on the detainees are mounting by the day.”<sup>3</sup>*

CSSA also makes the following points relevant to this Inquiry’s deliberations:

1. **CSSA does not support the detention of children** and has consistently called for all children and their families to be removed from detention centres and housed in the Australian community. CSSA remains gravely concerned about the allegations of mistreatment in Nauru and Manus Island and, in particular, the treatment of vulnerable children and their families. CSSA’s previous submission to the *Human Rights Commission Inquiry into Children in Detention* outlines our concerns and rationale (Attachment 1).
2. **CSSA supports the creation of an independent position to take on the role as guardian of unaccompanied children and possibly extend more broadly to the oversight of all children seeking asylum.**

CSSA believes the Minister for Immigration and Border Protection should not be the legal guardian of unaccompanied children. This was outlined further in our submission to the Senate Legal and Constitutional Affairs Committee *Inquiry on the Guardian for Unaccompanied Children Bill 2014* (Attachment 2). T

There are models that can be drawn upon such as those operating at the national level and in the states/territories where Children’s Commissioners and/or Guardians have been established. These existing models should be further investigated to assess whether they provide the adequate level of care and protection for children.

---

<sup>3</sup> <https://www.catholic.org.au/acbc-media/media-centre/media-releases-new>

3. As a member of the Catholic Alliance for People Seeking Asylum, CSSA wishes to draw attention to the Alliance's guiding principles<sup>4</sup> including:
  - a. *"Arbitrary or indefinite detention at any stage of the refugee determination process is unacceptable"*, and
  - b. *"People who seek asylum should live in the Australian community. Respect for their humanity demands that they have the right to work, access to basic services, and to some financial support if they cannot find work."*

Furthermore, we believe the UN Convention on the Rights of the Child, the UN Declaration of Human Rights and the UN Convention on the Status of Refugees, all of which are statements to which Australia is a signatory, should guide as a minimum, the treatment of refugees and asylum seekers.

CSSA would be pleased to elaborate further on this submission.

Please contact Liz de Chastel, Director Social Policy on Tel: \_\_\_\_\_ or  
\_\_\_\_\_ should you require further information.

Sincerely,

**Marcelle Mogg**  
Chief Executive Officer

---

<sup>4</sup> See <http://capsa.org.au/about-us/our-principles/>