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**Challenges for the Resilience of Vulnerable Young People  
and Children Living, Feeling, Breathing & Experiencing  
Their Immigration Detention Circumstances**

**Submission to the Senate Joint Select  
Committee on Australia's Immigration  
Detention Network August 2011**

Saraswathi Griffiths-Chandran  
8/2011

The Rights of Children under the United Nation Convention for the Rights of the Child (CROC)

**"...apply equally to every child, regardless of who they are, or where they are from."(UN convention, 1989)**

In a recent speech delivered to the conference entitled *Children's Place on the Agenda*, Peter Garrett reminded us that this convention was signed by the Australian Government in 1990 (Garrett, 28<sup>th</sup> Aug, 2011).

## **Background perspectives from the author**

This submission speaks from the author's direct involvement with children, youth and families living the experience of life from within immigration detention facilities including the Northern Territory (2010-2011). The author refers to literature in the area of child development, children affected by armed conflict and trauma. This submission also includes extracts and anecdotes from emails and stories concerning detainees and issues detainees have faced over time, and still face today.

The author of this submission has been an advisor to the Northern immigration detention community engagement committee (DIAC) since October 2010. Since August 2010 she has spent time and energy in her capacity as an early childhood academic and child advocate to lobby for a change in policy, provision of programs, for children's rights in detention, their rights to education and appropriate environments to support dynamic development and well being. She has worked closely with DIAC to give extensive advice for links to service providers for early years programs birth to 5 years and children of eligible school age. In particular she has herself provided program support as an early years educator for young children and families to improve environments and programs inside detention environments, all on a voluntary basis. She has strived to supported parent and child playgroups on a regular basis in the Asti and Lodge places of detention to improve environmental factors for children. She has visited many families with children and provided early years resource support from the community into detention centres in the NT. On this basis it has been possible for her to see firsthand the needs for young children and families over time and on a regular basis. She has seen the short term and long term impact on children whose resilience is challenged by experiencing life and reality from within an immigration detention centre. On a number of occasions she has needed to refer children and families to immigration officials regarding serious concerns about children's coping mechanisms and well being. She has voiced concerns formally on many occasions with the immigration officials, the Minister for Immigration, the Human Rights Commission, the NT Children's Commissioner and child advocacy groups.

This submission advocates for all children, including unaccompanied minors to be placed with appropriate family carers or their own family where possible in the Australian community. This submission supports the view to remove all children and their families from detention centres environments on the grounds that it is detrimental to the child's resilience, dynamic development, brain development, well being and to their recovery as refugees identified

internationally as vulnerable peoples (UNICEF, 2011). That this first resort approach affects children's recovery from dislocation and trauma and causes further damage by the institutional environment that is not conducive to the well being of any children, for any length of time, in any circumstances. The author would be willing to support immediate and further investigation, reporting and research into this area of Human Rights of children and their protective needs in refugee detention circumstances imposed on them by the Australian Government in recent times.

### **Terms of Reference Responses**

(b) the impact of length of detention and the appropriateness of facilities and services for asylum seekers;

(d) the health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network;

(e) impact of detention on children and families, and viable alternatives;

### **Resilience Factors for Children**

The issue of resilience and the assumption that children are not damaged by their plight as refugees or affected by their time in detention is a contentious one. *"Resilience in children and adolescents is considered the capacity to resist negative psychological consequences resulting from adverse events"*(Cubis, 2011, 1) or another definition *"a psycho sociological adversity or event that would be considered a stressor to most people and that may hinder normal functioning"*(Betancourt & Khan, 2008, 317). The resilience of children is at risk by their exposure to traumas of war, conflict, violence and dislocation (Cubis, 2011; Betancourt & Khan, 2008; Lloyd & Penn, 2010). This is further affected by their time in detention and how they themselves feel and perceive this circumstance.

The protective factors and protective processes that build resilience in children and youth, particularly those likely to be traumatised by war and armed conflict, are not those of detention *"protection"* and isolation but connectedness to family, peers, school, community and in a healthy ecological social system(Betancourt & Khan, 2008, 318).

In the UNICEF summary of the United Nations Rights of the child article 22 it is promised that *"If a child is a refugee or seeking refuge, governments must ensure that they have the same rights as any other child."* (UNICEF, 2011) Detaining children in prison like circumstances is not honouring this right nor is it supporting the social ecological system held widely by experts as the model for resilience and protective factors for positive outcomes in children (Oberklaid, 2011, Berk, 2009, Betancourt & Khan, 2008). The practice of detaining children in Australian immigration detention has created pressure and complexities in the lives of many children here with their families or as unaccompanied minors. These complexities are further undermining the resilience of these children and their ability to adjust well to the wider social community system.

All of the Australian Human Rights Commission reports involving child detainees (2004, 2009, 2010, 2011) state that it is by no means recommended that any children be held in mandatory detention and that it is in breach of international rights of the child stating that "*Child asylum seekers continue to be subjected to mandatory immigration detention. This breaches Australia's obligations under the Convention on the Rights of the Child...*" (AHRC, 2011, 8). Even after a change in policy in October 2010, to be implemented by June 2011 it is still the case that hundreds of children remain in detention, 179 of these in the NT (Aug, 2011). Cases like the three children in Villawood who have remained in Australian detention facilities covering a period of almost 2 years. In the Asti, a facility condemned by the Human Rights Commission (2010), children were housed there for as long as 15 months when it was finally closed on the 30<sup>th</sup> of June 2011. This Government must be held accountable for this pain and suffering and the ongoing impact on children's resilience, development and wellbeing.

How resilient are these children placed in detention as a first resort by the Australian Government? These children who are likely to have been deeply affected by war and conflict in their country, experience isolation, stigma and politicisation of their plight at the hands of immigration department practices and policies and an inadequate and inappropriate detention system. To make matters worse children who are refugees and considered vulnerable have been subjected to institutional environments that are not supportive or conducive to their growth. Where is the evidence that detention supports the 'basic' needs of children? More is required than basic needs because the dynamic developmental of children and youth are multi layered and complex, these operate in multiple layers of social connection (Oberklaid, 2011; Berk, 2009) and these cannot be achieved in isolation. It is argued that resilience in children and youth can be tested by over exposure to adversity (Cubis, 2011,2) and that stress, isolation and self injury circumstances faced by young detainees can jeopardise this resilience with long term effects and negative outcomes. If resilience is put at risk, long term recovery for children who are affected by trauma or depression is much more challenging.

The issue itself is not a simple one, or just relating directly to the moral issue of placing children in detention at any time, for any reason, morally this is wrong. But the argument is about the affects on children and risk factors to their resilience when facing the challenges of a new social system and their outcomes in the future.

In 2004 the Human Rights Commissioner tabled a damning report condemning placing children in detention as a first resort and only with extenuating circumstances as a last resort (Australian Human Rights Commission, 2004). Despite this, the detention of children has continued under subsequent governments with many children held for unacceptable periods in unacceptable conditions (AHRC, 2004, 2010, 2011). Until recently the number continued to maintain well over 1000 across Australia. Currently in regional areas like Darwin there are 179 children in detention in the NT, 81 of who are unaccompanied minors (DIAC, August, 2011). Many of the newly arrived are not yet in schools and programs or accessing services. Environments in detention are socially isolating and restricting, where children may be placed for long periods. These

places do not meet requirements for maintaining healthy development in children, and certainly not for children identified as vulnerable by experts (Oberklaid, 2011).

## **Access and Restrictions on Children's Play and Learning**

Children's basic right to play and to move freely is greatly reduced in detention environments. Play areas are woeful (AHRC, 2010, 2011) and play resources and times are limited and restricted. Children's opportunity to socialise and play with many other children is extremely reduced. Children's experience with natural environments and natural materials whilst in detention is deplorable, natural environments are known to improve health outcomes for children by reducing stress and enhancing emotional, cognitive and values related development in children (Frumkin, 2003, 1453). Play is such an important and critical element of a child's development that it has been recognised by the United Nations High Commission for Human Rights as the right of every child (Ginsberg, 2007, 182). Play is essential for young children and into adolescents for the cognitive, social, physical and emotional well being of children and for healthy brain development (Ginsberg, 2007, 183). One child told the Human Rights Commissioner "*We don't have a place to play.*" (10 year old girl detained at the Asti Motel, 2010) what are the consequences for this child? Is anyone checking what this might be? Ginsberg connects play to promote healthy youth development and resiliency in children, play must be valued, as "*...play builds some of the individual assets children need to develop and remain resilient*" (Ginsberg, 2007, 187). The fact that the Asti remained open for so long with long term child detainees were left in a restricted environment is disgraceful. The child driven play, unscheduled free play, parent participated play promoted by educators and paediatricians has been hard to get through to immigration and detention managers at the expense of the children. Environments, schedules, resources and freedoms to promote play continue to be restricted for children and families in detention settings. The children aged under five are at particular risk because they do not have such opportunities through schooling and are at critical times in their developmental areas (Note long term detainees under five in Villawood).

Since October 2010 children have been able to access schooling with some restrictions to older children. These arrangements and restrictions have meant that in many cases participation in schooling has been low for older children and in particular unaccompanied minors. Younger children of Preschool age are on the whole not considered for preschool programs without repeated requests from parents; many children under six have not been included in school entry. Children birth to three have very limited programs that involve family and community learning and linkages suggested by the government's Early Years Learning Framework that provides a framework for learning environments for children birth to five years (Australian Government, 2009). Preschool programs fifteen hours per week ages three to five are being implemented across Australia by mid 2012/3 and targeted as critically important to vulnerable children in order to prepare them for school and the best start in life (McKew, 2009, 3; Benevolent Society, 2010; Garrett, 2011). Children age three to five identified as refugees, from non-English language background with a high likelihood of trauma need to be provided with programs now in order to give them the best start in life, from a community base. In addition Preschool age children need the

right to attend early learning programs that include some parental support and engagement.

Minimal funded programs provided to children have been ineffective and ad hoc with little considerations for the qualifications of staff providing care of children in programs. Some community playgroup organisations facilities have been accessed for special provision and minimal playgroup provision with limited resources by volunteers has been provided on site in the NT. Children in the early years have been to a large extent ignored until late 2010 when minimal programs were engaged here in the NT. There is still extremely limited free play, access to resources like outdoor play materials and opportunities. The reliance on the good will of volunteer organisations to provide minimal early years programs continues but the demands are high, the needs great and the limited numbers of volunteers becoming exhausted. This has meant that despite the good intentions of volunteers, tireless support to the ever changing groups of families, the outcomes have been ineffective in improving play environments in the daily lives of children in NT centres. The answer is to fund additional resources to community children's services to provide programs at a community residential level as New Zealand has done. Healthy children's environments are already out in the community, all that is needed is the Will of the government to provide engagement and access to families.

Professor Frank Oberklaid spoke recently in Sydney conference from a child and community health perspective (NIFTeY: 2011); he is a leading child development specialist and expert in brain development. In discussion later he expressed serious concerns for children with trauma in a situation of adverse conditions that potentially cause stress through isolation in detention facilities. He identifies risk factors and protective factors for children (Berk, 2009, 10) and these can be applied to the isolation incurred by prison like circumstances for families. Such circumstances can potentially remove protective factors due to the lack of social support outside the immediate family, community resources opportunity. Lack of brain stimulation and social inclusion are risk factors for children's dynamic development (Berk, 2009, 28). Children's immediate ecological environment and their connectedness with the wider community are crucial for their holistic, growth and well being, (Berk, 2009, 28-29) in other words it takes a village to raise a child, and not a prison. There is a serious issue of risk and protective factors in the mental health of war affected children that needs close attention down to the individual in terms of relationships, health, resources and connection to family, social support and extended social networks (Betancourt & Khan, 2008). The detention of children, vulnerable as refugees cannot support their resilience and is more likely to strain it. This connectedness, belonging and sense of self are a very important part of children's dynamic development and lives, and isolation and exclusion can and does impact, seen firsthand among children in long term circumstances. These are the key themes are addressed in the governments early years strategies as we see in the leading Early Years Learning Framework (Australian Government, 2009) which should be applied and guiding access to all children's spaces, including those for refugees in prison

like circumstances. The Senate committee needs to investigate how children's sense of connectedness, belonging and sense of self is affected by detention circumstances and how this may impact on a child in the future. Just how resilient are these children? Is it known how they are impacted?

## **Notes from the field relating to terms of reference**

(f) the effectiveness and long-term viability of outsourcing immigration detention centre contracts to private providers;

### **Duty of care and respect for children's Agency and Rights:**

A Mother told of their children going on excursions where staff refused to provide adequate care for the 4 yr old when he vomited in the bus despite his Mother having provided appropriate items and instructions. He was returned home with his sick bag, wearing his sick covered clothes, washed off by his 7 yr old sister whilst in the park requested by the 'carer' who said it was "not her job". Another time the children returned home from swimming with the 4 yr old still shivering in his swim clothes and wet towel in a NSW winter. His sister had asked for help to be told "it wasn't their job to look after kids". On both these occasions the 7 yr old was distressed by the attitude and cried when she returned to tell their parents, she asked "*why did they not listen? Why did they not care? We are little*"(7 year old, retell anecdote, 29<sup>th</sup> July, 2011). The mother now feels unable to allow the children on excursions because of the lack of care but expressed feeling guilty as she knew they so badly needed to go outside.

The Senate should look into the duty of care and adequate qualifications of staff when accompanying children when parents have been restricted access. Staff should be respectful and listen to children and when their parents give instructions about potential health risks like travel sickness and act with due care and respect. Children and parents should not be treated disrespectfully and their needs and care should be a priority.

The past and current provision does not include appropriately qualified staff to work with children and families. If families were in the community they could access services and the funds used to provide more support from existing services.

**See email 1 in Appendix 2:** Sent to the Human Rights Commissioner: Monday, 8 August 2011 9:51 AM

Concerns expressed about the treatment of detainees, and in particular families.

(g) the impact, effectiveness and cost of mandatory detention and any alternatives, including community release; and

**Community release is the only way:** Remember who these children and families are? Many are victims of war, abuse and persecution and they need appropriate programs and environments in which to recover (Lloyd and Penn, 2010). Concerning children and youth the immediate cost cannot be measured in financial terms but in human cost. Long term the damage of immigration detention will be a great social cost and the cost of further pain and suffering to children, youth and families. We already know the cost of mental health in society, what is needed is community living with programs that links children,



youth and families to services and with the appropriate support and access they can build their own resilience and positive outcomes.

**Mental Health Care:** The IMHS are not accessed as readily as they should be because they are not culturally appropriate. IMHS staff have also told clients in the Darwin Lodge detention centres that they need to be well because they are let out to community detention so people hide their stress. This was shared by a woman who had experienced 10 months in detention and has had a miscarriage and lost her baby. She was told to act well otherwise she wouldn't be able to go to community detention she had requested. She is now with her husband in Inverbrackie Detention centre in SA and spoke to the author at length through an interpreter.

**See email 3 in appendix 2:** Thu 3/03/2011 6:15 PM Sent to the Human Rights Commissioner

Concerns for the mental health of children and the consequences.

(h) the reasons for and nature of riots and disturbances in detention facilities;

**Incidents involving children:** In the riots seen in The Lodge in Darwin in 2010 there was a strong link to the issue around children and the lack of appropriate environments for children and young adults to develop and thrive. The incident arose from a school bus issue between a boy and a girl. I don't believe there is any feedback or reflections on practices to see if the arrangements and procedures were set up inappropriately or if they are working smoothly. Regular discussions and feedback conversations would have prevented this conflict occurring and the situation escalating inside the detention centre later on. If this had been handled by better qualified staff on the buses and input from educators and parents such issues could have been prevented. The end result was violence and a group of young children facing court proceedings. This kind of escalation should have been preventable.

(l) compliance with the Government's immigration detention values within the detention network;

(s) any other matters relevant to the above terms of reference.

**Centre staffing:** In the author's experience, observations and conversations with detainees over time there is a serious mismatch between the SERCO staff culture and the DIAC management staff intentions towards the well-being of clients. The way in which children, women and men are interacted with, left waiting, ignored, refused requests, sent away and treated generally is tainted with a controlling manner in line with that of a prison rather than what is claimed to be "*alternative place of detention*". There is no doubt that many (not all) SERCO staff are trained and acculturated into the detention centre system in the same way they would be as prison guards. This behaviour directed at already vulnerable children, women and men over time is demeaning, depressing and unjust.

**Miscarriages during pregnancy in detention:** The Senate committee should investigate incidences of women experiencing miscarriages whilst in immigration detention and the way in which their circumstances were handled without the regard for confidentiality and feeling of grief and loss. (Story from the Lodge, Darwin, July 2011, a couple who spent 10 months in the Lodge) This couple were told by the IHMS staff when they requested special provision for food to the room for a short period after the incident "...you've only had a miscarriages..." staff nurse. They were only given support to miss one meal from the dining room to eat in their room. During June/July this young couple from Iran who experienced a miscarriage with their first pregnancy have now been transferred to Inverbrackie detention facility and remain there (SA), their story was shared with agencies like the Red Cross and the Ombudsman.

**Pregnancy, maternal care and birthing whilst in detention:** The Senate committee should investigate the experiences of women detained during pregnancy, how many in number and how many children birthed during the time of detention periods. The rate of caesarean intervention at birth and the manner in which Mothers and Father's were treated during the birthing process has been unjust in a number of anecdotes from Mother's. To what extent Mother's were exposed to stress levels and depression during pregnancy, antenatal exercises programs, Mothering groups and appropriate information and support. To what extent post natal services have been provided in the prevention of post natal depression in Mothers. Support provided to nursing mothers in detention and community settings should be investigated.

**Provision for community detention – some risks to unaccompanied children:** Children classified as unaccompanied minors are high risk as most are teenagers a vulnerable category generally. Providing share accommodation with revolving care shifts from staff is, the author believes, inadequate for the well being and adequate care and guidance of vulnerable children, many of whom have already experienced trauma in early life and isolation in detention. The protective factors and processes that operate for young people in family, peer groups, school and community serve to reduce the likelihood of negative outcomes and support resilience (Betancourt & Khan, 2008, 318), it is unclear whether quality can be provided with such arrangements for unaccompanied minors. The government needs to consider very carefully what provision is made for protective factors and processes for children who are likely to be affected by trauma from armed conflict and war. In detention unaccompanied minors in adolescence are particularly vulnerable and the issue of self injury and suicidal thoughts is very high and very real. When young people are moved into community settings they need particular and appropriate support.

The provision of family care from appropriately qualified and checked Foster families would be a much better option for this category.

**Anecdote of risk from a Taxi driver in Sydney 27<sup>th</sup> July 2011 –** risks to refugee children who are without appropriate parental support in share accommodation. Picked up two teen age UAM's to go to the accommodation (Red Cross), the charge to the place was \$130, the two had no money and could not pay, they could not explain. The taxi driver called the police because he was worried about their lack of language, with no money or adult support, he

realised they were refugees. The Red Cross explained they were UAM's and paid the taxi but the taxi driver was very concerned for the safety of these children and the circumstances they had found themselves. Community living is essential but teens need support and guidance, support staff should not make assumptions and educators need to be involved in supporting community learning and life skills.

Email 2 in Appendix 2: Risks to unaccompanied minors - Human Rights  
Commissioner Fri 4/03/2011 1:19 PM

(q) the length of time detainees have been held in the detention network, the reasons for their length of stay and the impact on the detention network;

This has been discussed and argued above in this submission and the position is that there should be no children held in detention, it is not conducive to their development and protective needs and it is unjust.

Some children are born and remain in detention, some children like a 4 year old in Villawood have spent almost half their life in detention in deliberately orchestrated isolation with little contact with other children and social situations until very recently, such cases are justified by government spoke people as needed as considered a "security risk" by association!

In the cases of children it is unacceptable that they should be detained for all their lives and half their lives in some cases (Villawood children). The Minister needs to act with a human rights conscience and within the international Law in order to free children and families like the Villawood family who are detained in the Minister's words "*indefinitely*" (Darwin, 2011)

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## Appendix 1

Comments from Children and Families Commissioner's reports:  
AHRC report in Darwin 2010

*Asti:*

*"We understand but the children don't understand – they want to go outside."  
(Kurdish woman detained at the  
Airport Lodge.)*

*"We don't understand why people under 18 are kept inside as if we are a risk to  
the community. We should be in the community, learning. All we do is eat and  
sleep." (Unaccompanied minor detained at the Airport Lodge.)*

Lodge

*"The children suffer from the restrictions without freedom. They are affected  
mentally." (Woman detained at the Airport Lodge.) 2010 page 9*

*"It is very important for us to be in society. We are segregated. We don't learn  
anything here. We should be  
learning." (Unaccompanied minor detained at the Airport Lodge.)*

Asti

*"We don't have a place to play." (10 year old girl detained at the Asti Motel.)*

## **Appendix 2: emails 1, 2 & 3.**

Email 1:

### **Story from Villawood children:**

Extract from an email sent to the Human Rights Commission and at the top their reply some parts of the original email have been removed for confidentiality:

**From:** Child advocate

**Sent:** Tuesday, 9 August 2011 7:08 PM

**To:** Human Rights Commission

**Subject:** FW: name removed Family Unit Villawood - update and concerns

Dear Catherine

I wrote to you earlier this year regarding this family still in Villawood. Please see below the email sent yesterday through the commission complaints email.

Regards

Child Advocate

**From:** Child Advocate

**Sent:** Monday, 8 August 2011 9:51 AM

**To:** 'complaintsinfo@humanrights.gov.au'

**Subject:** Name removed Family Unit Villawood - update and concerns

Dear Catherine Branson

I recently visited the family in the Villawood detention centre. They have suffered greatly whilst in detention and have been subjected to some very suspect treatment, practices and arrangements by the SERCO company and the Immigration Department. I hope that you are aware of these details? Including the fact that for sometime this family had SERCO guards (2) permanently living in their apartment silently watching and noting every detail of their moves? This period of months has now passed but has had a serious and lasting affect the family, including the children.

I know that now there have been some slow and measured changes since early May but there still seems to be some baffling practices subjected on this family including the children. Can you tell me if these arrangements were SERCO actions or directed by Immigration. If so what were the reasons? And what were the details? I believe that this family has been deeply affected by their months subjected to this treatment and especially the children.

Currently this family remain in uncertainty; they discussed their fear of being forcefully separated. They have witnessed some traumatic separations at their neighbouring units in recent months where a father was taken "over the big fence" and the mother and child left in extreme distress for hours on end and then released. Whilst I was there I saw the 7 year old children constantly looking

for her Dad and at one stage getting very anxious and distraught when she couldn't find him.

Currently the social isolation is also impacting on these children. They have watched many people come and go and the children tend to hide away for up to 2 weeks when new people come in because they feel upset to think that they make friends and the kids leave, all the time they remain.

The 7 yr old has received some lovely awards from her teacher but there are many stories of her limited friendships because of where she lives and who she is. She is feeling the stigma.

The little boy, just 4 in July has now spent half his life in detention and has developed behaviours that reflect his suffering and isolation. He has until now only received short visits to a play centre where there are limited social interactions. I have written to the minister regarding his inclusion in preschool and apparently he has recently started 2 days.

These children and their family are seriously isolated and living a terrible stigma attached to their existence, they are unable to have a sense of connectedness or a future. I am very concerned for the children's development and my observations as an early childhood practitioner identify signs of anxiety, isolation, low self esteem, trust and separation issues and depression. Despite the brave efforts of their parents to normalise their life these children are aware of their imprisonment, isolation and the lack of freedom to connect with family, community and life all children should enjoy. Almost two years this has gone on? How much longer and at what cost to this family?

Comments and processes by SERCO staff during my two visits: Serco staff mentioned Mum's with a nursing baby withdrawn behaviour and her quiet sad demeanour, they said she never smiles. On my first visit the SERCO staff made me sit outside and we all became very cold indeed as the family had to sit outside with me, they wanted me to stay but we were all cold, I stayed 3 hours until dark. The second visit I was allowed into the unit where they live and we spent hours in a much more relaxed atmosphere, eating, reading stories and chatting interchangeably between my poor Tamil and English. The children interacted with me much more on the second visit and were able to relax, they kept checking with their mother about who I was.

The two boys are really isolated and I am very concerned for this family long term.

Mum is feeling extremely isolated and fearful for their future. I believe she, the baby and the 4 year old need at least 2 playgroups where she can interact with other parents and the children in a social play environment.



There has to be some resolution soon as this family cannot live like this long term because it is impacting on the children's development and well-being and this will have long term affects.

There is no doubt that they are detained, they feel detained and are treated as they are detained. The question is at what cost long term to these children and who is accountable?

Email From an advocate for children to the Australian Human Rights Commissioner.

Email 2:

Issues relating to unaccompanied minors their treatment and plans for their future:

Email to the Human Rights Commissioner Fri 4/03/2011 1:19 PM

Dear Catherine

We knew of this plan in Darwin but it hadn't been officially spoken about by the Minister as it was in the media release yesterday.

In discussion as to why the Lodge will be expanded and to provide accommodation to children and families by the end of June even though by the end of June it has been said by the Prime Minister in October 2010 that "there should be no children in detention... it is no place for children"

Unfortunately the probable reason why the new proposed facilities in Darwin will continue to accommodate unaccompanied minors is because, as the Minister Bowen has said to our faces, most are male and age between 15-18, when they reach adulthood(18) they are then transferred into adult facilities and kept in detention. This new facility has the perfect structure for this approach. It seems that the government is bent on punishment, in recent times in the centres unaccompanied minors are being offered flights out, they are being pushed to see if they choose the return home option. They are regularly threatened with having their cases halted by the system, there are case workers who are actively threatening these consequences if they don't get cooperation. These have been covered in the media in recent weeks. I believe that most unaccompanied minors will be transferred to long term detention as adults and not released as children.

The ones that are released will be housed in share accommodation with minimal support. This kind of youth support is highly contentious in Youth affairs already and will not be effective for traumatised youth who have spent long periods in detention situation as discussed above.

- These are children and young adults with trauma issues,
- they are certainly further traumatised by the harm the detention system causes,
- the mental health consequences are longer term and far reaching.
- We are seeing the consequences, the self harm, unfold before our eyes, children "loosing it" under pressure and ending up in the courts

The next few weeks is critical to pressure and hold the government to account, this news, now official, indicates clearly they are lying through their teeth about freeing children.

How will the Human Rights Commission work with the international commissioner to address these issues and the fact that Australia has no legislation to protect peoples Human Rights in this country?

Thank you for your time and efforts.

Please see the recent link below as a reminder from the UN Human Rights Commissioner:

UN rights commissioner to visit Australia

<http://www.abc.net.au/news/stories/2011/02/11/3136122.htm>

*Saraswathi*

Email 3: Thu 3/03/2011 6:15 PM Sent to the Human Rights Commissioner

### Concerns for children's mental health

Dear Catherine

Thanks for the call from your staff recently when we were frantic up here in Darwin regarding the riots and confrontations in the Lodge.

The children will be on trial in court here on the 8th and 11th of March and there are great concerns for their well being and status after these trials. It is anticipated that peaceful concerned people can attend the court sessions.

These children have been put through so much frustration and pressure as minors suffering a detention experience how can it be Just that they are now treated as basic criminals in the court. Wouldn't their mental health be a factor? How will the outcome affect their future and status? What is at stake for them?

I have read the report from Leonora and the responses and want to thank your staff for the work they do with such a small staff Team.

You may have already known of this media release but your Team will be relieved to hear that the Asti will in fact be closed and there is a date set.

The mental health of school age children remains of great concern as I have been hearing that many children are opting not to attend school and continue to sleep much of the day, access cigarettes and feel a sense of hopelessness. This has been reiterated through immigration staff as well as the Tamil community and is certainly not isolated to the Sri Lankan groups.

Thank you for your wonderful work.

Regards

Saraswathi

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