

1 SUBMISSION to Senate Inquiry into administration and operation of Migration Act 1958
from Strathalbyn Circle of Friends 22, South Australia

SUBMISSION TO

Inquiry into the Administration and Operation of the Migration Act 1958

from

Strathalbyn Circle of Friends, Circle No. 22, South Australia

28/7/2005

In this submission to the Inquiry, our group is urging a change in the current policy of mandatory detention for asylum seekers, or emergency refugees.

OUR VIEW

We want to see the end of a national policy of harsh treatment for already traumatised, helpless and innocent men, women and children who unofficially arrive here seeking help.

Such a change would mean eliminating any criminal-oriented Corrective Services system – foreign or national - from having control over asylum seekers in Australia.

Unofficial refugees are not ‘illegals’ or ‘unlawfuls’ . THEY HAVE NOT COMMITTED AN OFFENCE. Australia has been a signatory to the Universal Declaration of Human Rights since 1948. Article 14 in this declaration states that every human being has the right to seek asylum in any country they can reach.

In eliminating harsh treatment, we want to see the introduction instead of: a humane national system supervising the fast processing and settling of such people – a system that actually operates out of support, respect and welcome. It is a fundamental human right for an innocent individual to retain personal dignity and to receive respect. Australia has not provided this to the thousands of Middle Eastern asylum seekers who arrived here unofficially in this decade.

We want never again to have Australia shamed, in our own eyes and in the eyes of the world, in the way it has been for the last eight years since the introduction into our country of detention centres.

The world now knows that Australia has applied years of unjustified imprisonment and psychological torture to thousands of innocent people in desperate trouble – including hundreds of children.

Part of this psychological torture is to charge detainees who are finally released into the community huge amounts of money for their wrongful imprisonment, so that when they finally begin their new life they are deeply in debt. Australia is the only country in the world that does this.

2 SUBMISSION to Senate Inquiry into administration and operation of Migration Act 1958 from Strathalbyn Circle of Friends 22, South Australia

Obviously the facts support our case, because 92% of these desperate asylum seekers are accepted as refugees by the very government that imprisoned them -- in thousands of cases for years.

We are disturbed that our government's initiatives concerning asylum seekers have tainted Australia's credibility in encouraging other countries to upgrade their human rights behaviour.

OUR STRATHALBYN GROUP

Our group is made up of people of varying ages, professions and political views who have trusted our government to do the right thing. Suddenly we realised that our government had crossed the line into completely unacceptable behaviour by demonising and imprisoning emergency refugees.

We felt powerless to stop this breach of both international law and the human rights standards we have grown up accepting as Australia's moral code – revolving around dignity, decency, 'a fair go', mateship, help for the battlers. The opinions of people who hold a humanitarian view were disregarded. So we feel we have to make our views known.

We are also concerned that our government's hard-line treatment of these innocent people has put our nation in even more danger than we are already in from our joining the 'coalition of the willing.' Australia's international human rights reputation is now so tarnished that we face new hostility around the globe.

One example of our group's involvement with helping some of these unfortunate people has been some support for an Iranian family of two parents and two children who had fled religious persecution. We arranged several events for social contact, gave them \$1000 from our local fund-raising, involved ourselves in helping family members find work.

This contact highlighted for us some general detainee problems: the breakdown of cultural family structure during imprisonment, and religious persecution among detainees. A serious difficulty for this family was that, where the family had been based around the father being the strong protector, institutional life in a detention centre had eroded this role – he could not protect his family in any meaningful way. The wife needed counselling services for this. She herself had been upset by being victimised and ridiculed by Muslim detainees in detention on religious grounds, because as a Sabian Mandaian she was not required to wear restrictive clothing.

REFORM OF D.I.M.I.A. (Department of Immigration and Multicultural and Indigenous Affairs)

We support a full-scale overhaul of D.I.M.I.A. Particularly in view of the Palmer inquiry into the wrongful detention of Ms Cornelia Rau and other recent events, we believe that the public's faith in the operation of D.I.M.I.A. and its processes has been greatly eroded.

3 SUBMISSION to Senate Inquiry into administration and operation of Migration Act 1958 from Strathalbyn Circle of Friends 22, South Australia

We believe that reconstructing D.I.M.I.A. is vital in order to:

- a) introduce efficiency often demonstrated to be lacking in the Department, and
- b) introduce transparency around information. If accurate information is readily accessible by the general public, we believe it will enhance the accountability of D.I.M.I.A., and start to restore public confidence. We suggest information be made continually available by website and regular media releases on:
 - the number of people detained
 - their point of origin
 - where they are held
 - why they are held
 - how long they have been held
 - the status of their application for refugee status, etc.
- c) eliminate unsympathetic, often cruel, treatment through D.I.M.I.A. of these unofficial refugees, treatment witnessed by supporters of detainees. One example is that after years of incarceration and institutionalisation, detainees in fragile states of mental health are suddenly ordered to get out with only a few hours' notice, into a country they do not know, with a new language and new customs, where they must hope to survive through only the goodwill of a few Australian individuals or groups. No wonder a number of these refugees have ended up living on the streets.
- d) A new start for D.I.M.I.A. would need to involve removing the inhumane aspects of the present bridging visa system which D.I.M.I.A enforces, currently requiring as we said that the new arrivals must depend financially on charity because they are forbidden to work.
- e) Enforced basic education of D.I.M.I.A. (and detention) staff on minimal respectful behaviour, as well as on background political and cultural information around the plight of this refugee population. Staff have been seen to walk on prayer mats, and not even to knock before entering refugees' rooms. Ethnic groups are indiscriminately mixed despite centuries of group hostility. Referring to staff, a report by *The Coalition Assisting Refugees After Detention 2002* stated: 'Few seem to have much appreciation of the circumstances leading to reasons for their clientele leaving home and then being detained.'

Effective DIMIA overhaul would eliminate a colossal waste of taxpayers' money in a system which has repeatedly demonstrated that 'their right hand does not know what their left hand is doing.'

While our government has recently announced a few provisions for unofficial refugees that seem more humane than previously existing conditions, we have yet to see these working well in practice.

DETENTION CENTRES AND MENTAL HEALTH

Because of their reception in this country many detainees have believed – and in detention have been led to believe -- that all Australians hate them. This alone is a huge psychological pressure.

A corrective (prison) system is geared to being harsh on inmates. It is a regime for terrorising. This is not necessary with people fleeing for their lives and for their family members' lives, who simply want to be safe and to contribute to a new country.

Australia's population, after all, is founded on immigration. Many of our honored citizens were refugees.

Apart from the physical restrictions of imprisonment, the detention centres are undeniably places of built-in psychological torture where inmates are at the mercy of both the rules and the guards' individual personalities and prejudices.

The kinds of pressures applied to these innocent and helpless people via corrective services are of the kind designed by torturers to send people mad, to break their spirit.

At the very best, this approach breeds bitterness in desperate people in trouble. This government policy is unbelievably short-sighted. It is to Australia's advantage to have mentally healthy immigrants who love to contribute to their new country.

As a South Australian group, our main contacts have been with Baxter Detention Centre.

Because this has been run by a corrective services firm, its whole approach has been to intimidate these innocent refugees, and to make it difficult for outsiders to visit or support them.

Only because of media coverage have Australians at large been made aware, relatively recently, of the depth of frustration suffered by detainees after years of unjust cruelty: lip-sewing, riots, hunger strikes, roof-sitting, suicide attempts.

Constant small cruelties suffered by detainees from guards obviously under instruction appear designed to provoke outbursts of frustration which could be used against the detainees in their applications for citizenship. This has been reported as intensifying after a detainee loses a Court case in applying for refugee status.

The accumulation of pressures takes a huge toll on the physical and mental health of these people.

For at least two months before the Rau case was revealed to the public, Baxter detainees had been telling their supporters about a woman who urgently needed help for mental health problems. At least the subsequent media information highlighted the plight of others in detention also suffering mental health problems, whose sufferings had been ignored, or inappropriately dealt with by a system not geared to handle mental health problems.

5 SUBMISSION to Senate Inquiry into administration and operation of Migration Act 1958
from Strathalbyn Circle of Friends 22, South Australia

Psychiatrists have publicly stated that detainees' mental health cannot improve so long as they remain in detention.

Yet for years, until the Cornelia Rau case was exposed in the media, Glenside Hospital for Mental Health in Adelaide would take only one detainee at a time from Baxter. (When recently several detainees were taken into Glenside, their guards accompanied them, to a reported cost to the taxpayer of \$8000 a day.)

CHILD ABUSE

The inclusion of innocent children in this outrageous regime is beyond belief, and qualifies as child abuse, perpetrated by the Australian government. This is acknowledged by United Nations monitoring personnel.

At the time of writing there are still 48 children in detention centres around Australia, despite our government's rhetoric on the topic.

The situation has allowed many children to not only witness suicide attempts around them – but also to engage in self-harm, and even to attempt suicide themselves. What extreme states of hopelessness and misery lead a child to these acts?

And hundreds of children have been robbed of months or years of their childhood.

This kind of prison life traumatises children, who are exposed to screams and shouting, violent outbursts, unstable behaviour in some people around them, guards' presence and behaviour, as well as loss of freedom. They are in danger of physical and sexual abuse. Any available schooling under these circumstances is minimal.

For long periods, all these children have seen of the outside world is sky ringed with razor wire. No wonder nightmares and terrors occur in children now out of detention.

Refugee supporters are concerned that the ignorance of corrective services and DIMIA staff leads to further distress for children in detention.. Because of indiscriminate mixing of ethnic groups, some children such as the Sabian Mandaians suffer religious discrimination from other non-Mandaian children. This is a repeat of the original religious tension in their home countries which caused their parents to flee.

This outrage must stop, now.

PORT AUGUSTA HOUSING COMPLEX

The government has often described this option for women and children detainees as being 'in the community'. This is a grossly misleading picture. They are so NOT in the community that even on their weekly food-shopping excursion, under guard, they are prevented from speaking to any locals. They cannot be visited there. Where is the 'community' in that?

6 SUBMISSION to Senate Inquiry into administration and operation of Migration Act 1958 from Strathalbyn Circle of Friends 22, South Australia

In their own wired-in communities, they have found themselves living three families to one house, all speaking different languages. They are continually under suspicion. Their premises are constantly invaded and searched by guards, their movements always under camera surveillance, even to hanging washing on the line.

OTHER CRUELTIES OF THE SYSTEM

Time and again members of our group and others have heard from refugees of how, in Baxter when they reported sick or in pain, they were not taken seriously, but were continually given aspirin and told to drink more water.

Some examples:

- A man reporting bad headaches was eventually found to have a brain tumor, which was operated on. (To be able to visit him, his wife and several children were then moved to a motel in Adelaide, in which they were imprisoned with their guards for six months at great expense.)
- A woman in agony from toothache was made to wait a month for a dental appointment, and was ridiculed about the shape of her teeth
- Another man reporting stomach pains was taken to hospital only within ten minutes of losing his life. He had a ruptured appendix.

LONG-TERM EFFECTS OF THE CURRENT DETENTION SYSTEM

We are concerned about the effects of long-term detention (or any detention) on the mental health of people who have already, before arriving in Australia, faced dangers and disasters horrifying enough to make them give up their own country to seek a better life elsewhere.

Having come to Australia in hope, they find themselves imprisoned, blamed and de-personalised, and this new horror can last for years. Even children have found themselves in this intolerable situation.

It is suggested that many suicide bombers must be mentally unstable to carry out their attacks.

Since long-term detention can cause mental instability, what of the future? Are our detention centres producing a generation of people who will consider that violence is a justifiable consequence of their sufferings here?

We have the greatest respect for those immigrants whom we have known personally, who have the strength to overcome the effects of their years-long incarceration, and whose aim is to be useful members of the Australian community.

But this aim may not apply to every refugee who has experienced an Australian detention centre.

7 SUBMISSION to Senate Inquiry into administration and operation of Migration Act 1958
from Strathalbyn Circle of Friends 22, South Australia

In summary, we urge the government to:

- a) remove corrective services from the refugee scene
- b) instal instead a sympathetic supervisory system of support, respect and welcome, geared to fast-process such arrivals
- c) to change the present bridging visa concept along more humane lines, so as to eliminate present unnecessary suffering, uncertainty and dependence for asylum seekers who are released into the community.

We believe such changes are urgent. We believe they would benefit all Australians, in place of present conditions that currently not only damage desperate incomers, but also damage Australians through our national reputation.

Signed: Strathalbyn Circle of Friends 22:

Committee members on behalf of the group:

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Margaret Robson and Phyllis Gail McKay, Strathalbyn
Geraldine Jones, Macclesfield, S.A.
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