

31 May 2012

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

Level 11, 257 Collins Street
Melbourne VIC 3000
PO Box 38
Flinders Lane VIC 8009
T: (03) 8662 3300
F: (03) 9663 6177
www.psychology.org.au

To Whom It May Concern,

Submission to the Detention of Indonesian minors in Australia

The Australian Psychological Society (APS) welcomes the opportunity to make a brief submission to the Senate Inquiry into the Detention of Indonesian Minors in Australia.

A key goal of the APS is to actively contribute psychological knowledge for the promotion and enhancement of community wellbeing. Psychology in the Public Interest is the section of the APS dedicated to the communication and application of psychological knowledge to enhance community wellbeing and promote equitable and just treatment of all segments of society.

The APS has no interests or affiliations relating to the subject of the consultation and the representations submitted, other than our concern that the Australian Government be well-informed and effective in its strategies.

Yours sincerely,

Heather Gridley
Manager, Public Interest
Australian Psychological Society

Submission to the Senate Legal & Constitutional Affairs Committee Inquiry into the Detention of Indonesian Minors

This submission was prepared for the Australian Psychological Society by Ms Emma Sampson, Dr Susie Burke, and Ms Heather Gridley.

1. Introduction

The Australian Psychological Society (APS) welcomes the opportunity to make a submission to the Senate's Inquiry into the Detention of Indonesian Minors.

The APS is the premier professional association for psychologists in Australia, representing more than 20,000 members. Psychology is a discipline that systematically addresses the many facets of human experience and functioning at individual, family and societal levels. Psychology covers many highly specialised areas, but all psychologists share foundational training in human development and the constructs of healthy functioning.

The APS is not in a position to respond directly to the terms of reference or to make legal recommendations. Rather, we draw on psychological principles and research to offer general comments in relation to the Inquiry.

2. Detention of children and young people (minors)

Research and practice in the area of child development is a major focus of Psychology, with a great many psychologists working to enhance the mental health and wellbeing of children, adolescents and families.

In particular, adolescence is seen as a key developmental stage, which requires young people to establish their own identity, form relationships and achieve independence, among other milestones. There are added challenges to negotiate for young people in countries which experience poverty and disadvantage, such as gaining employment to support the family.

Detaining young people imposes significant barriers for those detained to effectively navigating adolescence. Concerns have been expressed about;

- the impact on the young person's developing sense of identity,
- Detachment from family unit and relationships,
- Effects of labeling/stigma associated with being detained,
- Poor educational programs and interruption to schooling,
- Physical and emotional detachment, and
- Socialization with adults and exposure to criminal culture

For almost a decade, psychologists have been actively involved in advocating for the mental health needs and human rights of those seeking asylum in Australia. The APS has specifically expressed concerns regarding children held in detention, as per our submission into the HREOC (2004) Inquiry into the *National Inquiry into Children in Immigration Detention*

<http://admin.psychology.org.au/Assets/Files/Submission-children-in-detention.pdf>:

The Australian Psychological Society categorically condemns the practice of detaining child asylum seekers and their families, on the grounds that it is not commensurate with psychological best practice concerning children's development and mental health and wellbeing. Detention of children in this fashion is also arguably a violation of the UN Convention on the Rights of the Child.

A thorough review of relevant psychological theory and available findings from international research has led the Australian Psychological Society to conclude that detention has been found to be particularly harmful for children:

- Detention is a negative socialisation experience.
- Detention accentuates developmental risks
- Detention threatens the bonds between children and significant caregivers
- Detention limits educational opportunities.
- Detention has traumatic impacts on young people.
- Detention reduces children's potential to recover from trauma
- Detention exacerbates the impacts of other traumas
- Detention of children in many respects is *worse* for them than being imprisoned.

(APS, 2004; Thomas & Lau, 2002)

The APS has similar concerns for children and young people other than asylum-seekers, such as Indonesian minors, who are held in detention. The APS therefore recommends that Indonesian children and minors should not be detained.

3. Age Assessment Procedures

While unable to comment on the medical or legal context for the conduct of age assessment procedures, the APS is aware of concerns expressed about the use of wrist x-rays for age assessment purposes (AHRC, 2011).

According to the UN Committee on the Rights of the Child (UN Committee) Article 3 requires that the Australian Government to take positive steps to ensure that age assessment processes in the case of unaccompanied and separated children are conducted in the best interests of the child.

The APS refers the Inquiry to the work of the Australian Human Rights Commission in relation to Age assessment in people smuggling cases

(<http://www.humanrights.gov.au/ageassessment/index.html>). In particular, the APS supports the Australian Government's use of alternative measures to assess age such as dental x-rays, focused age interviews and seeking documentary evidence.

4. Conclusion

The APS is concerned about the impact of detaining children and young people, including Indonesian minors. Detention accentuates developmental risks among young people, threatens identity development and is associated with poor mental health and wellbeing outcomes.

We urge the Australian Government to adhere to the United Nations Committee of the Rights of the Child, and ensure age assessment processes are conducted in the best interests of children – namely, detention should only be used as a last resort and for the shortest possible time.

Finally, we believe public debates around immigration, asylum seeking and people smuggling need to be addressed to enhance community understanding of reasons for seeking asylum, as well as reasons why people (including minors) may engage in activities such as people smuggling.

References

Australian Human Rights Commission (2011). *Age assessment in people smuggling cases Inquiry into the treatment of individuals suspected of people smuggling offences who say that they are children*. Retrieved at http://www.hreoc.gov.au/ageassessment/discussion_paper.html

Australian Psychological Society (2004). *Submission into the HREOC National Inquiry into Children in Immigration Detention*. Melbourne: APS.

Thomas, T., & Lau, W. (2002). *Psychological well being of child and adolescent refugee and asylum seekers: Overview of major research findings of the past ten years*. Sydney, NSW: Human Rights and Equal Opportunity Commission.
