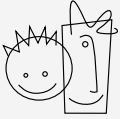


# ask the children



nsw commission for  
children & young people

## Kids speak out about immigration detention experiences

*For just one hour in the morning we come out of the room to see the sky and one hour in the afternoon. And then the doors closed, locked in.*

*(Unaccompanied teenage boy)*

### INTRODUCTION

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What are the experiences of children and young people who have been in immigration detention? Were their rights under the United Nations *Convention on the Rights of the Child* upheld? Did they have access to education, health care and an adequate standard of living? Is detention an appropriate place for children seeking refuge or does it further traumatise those who are already vulnerable?

The NSW Commission for Children and Young People spoke with ten children and young people as part of a submission to the Human Rights and Equal Opportunity Commission's (HREOC) National Inquiry into children living in immigration detention (Inquiry). All these children have been recognised under Australian and international law as refugees and spent on average 140 days in immigration detention during 2000 and 2001. The children came into Australia under a variety of circumstances, some without an adult guardian or any family at all.

On the following pages the children have described their experiences of coming to Australia, immigration detention and also give their views on how detention could be improved. The Commissioner would like to thank the children and young people who participated in this project and who demonstrated great courage in allowing us to hear their often painful and traumatic stories, in the hope things would change for the better.

The children's stories outline the context of leaving home, the journey to Australia and their time in detention. Their experiences in detention have been compared against Australia's obligations to them under the *Convention on the Rights of the Child*.

The pictures that appear in this document have been provided to HREOC's Inquiry by children living in immigration detention. They are not the children that were interviewed for our submission. We thank HREOC for giving us permission to use the children's artwork.

## COMING TO AUSTRALIA

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### **Leaving home**

The focus of the interviews was the experience of detention. However, many of the children interviewed referred briefly to the reasons for their flight and gave accounts of their travel to Australia. Each said that his or her departure came after close family members had been imprisoned, disappeared or been killed.

Their departures occurred in a climate of trauma and uncertainty. Few knew where they were going and none had any clear idea of what would await them on arrival here.

*The Taliban took my father and my older brother and my mother was very devastated by what had happened to us and she told me I had to leave. She thought that my cousin was going to leave and I could go with him and I had no idea of where we were going and what arrangements were made ...*

*(Unaccompanied teenage boy)*

### **Travelling to Australia**

The journey to Australia was difficult and dangerous, a further cause of trauma for the children. Many of the children interviewed grew up in villages, some in remote parts of Afghanistan where education was limited and they had little or no experience of other countries and cultures.

These children had never seen the sea before embarking on a long voyage in cramped conditions in unseaworthy vessels.

*We travelled by boat from Indonesia. It took us two nights and three days. The boat was nearly about to be sunk and we were saying our last prayer. It was very traumatic for us. Then we arrived at Christmas Island. We were not allowed to land and told that we had to stay in the boat and we stayed for 24 hours. It was very difficult as it was very overcrowded and people were very exhausted from the trip.*

*(Teenage boy)*

### **First contact**

Some children spoke positively of their first contact with Australians but there was some fear at the strangeness of those they met.

*This is the first time I see English people and hear them speak English. I did not understand what they say and I was scared somewhat because our hair and our face was different and our language different too and I thought, "Oh my God, what are they?"*

*(Unaccompanied teenage boy)*

For other children, the first Australians they encountered were remembered as having refused them assistance or been reluctant to help.

*[W]e wanted help and we thought Australian ship was going to come and we would shout and scream that we need help. And they came to us and they said no, they can't do anything, they would fix it a little bit but we have to go back to Indonesia. So in that condition they were trying to send us back... After one day the Australian boat came again but they didn't do anything. After one day they came again and finally all the women, the children and the men were crying that we really needed help and they said, "Ok, we are going to get you to Australia".*

*(Teenage girl)*

## DETENTION CONDITIONS

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The children described in some detail the conditions under which they lived while in detention. All the children spent a number of months in detention with the shortest period of time being a few months and the longest well over a year.

The kids' experiences in detention have been compared against Australia's obligations to them under the *Convention on the Rights of the Child*.

## The right to an adequate standard of living

Article 27 of the Convention recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development and that States in accordance with national conditions and within their means, shall take appropriate measures to provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.

### **The children's experiences**

The children interviewed described the conditions in the camps as harsh, crowded, difficult and foreign to their cultures and prior experiences.

*When I first came to the detention centre there were different people from different countries and different cultures – really difficult to believe it... It felt like we were in a cage. We could not go anywhere with all the fences and that stuff... We were at war in Afghanistan because of the Taliban and we thought we have come to another war here. In the detention centre, always soldiers all around us. Oh my God, can the Taliban get us again?*

*(Teenage girl)*

The children described the camps as being divided into sections. One section was reserved for new arrivals undergoing initial intake. New arrivals were segregated there from other detainees in the camp. This section was known as the closed camp, in contrast with the sections known as the open or free camp which have greater freedom of movement within the fenced area and higher levels of activity. The children spoke of the particular hardships of the closed camp.

*It is difficult to describe [the closed camp]... It was like a prison, no window to open to see outside. They were taking us outside for an*

*hour in the morning and an hour in the afternoon. The window had small holes, but too dusty and windy – blocked with all this dust.*

*(Unaccompanied teenage boy)*

The kids outlined how they were given work opportunities to earn some money to spend at a small store in the camps. They could buy additional food, drinks and personal items with this money. They received low rates of pay and were not paid in cash but in credit at the store or in telephone cards.

*There is no shop in the detention centre, just a room with things to sell. We had no money and to earn money we were forced to wash toilets or work in the kitchen. Everyone was fighting to wash the toilets to buy a coke. You have to wait in line to wash the toilet.*

*(Teenage girl)*

### **Poor standards of shelter**

The living conditions reported by children who arrived without their parents or families were particularly crowded, causing difficulties for younger children accommodated with older ones. Unaccompanied boys were "sharing room with 22 other detainees" (Unaccompanied teenage boy). When there was noise or someone went missing after dark, then all the boys in the room would be woken and often told to muster outside.

*When we are sleeping some 17 or 18 year old go to his friends to play cards and the police come at 3am or 2am and check us with the light and if the person is not sleeping he get up everybody. He said, "If the person is not sleeping then we get you all up". And we say, "It is not our fault. That's the boy's fault".*

*(Unaccompanied teenage boy)*

Drawing by child at Woomera: At night this happens



Artwork supplied to HREOC's Inquiry, 2002

Sharing with adults caused particular difficulties for one young woman. The room was very crowded and the presence of a young man raised particular cultural and religious sensitivities for her and her sister.

*We were sharing a room with families plus a single man in that room too... My sister had to share the bunk bed with a single man, like she on the lower and he was on the higher. It was really, really, very, very uncomfortable for us to be in that situation.*

*(Teenage girl)*

The children interviewed spoke about the insufficient numbers of toilets and showers and the difficulties this caused them. The children felt that this situation was especially serious at the temporary facility on Christmas Island.

*[T]here wasn't many bathroom – just two for women and two for men The women would get up at 4am to go to the bathroom.*

*(Teenage girl)*

#### **Food and drink**

Most of the children's comments about food and drink were clear and unequivocal. They expressed dissatisfaction with both the quantity and the quality of the food.

*[T]he food was very bad, not good to eat, sometimes cold, frozen. It was not halal.*

*(Teenage girl)*

*In Curtin I sometimes did not eat food. I give it to my mum cause it was yuck. They give us like kangaroo food, something like that ...Sometimes I got the baby food. If children not eat breakfast they were hungry. We hide bread for the children.*

*(Boy under 10 years and his mother)*

The biggest difficulty in the camps was that the evening meal was served early in the evening and only a light supper later in the evening. The long gap

between dinner and breakfast was very hard for younger children. Detainees were not permitted to take food or drink from the eating area.

*This family, they had young children and some of them, they had to hide one or two pieces of bread under their chador to give to the children later on when they were hungry. And also some people were fasting even if it was not Ramadan because especially for women they cannot always fast if they are travelling or they have their period. So they had to keep some food aside for that but it was very humiliating.*

*(Teenage girl)*

#### **Clothing**

The children said detainees could apply for clothes if and when they required them. All the children expressed dissatisfaction with the system of providing needed clothes.

*When we were in Curtin about three or four months, we said we need the clothes and have no clothes. One day they give for us clothes, not new. We stay in line in the sun for three hours. The officer lie to us, a very long line, they laughed at us and closed the door and said "Go, there are no clothes". They laughed at us.*

*(Boy under 10 years)*

*You must apply for clothes, write your name, everything, and after that he call your name and come straight. I put it two times and my name did not come.*

*(Unaccompanied teenage boy)*

## **The right to education**

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Article 29(a) of the Convention provides that “the education of the child shall be directed to ... [t]he development of the child’s personality, talents and mental and physical abilities to their fullest potential”. Article 28 provides the right of the child to education, in particular: primary education should be compulsory and available free to all; different forms of secondary education, including general and vocational education, should be available and accessible to every child; higher education should be made accessible to all on the basis of capacity; educational and vocational information should be accessible and; measures should be undertaken to encourage regular attendance at schools.

### ***The children’s experiences***

The kids said education was very limited. Some children received only one hour of education once or twice a week. Most received only English lessons of a very rudimentary kind, in large classes made up of children and young people across a very wide age range.

***At the week we had two days to go to school. We went to the class. When I arrived in Australia I did not speak English. They speak English and I did not understand what they said and the lady that looked after us, everyone weekday, she was very helpful. I draw a flower for her and I give to her ...***

***(Unaccompanied teenage boy)***

***Our teacher [taught us] for one hour. Another teacher was good, some were bad and some were good ... They give us big paper to write on it. Pencils ... Some officers let us one hour but a teacher would keep us for two hours. I used to be bad at Curtin but I speak English now ... The teacher learnt us.***

***(Boy under 10 years and his mother)***

## **The right to the highest attainable standard of health**

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Article 24.1 of the Convention provides the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Article 39 also provides that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child.

### ***The children’s experiences***

The children often arrived at the camps with serious illnesses as a result of their difficult journey to Australia or their experiences before leaving their countries of origin.

***When we arrived, the lady was very helpful. She was the nurse there and this was when I was sick. When we check out of the boat the policeman tell her. And the nurse come and took me and take my blood pressure and give me injection.***

***(Unaccompanied teenage boy)***

Conditions in the camps and the harshness of the desert locations also caused illness and disease.

***Mum got so red and everywhere there were bites and bugs and things like that.***

***(Boy under 10 years and his mother)***

The children often found it difficult to obtain medical assistance. There were no medical staff located permanently in the closed camp. In the open camp the medical staff were located in an area separately fenced and gated from the general area of the camp and it was difficult to pass through the fence to seek medical attention.

*In the closed camp the doctor would come and check on us about twice or three times a week. But in the free camp, if we had a problem, we could not go to the doctor. We had to wait.*

*(Unaccompanied teenage boy)*

Each said that the principal medical advice given was to drink more water and the only medication prescribed was Panadol.

*I had a tooth pain and they say just drink water. If the person had eye problem, drink water. Stomach problem, drink water. If you drink water 10 glasses, then drink 11. If we drink 11, then drink 12, 13. All the people sick, then drink water – nothing else.*

*(Unaccompanied teenage boy)*

*I have got a kidney problem in both kidneys and I suffered a lot with that in the camp. I was having this pain and they were telling me to drink water. Any sickness or any pain we were told to drink water. Very little painkillers.*

*(Unaccompanied teenage boy)*

There was a particular concern at the lack of treatment for toothache. Because of poor conditions and lack of dental care in countries of origin many children arrived with advanced tooth decay. When treatment was provided, it was usually extraction rather than (more expensive) treatment that repaired the tooth.

*I had a very bad toothache and all they said was drink water. So I could not stand it any more and said just take it out and they said “No, no, no you are only young – you can just drink water”. I had to do my traditional healing and grabbed an onion and squeeze it and drop the juice on the tissue and put it in my mouth. It was a little better.*

*(Unaccompanied teenage boy)*

## **The right to play, recreation and cultural activity**

Article 31 of the Convention provides the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

### **The children’s experiences**

All the children interviewed described the boredom of life in the camps. They found it particularly dull in the closed camps where they said both adults and children were locked indoors except for an hour in the morning and an hour in the afternoon.

*For just one hour in the morning we come out of the room to see the sky and one hour in the afternoon. And then the doors closed, locked in. I could visit friends in other rooms but not go outside ... We had one small TV for 17 or 18 people ... for one or two hours, we have ball to play ... but very small place to play and, if we kicked the ball out, we ask the officers, “Could we have the ball please?” and they would say, “No. Why did you kick the ball out?”*

*(Unaccompanied teenage boy)*

Even in the open camp the children said they had few facilities for play, recreation and sport – few toys and little sporting equipment. There was little cultural activity, certainly none provided by outside individuals or organisations.

*The children were always fighting because of the playground and because of the toys, as there were very little toys. [There was] a small playground and there were so little toys and sand – not grassy.*

*(Teenage girl)*

## The right to protection

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Articles 19.1 and 34 of the Convention provide the right of all children to protection from abuse and neglect including taking all appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. Article 20 entitles children deprived of their families to special protection by the state. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

### ***The children's experiences***

The situation in the camps and their location raised many protection issues in the interviews with the children.

One common issue was snakes. A number of the children referred to the presence of snakes in and around the camp and their resultant fears.

***There were so many snakes. There was girl bitten by a snake so I scared to go places by myself.***

*(Teenage girl)*

None of the children interviewed alleged that he or she personally was subjected to physical or sexual abuse or exploitation. All, however, referred to the general atmosphere in the camps as one of violence, conflict, threat and intimidation.

***Two detainees attempted suicide. They took some pills and taken to the hospital. A few detainees climbed trees. One of the detainees in the basketball court took a razor and wanted to cut himself in the basketball court, cut his neck.***

*(Unaccompanied teenage boy)*

Of course some of the children did not feel so threatened and commented on the level of harmony among the different groups living together in a very confined space for long periods.

***Some of them were really good and, if we asked for something, they would do it for us. Some of them did not like us. One of my good experiences with a guard. We were rejected once for our visa on the basis that they said we were not Afghans. That lady cried for me and said, "Why did they make that decision?"***

*(Unaccompanied teenage boy)*

## The right to participation

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Article 12.1 of the Convention provides the right to express views freely in all matters affecting the child, the views of the child being given due weight in accordance with their age and maturity.

### ***The children's experiences***

Participation requires knowledge and understanding. The children interviewed said that they knew little about what was happening to them and their application to remain in Australia. They did not understand the process involved or its progress or otherwise. They did not know the language.

***We did not have the language and we did not know the system. So in those first weeks it was very difficult for us but we did not know to say anything.***

*(Teenage girl)*

## The right to religious practice

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Article 14 states that children are entitled to enjoy the same rights as adults in relation to religious belief and practice, subject to "appropriate direction and guidance" by their parents.

### ***The children's experiences***

The children interviewed said that their right to religious belief and practice was generally respected in the camps, but that there was difficulty in finding appropriate places for prayer. In many circumstances

there were no visits arranged for Muslim religious leaders and that this was difficult because of the remoteness of the camps and the small Islamic populations outside the camps in those areas.

***In a room with three families, we did not have enough space to pray. There was just a tiny space to put our prayer mats so we had to make a roster. One person would pray and, when she had finished, another would pray. I found it uncomfortable as I did not have my own space to pray.***

*(Teenage girl)*

## The right to a name

Article 8.1 requires States to undertake to respect the right of the child to preserve his or her identity.

### **The children's experiences**

Some of the children interviewed referred many times to being called by number rather than by name while they were in detention.

***Most of the police did not know the name, so we have a number. The people all wrote our card number and he read for us, "[my number], you come". The first time the police came into my room and he told me, I was very scared.***

*(Unaccompanied teenage boy)*

## The right to humane treatment

The right to be treated humanely, with respect for human dignity, is the most fundamental right of persons in detention. It applies to all persons in detention, whether justly or unjustly detained, whether detained following criminal conviction or not, whether an adult or a child. Article 37 provides in relation to children: no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment; every child deprived of liberty shall be treated with humanity

and respect for the inherent dignity of the human person, and in a manner that takes into account the needs of persons of his or her age.

### **The children's experiences**

The nature and context of detention affects whether the detainees are treated with humanity and respect for their inherent dignity. All of the situations already described by the children, therefore, affect this question. The experience of detention as a whole must be considered. For the children interviewed, the camp was described as a prison.

***It was like a prison, not detention. Whatever that we had to do, just tiny little things, we had to ask for permission... In the first few weeks their attitude was good to us, treating us as a human, but gradually it changed, day by day and week by week... We have had enough to deal with, with the traumatic journey, leaving our families and not knowing about anything that has happened to them and them not knowing anything about us. We needed to be treated better than we were treated in detention camp.***

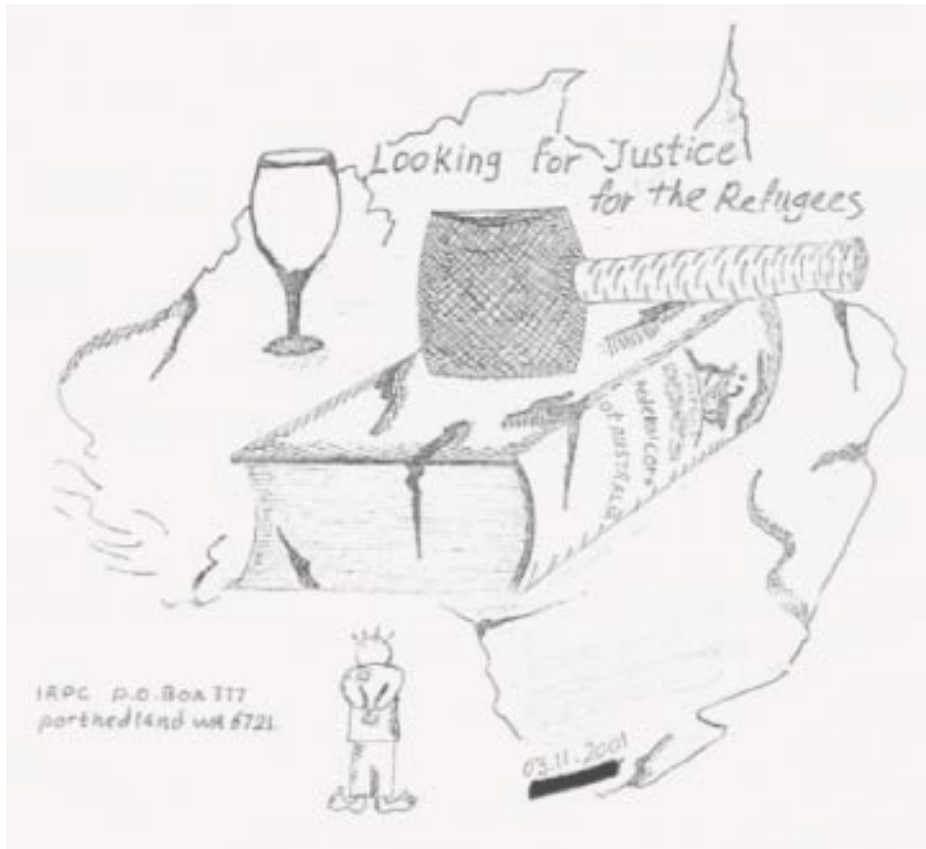
*(Unaccompanied teenage boy)*

Also disturbing was the practice of accommodating children and adults who were not family members in the same room. For one child, however, the greater concern was loneliness and the fear that being alone produced.

***For three months I was in the closed camp. All my friends were transferred from the closed camp to the free camp and I was the only one left. I tried to find someone who could translate to find out why I was the only one left. Nobody could tell me and I was left by myself. Yes, they left after two months and I stayed another month. Basically I was left by myself for a week and no one else in the room. I was too scared in the room and I could not sleep and I used to leave the light on. It was too hot also. I was wandering around.***

*(Unaccompanied teenage boy)*

Drawing by a former child detainee



Artwork supplied to HREOC's Inquiry, 2002

The children interviewed commented frequently on the attitudes of the camp officers.

***Some were good; some were bad. Some of them treat you like they would give you everything you want. Some people very, very good. They can understand us. But some not. They think we're like animals. Just eating like sheep, eat, eat.***

***(Boy under 10 years and his mother)***

While in the camp the children were interviewed about their situations and their applications to remain in Australia as refugees. The interviews as they described them were often intensive and threatening. No independent adult support person was present during many interviews with children.

***The first time that they interviewed us they told us, "If you lie to us or make up stories***

***that the smuggler has told you, you will be in trouble... Three interviews, but individual, not with my sister or brother. At first they interviewed my older sister. They took her away so there was no contact with her in between. Then my brother and, when he finished, [my sister and my brother] were taken back to the camp and I was left by myself ... It was three hours and they asked me if I needed water or the toilet and I said no but they did not offer me food.***

***(Teenage girl)***

***We were interrogated as though we were criminals. The interviews were hours and hours and repeatedly asked the same questions: why did you leave your country, what did the Taliban do, where is your father. Quite traumatic as in our special***

*circumstances, we had to prove our identity, whether we were brothers, our age. I was interviewed five times. The last interview we had it was 9am until 4.45pm.*

*(Unaccompanied teenage boy)*

## The right to assistance

Article 22 obliges states to provide special measures of assistance to child refugees and asylum seekers. They must take appropriate measures so that a child receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights. States shall also protect and assist such a child and assist to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason.

In the context of detention while seeking asylum, article 37(d) requires the State to give every child deprived of his or her liberty, prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

### **The children's experiences**

All the children interviewed recounted experiences of isolation, confusion and ignorance of the procedures under which they were detained and by which their application for protection was to be processed.

*Nobody told us one single word and we didn't know if we were going to stay a month or years. We did not know what was going to happen to us. The only time there was an interpreter available was at the time that they interviewed us...*

*(Teenage girl)*

None of the children who had come without parents had had contact with their families since leaving their homes to come to Australia. When accepted as refugees they are given temporary protection visas that do not permit them to be re-united with their families in Australia.

*I have not had one single contact since I left Afghanistan. I don't know if they are alive or dead or if the Taliban killed them or if they were killed by the earthquake and they don't know about me either. So I don't know where they are.*

*(Unaccompanied teenage boy)*

## The experience of being released

All the children interviewed spoke of their longing for release while detained. The success of their applications for protection and their release from detention should have been occasions of joy and celebration for them. However, all spoke of the period of their release as if it were a further hardship, a further trauma, they had to endure.

It was generally sudden, threatening because the children feared rejection of their application, confusing and physically difficult because of the long journeys they had to make to reach the city to which they had been assigned.

*They just called us at 9am and said, "You have to be ready by 10am. You are going." No time to say goodbye. Just put our clothes in a bag.*

*(Teenage girl )*

*We went for four days and four nights in a bus. (Interviewer: Did they explain how far it was and how long it would take?) They did not tell us anything. But we were so happy to be leaving that, if they had told us to walk, we would have walked. (Interviewer: When you were travelling on the bus did you get breaks, food and water?) We had stops in different places but the food was just a slice of bread and a little jam and the same for all the meals ... Usually we had three stops in the daytime.*

*(Unaccompanied teenage boy)*

## **Changing the detention experience**

The children interviewed were asked to reflect on their experiences and nominate their priorities for changing the detention centres.

***Helping the people – put in taps and TV and playgrounds and toys in the detention centre, clothes. No washing the toilets.***

*(Teenage girl)*

***More teachers, a nice room, computers and they have to put effort in to teach them so they can use their time effectively. Probably, entertainment and activities like football and swimming in a timetable, something that is structured ....***

*(Unaccompanied teenage boy)*

***We were never allowed to go out. Better to take us out for sightseeing, better than just being imprisoned.***

*(Unaccompanied teenage boy)*

Implicit in all the comments is the wish to be treated as children, as a human being.

***If they have to detain people, some things have to be changed. They have the right to be human and treated as human, to live free within the camps. In the closed camp you feel like a prisoner. Even if there is a camp, people should have access outside the camp, children especially.***

*(Unaccompanied teenage boy)*

The fundamental issue, however, raised by many of the children, was the detention itself.

***I think there should not be any detention for children at least. All these Afghans that are spending months or years in detention, they have not done anything wrong, they are not criminals and they should listen to them. But there should not be any detention for children. They should be free.***

*(Teenage boy)*

And there was also the question of security and permanency for those recognised as refugees.

***This visa that they gave me. Everywhere I go they say, "Oh, this is temporary visa. I can't do this for you." What is this visa?***

*(Unaccompanied teenage boy)*

## **MORE INFORMATION**

This publication is a summary of the Commission's submission to the Human Rights and Equal Opportunity Commission National Inquiry into Children in Immigration Detention. It provides a snapshot of the experiences of children in immigration detention. A full version of the our submission is available on our website at [www.kids.nsw.gov.au/news/lawspolicies](http://www.kids.nsw.gov.au/news/lawspolicies)

You can also find out more about the Inquiry on the Human Rights and Equal Opportunity Commission's website at [www.hreoc.gov.au/human\\_rights/index.html](http://www.hreoc.gov.au/human_rights/index.html)