



DEMOCRATS REFUGEE E-BULLETIN

May 18, 2004

To subscribe/unsubscribe or for any further information, please send an email to refugees@democrats.org.au

In this Issue:

1. HREOC Children in Immigration detention report tabled
2. Democrats Release Budget Proposal for Refugee Policy
3. Budget funds two new detention centres - mothballs Port Hedland
4. Senate Estimates
5. Senator Andrew Bartlett & Kate Reynolds MLC inspect Baxter Housing Project
6. Senator Aden Ridgeway visits Villawood Detention Centre - Campaign for family in detention
7. May 18th Public Information night in Petersham – Trumping the Race Card: Indigenous people and refugees in John Howard's Australia
8. High Court rules not to protect children from Immigration Department.
9. Helping Individual Refugees
10. Media Releases and Articles

1. HREOC Children in Immigration detention report tabled

The Human Rights and Equal Opportunity Commissions report on the national inquiry into children in immigration detention was quietly tabled in parliament last week. The executive findings of the report are:

Australia's immigration detention laws, as administered by the Commonwealth, and applied to unauthorised arrival children, create a detention system that is fundamentally inconsistent with the Convention on the Rights of the Child (CRC).

Children in immigration detention for long periods of time are at high risk of serious mental harm. The Commonwealth's failure to implement the repeated recommendations by mental health professionals that certain children be removed from the detention environment with their parents, amounted to cruel, inhumane and degrading treatment of those children in detention

Children in immigration detention centres and residential housing projects as at the date of the tabling of this report should be released with their parents, as soon as possible, but no later than four weeks after tabling.

Australia's immigration detention laws should be amended, as a matter of urgency, to comply with the Convention on the Rights of the Child.

John Howard has said that to release children from immigration detention would result in increased people smuggling. There is no research to support this claim. In fact, the largest numbers of boat arrivals have been when mandatory detention policies have been in place. This proves that the idea that detention "sends a clear message to people smugglers" has little basis in the facts.

The Australian Democrats have welcomed the release of the Human Rights and Equal Opportunity Commission (HREOC) Report on Children in Immigration Detention and said the report must lead to major policy change by both major political parties.

When you add the findings of this report to the recent High Court ruling that child protection laws do not cover children in immigration detention, it is obvious that we need to strengthen laws

against child abuse. The system of detaining children is child abuse and there is no excuse for child abuse.

One example of a family examined at length in this inquiry highlights the failings of the current policy. In November 2002, Woomera management informed the Department of Immigration that the family were at risk and could no longer be cared for within the centre. A senior DIMIA official stated that '*the Department ... has been actively managing this case and considering what options might be available to the family*'. Eighteen months later this family is still in detention.

2. Democrats Release Budget Proposal for Refugee Policy

The Australian Democrats have released a budget proposal for spending on refugee policy. We have identified ways in which the government can save over \$120 million per year. This figure is not including the capital costs of detention facilities, which has been over \$230 million in the past 3 years.

The current system of mandatory detention and the Pacific Solution is economic irrationalism at its worst. The administrative reasons for detention are false and the costs far outweigh the purported benefits.

<http://www.democrats.org.au/docs/2004/0030/ImmigrationBudget04.pdf>

<http://www.democrats.org.au/campaigns/budget2004/immigration.htm>

We welcome your feedback on this policy to refugees@democrats.org.au

3. Budget funds two new detention centres & mothballs Port Hedland

The government has announced they will spend \$142.5 million over the next 4 years to up-grade the facilities in Baxter, Villawood, Maribyrnong and Cocos Island, as well as building new detention centres in Melbourne and Brisbane.

Facilities for detaining visa-overstayers prior to deportation should be upgraded in order to make the detention humane as possible. However, the government should not be spending on detaining asylum seekers, a policy that has been widely criticised by Churches, welfare agencies, and child protection organisations and is in breach of our human rights obligations.

The detention centre at Port Hedland will be mothballed - keeping the notorious Juliet Block alleged to be used as a punishment compound on hand should the government need to use it in future. Curtin detention centre, rated by "residents" as the worst of all the centres, will be handed back to the Department of Defence. The government has said these two changes will save \$50.5 million over 4 years. What they do not announce is how much they will continue to spend to keep Port Hedland detention centre available for a policy that should not have been implemented in the first place.

4. Senate Estimates

Senate estimates starts May 24th. Immigration estimates hearings will be held on Wed 26th & Thur 27th. You can find transcripts of senate estimates hearing at

<http://www.aph.gov.au/senate/estimates/index.htm>

Now is your chance to put DIMIA under the microscope and hold them (somewhat) accountable for their actions. Please send us any issues you want raised at this hearing. Forward them to

refugees@democrats.org.au by close of business Monday 24th. Please provide a brief summary of the issue to be raised.

There are only two days for the hearing so we might not be able to get to all of the issues, but we will do our best to ask questions on all the issues you send to us.

5. Senator Andrew Bartlett & Kate Reynolds MLC Inspects Baxter Housing Project

On Saturday May 1st, Senator Bartlett and Kate Reynolds MLC travelled to Port Augusta to inspect the Residential Housing project and meet with asylum seekers detained in Baxter Immigration Detention Facility.

Delegates from different compounds and ethnic/religious groups had the opportunity to discuss issues with the Senator. They gave a disturbing report of the new Red1 compound, which has been developed as a punishment compound. The punishment regime has three stages. The first has people locked inside their rooms for up to 21 hours per day. The other stages have increased hours allowed outside, with increasing resumption of visiting and phone “privileges.”

Other issues raised were:

- situations of people being granted protection visas by the RRT, but 9 months later were still waiting for security checks to be completed
- inadequate medical care
- alleged use of electrical batons
- arbitrary definitions of what is “contraband” items that cannot be allowed into the centre
- people still being referred to by a number, not a name
- visits from family and friends being difficult to obtain due to the elaborate approvals procedure
- majority of people taking sleeping pills and anti-depressants to cope with the long-term detention

Senator Bartlett and Kate Reynolds also visited the housing project. Despite being referred to as the “Community Housing Project”, they found the RHP to be a mini-Baxter. The women are enclosed by fences and watched by cameras. They do not have any interaction with the surrounding community, except for scheduled trips in the company of an officer. The fathers and older sons are not allowed to live in the housing project. This has forced some of the women to make a “Sophie’s Choice” where they have had to choose between giving slightly better conditions for some of their children, while leaving some behind in detention.

The women are not allowed to get visits in the RHP. DIMIA has said this is to “protect their privacy.” However, the women have said they would love to get visits in the RHP. Inspections of the facility show this would be very easy to accommodate.

6. Senator Aden Ridgeway visits Villawood Detention Centre

Senator Ridgeway visited Villawood detention centre in Sydney on April 7th. He met with asylum seekers detained there and discussed issues surrounding their cases and prolonged detention. The Senator met with one family with three children who are attending the local school. “It is hard to meet a family like this, with three bright and lovely kids, and not think that they would make a great addition to the Australian community.” Senator Ridgeway said.

This family has been in detention for over three years. Senator Ridgeway is actively lobbying on behalf of this family. If you can help with letters of support or any other assistance for this family, please contact his office. kate.gauthier@aph.gov.au

7. May 18th Public Information Night in Petersham

7.30- 9.30pm

Petersham Town Hall 107 Crystal Street Petersham (1 block from train station)
All welcome

“Trumping the Race Card: Indigenous people and refugees in John Howard’s Australia.”

Speakers include Senator Aden Ridgeway, Phil Glendenning, Col Markham, Farshid Kerohallpour.

The indigenous and refugee rights movements in Australia have different histories and current realities. But the root cause of the problems is the same – expedient racist policy which ignores the human consequences.

The forum speakers will provide personal perspectives as well as updates on the political landscape with a focus on

- The proposed abolition of ATSIC and the future for elected national Indigenous representation and community organisations
- Bringing refugee policy in line with all our human rights obligations under UN conventions and child protection laws.

Find out what we can all do to combat the racism of the Howard government.
More information: 02 9818 8422

8. High Court rules not to protect children from Immigration Department

In a recent case, the High Court of Australia ruled that the Family Court did not have jurisdiction to order the release of children from Baxter immigration detention facility.

The family court had ordered the release, as it found that continued detention under current conditions was in breach of SA child protection laws.

The government appealed the ruling to the High Court. They did not argue that detention conditions were not child abuse. Their argument was that the family court had no jurisdiction to stop them.

The government have themselves shown that child protection laws need to be strengthened. Australia cannot rest until all children are granted protection from abuse and neglect. There is no excuse for child abuse.

9. Helping Individual Refugees

Some asylum seekers are being granted bridging visas to be released from detention. This is usually because detention itself has become so harmful to their mental health that they can no longer be safely accommodated in the centres.

However the conditions of the bridging visas mean they cannot work, have no access to Medicare and do not get any financial assistance from the government. The people are entirely dependent on charities and groups of concerned citizens who have banded together to help.

If you can pledge some money – even \$10 per week is enough – please contact refugees@democrats.org.au We will put you directly in touch with community groups who are organising this. 100% of your money goes to the refugee family you are helping to support.

10. Media Releases:

Democrats Call for Iraqis Stranded on Nauru to be Given Freedom Too

http://www.democrats.org.au/news/index.htm?press_id=3588

HREOC: Mandatory Detention Causes Serious Harm to Children
http://www.democrats.org.au/news/index.htm?press_id=3582

Democrats Condemn New Detention Centre Proposals
http://www.democrats.org.au/news/index.htm?press_id=3573

Bartlett Voices Support for Thai Girl at Risk of Deportation
http://www.democrats.org.au/news/index.htm?press_id=3551

Mother Day Plea to Reunite Families in Detention
http://www.democrats.org.au/news/index.htm?press_id=3547

Abuse of children in detention - Government lies & ALP guilt
http://www.democrats.org.au/news/index.htm?press_id=3540

Government seeks to undermined immigration justice again
http://www.democrats.org.au/news/index.htm?press_id=3542

'Sophie's choice' for mothers inside and outside Baxter detention centre
http://www.democrats.org.au/news/index.htm?press_id=3525

High Court rules not to protect children from Immigration Dept
http://www.democrats.org.au/news/index.htm?press_id=3516

Australian aiding and abetting corrupt act by Nauru
http://www.democrats.org.au/news/index.htm?press_id=3504

NZ takes care of Australia's refugee responsibilities - again
http://www.democrats.org.au/news/index.htm?press_id=3500

Vanstone must free forgotten Iraqis on Nauru
http://www.democrats.org.au/news/index.htm?press_id=3479