



## Amnesty International Australia Detention Facilities Visit 2012

### Findings and recommendations

22 February 2012

#### Summary

The initial findings of Amnesty International's recent detention centre visits, reiterate the organisation's long held position that the indefinite and prolonged detention of asylum seekers in Australia is a failed policy that contravenes human rights standards.

The most serious and damaging conditions faced by asylum seekers in immigration detention are the length of time and the indefinite nature of their imprisonment. Among the asylum seekers who had been in detention for extended periods, self harm and attempted suicides were talked about as a fact of life. The use of sleeping pills and other medication was also widespread.

The Christmas Island Northwest Point Immigration Detention Centre (IDC) is overwhelmingly and unacceptably prison-like. The facility is too harsh to house people who have not committed a crime. Adding to the restrictive environment is the new behaviour management regime in the White compound.

The Curtin IDC in Western Australia should be immediately closed for immigration detention purposes. The remote and isolated location of the centre, as well as the extremely hot and dusty physical conditions, exacerbates the existing problems with detaining asylum seekers.

Findings documented from Perth IDC, Northern IDC, Wickham Point IDC, Phosphate Hill APOD and Darwin Airport Lodge APODs 1, 2 and 3, are all illustrative of a failed system.

Given the human rights abuses inherent in indefinite detention, and the excessive costs of transporting basic infrastructure, supplies and staff to such extremely inaccessible locations, Amnesty International remains appalled that this policy has continued for so long.

#### Recommendations

In order for Australia to meet international human rights standards, Amnesty International recommends the following:

1. A maximum 30 day time limit is placed on the detention of asylum seekers, so that all asylum seekers are moved into the community once health, character and identity checks are complete.
2. Immigration detention centres that are remote and isolated be shut down as soon as possible.
3. The shift towards processing asylum seekers in the community is expedited, with long-term detainees, families and unaccompanied minors moved out as a priority.
4. In all detention centres, but particularly remote ones, asylum seekers ability to communicate with the outside world must be significantly improved. Specifically, increases in access to both outbound and inbound telephones, Internet, external activities, and visits from the Australian community.

## Background

Amnesty International is a global human rights organisation with over three million supporters worldwide. In Australia, one of the main areas of concern for the organisation remains the rights of refugees and asylum seekers.

International human rights standards relevant to detaining asylum seekers are contained primarily in the 1951 Convention Relating to the Status of Refugees, the 1966 International Covenant on Civil and Political Rights and the 1989 Convention on the Rights of the Child. These treaties, to which Australia is party, provide that seeking asylum is legal and no asylum seeker should be punished for their mode of entry; that no person should be arbitrarily detained; that cruel, inhuman or degrading treatment of any person is prohibited; and that states should always act in the best interest of the child.

To effectively provide independent monitoring and advocacy around Australia's treatment of refugees, Amnesty International aims to visit remote Australian detention facilities at least once a year. This latest visit, from 5 February to 16 February, included Curtin Immigration Detention Centre (IDC), Perth IDC, Christmas Island IDC (called Northwest Point) and Phosphate Hill Alternative Place of Detention (APOD), Darwin IDC, Wickham Point IDC and Darwin Airport Lodge APODs 1, 2 and 3. In addition the delegation met with asylum seekers residing in the community with bridging visas.

This briefing outlines the organisation's initial findings and impressions of the state of immigration detention in Australia. This information was gathered from private interviews with hundreds of asylum seekers, both individually and in groups, as well as interviews with staff from the Department of Immigration and Citizenship (DIAC), Serco, International Health and Medical Services (IHMS) and other service providers in each facility that was visited.

A more comprehensive report is planned for later in the year.

## Systemic issues across Australian detention facilities

The most serious and damaging conditions faced by men, woman and children in Australian immigration detention are the length of time and the indefinite nature of their imprisonment. It was overwhelmingly evident that the lack of an endpoint to their internment, coupled with the constant uncertainty, fear and monotony, is more than most people are able to cope with for an extended period - let alone people who are already survivors of torture and trauma.

Among the asylum seekers who had been in detention for extended periods, self harm and attempted suicides were talked about as a fact of life. The use of sleeping pills and other medication was also widespread, with many asylum seekers interviewed reported feeling like they needed medication to make it through each day, while at the same time anxious about the long term effects of their usage.

The impact of detention was further exacerbated by confusion and frustration with the processing of refugee claims. Many people talked to had little idea about their rights under this system, and were extremely worried that it was being implemented unfairly. It is unclear whether this confusion stems from the system itself, not being given enough information by staff, limited access to lawyers, or whether after months in detention and/or earlier trauma their mental state was such that they were unable to properly process information about their case. What is clear is that the environment of detention makes it incredibly difficult for asylum seekers to properly understand and engage with a system that may have life or death consequences for them.

Across all the detention facilities, there were obvious efforts to improve the physical conditions and increase activities and excursions. However, the remoteness of many centres has led to difficulties in providing and maintaining even the most basic of equipment and also placed significant limits on activity options. What the delegation was told repeatedly by both asylum seekers and staff that after a certain period of time, the negative mental health impact of long term detention becomes impossible to mitigate with increased activities or physical improvements to detention conditions.

## Issues in specific detention facilities

### ***Northwest Point IDC, Christmas Island***

Population: 434

Longest time in detention: Over 800 days

Number of phones: 4 per compound, 40 total

Northwest Point IDC is overwhelmingly and unacceptably prison-like. The facility is surrounded by high, heavy fencing, and the six compounds where most asylum seekers are housed are also totally enclosed with fencing. To leave their compound (for medical appointments, interviews, visit another compound, etc) asylum seekers must sign out with an officer, and then pass through a locked security cage. The facility is simply too harsh to house people who have not committed a crime.

Adding to the restrictive environment is the new behaviour management regime in the White compound. The White compound places people at risk of violent behaviour towards themselves or others in a highly confined, guarded and isolated environment. Many asylum seekers reported feeling scared of being sent to the White compound, and it was apparent that for many detainees there was no clear understanding of when and why a person would be placed there. White 1 is used for those who are deemed to be at risk to others, while White 2 is used for those who are at risk to themselves.

In White 1 men are confined to their “block” for most of the day for three weeks. Individuals move from Block A, to Block B then to Block C (which make up each compound) each week depending on their behaviour. Each block is very confined with the fencing around almost opaque. The program is designed as a “circuit breaker” for those seen as spiralling into negative behaviours.

It is a serious concern that placing vulnerable men in an even more restrictive environment will increase their mental health problems, especially as the behaviour this program aims to manage is largely a product of detention in the first place. The men we spoke with who had gone through this program stated that it led to more trouble sleeping and increased anxiety levels.

At a minimum it is crucial for the use of the White compound to be properly explained to all asylum seekers in Northwest Point. Even more appropriate would be to ensure people are allowed out of detention as soon as initial health, character and identity checks are completed, preventing incidents, such as self harm, in the first place.

### ***Curtin IDC, Western Australia***

Population: 931

Longest time in detention: 831 days

Number of phones: 45 (about 15 working) outgoing, 29 incoming

Curtin IDC should be immediately closed for immigration detention purposes. The remote and isolated location of the centre, as well as the extremely hot and dusty physical conditions, greatly exacerbates the existing problems with detaining asylum seekers.

Communication with the outside world is incredibly difficult in Curtin. There are too few telephones and over half the ones the delegation examined were broken; asylum seekers reported waiting several hours to make a call. Asylum seekers have access to one hour of internet a day, however the internet is so slow that it can take over 30 minutes to log in and downloading a file sent by a lawyer is often impossible. For mental health reasons, as well as to effectively progress their refugee claims, it is crucial that asylum seekers are able to contact their families, lawyers, and other relevant groups such as Amnesty International. The isolated location of Curtin IDC also means that detainees receive barely any visitors from family already in Australia or community support groups.

Since Amnesty International’s previous visit to Curtin IDC, efforts have been made to improve the physical appearance of the centre and a new oval is about to be ready. There has also been a significant increase in activities and excursions to the local area. While this is a welcome step, it is clear that Curtin is simply too remote for an adequate number of excursions and men who had been in detention for more than a year stated they had only left the centre once.

***Perth IDC, Western Australia***

Population: 37

Longest time in detention: Over 12 months

Number of phones: 3

Perth IDC is primarily used to house asylum seekers transferred to Perth for medical purposes. It is a very small and closed in space, and despite some measures taken since our last visit there is still almost no view of the outside world other than patches of sky. This facility is clearly not appropriate for anything other than short term stay, however some people had been detained there for over a year.

Meeting with asylum seekers with serious medical conditions in the Perth IDC again highlighted the distances people needed to be transported, either from Christmas Island or Curtin, if they required important medical procedures. A number had also been transported due to the impact detention had had on their mental health but complained to us that they felt constantly watched in the close confines of the Perth IDC, hardly conducive to improving their mental condition.

Perth IDC is also used to house those picked up for immigration compliance issues, as well as other migrants who have had their visa cancelled on “character grounds”. It is highly concerning that vulnerable asylum seekers are housed alongside people in immigration detention on account of their criminal history. The small population within the facility also means there is not full complement of interpreters, leaving some asylum seekers rendered almost voiceless.

***Phosphate Hill APOD, Christmas Island***

Population: 19 unaccompanied minors in Charlie compound, 147 in Construction Camp (including 50 children)

Longest time in detention: 4 months

Number of phones: 8

Detention of children and families in the Construction camp compound remains unacceptable given the confined space for families to move about in and areas for children to play. The unaccompanied minors have recently been moved out of this compound and taken across the road to the “Charlie Compound”. This change has helped ease some of the tension in the cramped confines of the centre, but other measures have also been implemented, such as curfews for children and also for adults that only further reinforces the detention environment in which the families are living.

Excursions and activities have increased since Amnesty International’s last visit, but long term detention in this environment remains inappropriate. Amnesty International welcomes initiatives to get families off Christmas Island as quickly as possible. However, this process needs to be sped up further, especially as all of the families spoken with have already been in detention for more than two months and are yet to even begin the asylum process.

Unaccompanied minors are now detained in the Charlie Compound on Phosphate Hill in demountable buildings. There is now more open space for them to move around but there is only one activities area, with one pool table. The minors have to be escorted to nearby computers, either in the family compound or nearby Bravo compound, and to the small gym room where a number of the benches and other pieces of equipment are in serious need of repair.

Again, it is a positive step that the children are being taken off the island within a few months. However, it is alarming that many are transferred to other remote facilities where they risk serious harm due to prolonged detention and inadequate access to services. After initial checks are done, these minors should be processed in the community where they can be given proper care.

***Bravo compound and Lilac compound***

These compounds are currently not in use but can be quickly brought on line in case of a “surge” in boat arrivals. Both compounds remain very restrictive, with the Lilac compound no longer accessible from the North West Point IDC. On a tropical island it remains one of the very few areas with nothing but gravel and dirt, and very little for the detainees to do while they are held there. The Bravo Compound, situated on Phosphate Hill near the family compound, is the only centre that retains the use of the marquee tents (as

well as the original accommodation rooms). Of the three marquee tents in Bravo the air-conditioning had broken in one, a common problem the last time we visited, rendering it unusable.

***Northern IDC, Darwin***

Population: 187

Longest time in detention: A number between 600-700 days

Number of phones: 19

The Northern IDC, designed for the short term detention of “Illegal Foreign Fishers”, remains totally inappropriate for the long term detention of asylum seekers. Divided into 6 compounds it is a mess of gates and fences with very old rooms for accommodation. Efforts are currently underway to upgrade the outdoor areas of the facility, and a small new gym has recently been completed. The numbers in the centre has also dropped from 450 late last year to around 187 currently, which has helped ease some of the tensions in the centre. It has also seen an increase in the number of excursions out of the centre individuals can participate in, however given the proximity to Darwin these should be far more frequent.

Despite these improvements, the environment remains extremely inappropriate for long term detainees. A significant number of the people in NIDC have now spent over a year in detention, and the effects of their internment was starkly displayed through the scars of self harm many asylum seekers showed the delegation.

***Wickham Point IDC, Darwin***

Population: 460

Longest time in detention: 3 months

Number of phones: 33 in each compound, total 99

Opened in December last year the new facility brings into even starker contrast the deficiencies of the older, confined Northern IDC. However, the level of security both inside and outside the centre is still completely unnecessary for a facility purpose built to hold asylum seekers not criminals. A number of innovative activities, such as vocational classes, have been designed to ensure those detained can be productive. However, with plans to expand the centre to three times its current size, these will no doubt become quickly overwhelmed.

The distance from Darwin will make visiting the centre difficult and any excursions will also be more difficult. It is also worrying that a number of those who arrived in December are yet to begin their processing with some unlikely to begin until late March.

***Airport Lodge APOD 1/2, Darwin***

Population: 351

Longest time in detention: unaccompanied minor 314 days (77 days for a family)

Number of phones: 16

The Darwin Airport Lodge (DAL) 1/2 is used to detain families and children. it was initially built as budget motel accommodation it now has a small fence around it and currently holds families with children and small numbers of unaccompanied minors. Most of the teenage unaccompanied minors were moved out of the centre recently, due to the tensions with the families; however the centre still remains too crowded. There are only a limited number of areas where children can play.

While a number of the more overt security measures have been removed since Amnesty International’s last visit, those detained still complained of guards entering their rooms between 11pm to 1am to carry out head checks. This was seen as overly intrusive and unnecessary; impacting further on what little private time they had in such a confined environment. Every group spoken with had serious complaints about the quality of the food. Mothers were distressed that not only could they not provide food for their own children but that school lunches provided by the centre were “virtually inedible”, leaving children feeling embarrassed and humiliated in front of their classmates.

Amnesty International remains very concerned for the Vietnamese children who have recently been transferred to Darwin from Port Augusta. This group have now spent over nine months in detention. With children as young as six now being held in an environment with a large number of adults they repeatedly told us how fearful they felt in the DAL.

***Airport Lodge APOD 3, Darwin***

Population: 62

Longest time in detention: 745 days

Number of phones: 18

The DAL 3 is a much smaller centre currently housing men who are deemed to be “low risk” and hence held in a low security environment. A number of the men we interviewed however had spent a significant amount of time in detention, in various centres, and the impact was clearly beginning to take its toll. One man Amnesty International spoke with had tried to hang himself the night before; he had been detained for two years. His friends who had found him and provided assistance were also still visibly shaken.

While DAL 3 is considered a low security environment there is virtually no outdoor recreational space and only a very small one room gym with half a dozen pieces of equipment.

**Conclusion**

As long as indefinite detention of asylum seekers continues to exist in Australia, steps must be taken to effectively mitigate the damage it causes to asylum seekers. As a priority, this means moving the most vulnerable people out of detention immediately, closing down all remote detention facilities, and ensuring asylum seekers detained have adequate access to the external world.

However, none of these steps will fix the fact that the policy of indefinite detention of asylum seekers will continue to cause serious damage to men, women and children whom Australia has a responsibility to protect. This policy blatantly contravenes human rights standards contained in multiple treaties including the 1951 Convention Relating to the Status of Refugees, the 1966 International Covenant on Civil and Political Rights and the 1989 Convention on the Rights of the Child. To end the human rights abuse inherently and inevitably involved in the indefinite imprisonment of innocent people, indefinite detention must end immediately.

*Amnesty International would like to thank all the asylum seekers who shared their stories and experiences. The organisation is also grateful to DIAC for allowing access to every area requested, and to the time taken by staff in each centre to meet with the delegation.*

*All figures quoted are as of February 2012, and were provided by DIAC. Unfortunately DIAC was unable to provide a number of other statistics requested by the delegation.*

## **Case studies: The people behind the fences**

### **Ahilan\***

Ahilan is a Sri Lankan man who has spent more than two years in Australian detention centres. In Sri Lanka he was jailed twice, and has marks on his body from being beaten by Sri Lankan authorities. He fled from Sri Lanka to Malaysia, hoping to be able to return home when the situation stabilised. In Malaysia he was jailed for 3 months for being a refugee. When he was released, he decided to seek protection in Australia.

On arrival in Australia was detained on Christmas Island before being moved to Curtin IDC.

He says: "If I would have been able to survive there [Sri Lanka] then I would not have left. I thought I would be safe here, but instead I have been put back in jail. I am at breaking point. I have been self harming".

Why is detention for so long? A few months is ok, but two years is too long for anyone. At least in the community I might have some peace. I have been surviving on medication, pain killers and sleeping tablets. I am becoming forgetful and I am worried that detention will ruin me forever.

I can't talk to my mother anymore because I will sound so unhappy and she'll worry about me. Really, it's better at least that I die here than Sri Lanka.

When I think about all these things in my life I feel like dying. I had no peace in my country and now in Australia it is bad too. I have come to a point where there seems to be no hope. There are so many problems, who is listening? Who cares?"

### **Syed and Fatima\***

Syed, Fatima and their two sons have been on Christmas Island for over two months now. They left Afghanistan in 1999 when civil violence was increasing and they felt it was too unsafe, as part of the Hazara ethnic minority, to remain. They fled to neighbouring Pakistan where they established a business. The Pakistani Government gradually became less tolerant of refugees and their children were banned from attending the local school. Then in 2010, their oldest son was kidnapped by the Taliban. Fearing for the lives of their younger sons, the family fled.

Despite being in Australia for more than 70 days, the family is yet to start the formal process of applying for asylum. They believe this will begin when they are transferred to the mainland, but do not know when this will happen. They know that the process of applying for refugee status could take many months or even years, and are worried that their children will not receive a proper education while they wait.

Fatima is grateful for the safety her family has found in Australia. When asked if there are any problems with the conditions in Phosphate Hill, she explained that sometimes her children feel lonely and isolated, and grow bored in the small compound. She stated that she understood that on such a small island the possibilities for activities and excursions are limited, but young boys need things to do and more space to play.

Syed says: "Everything is for my family. If I die, no problem. But my wife and children, they must have a life".

**Mirza\***

Mirza is a young Iranian who has been in Australian detention for 15 months, firstly on Christmas Island and now in Northern IDC. He is a Faili Kurd, an ethnic minority group persecuted and denied citizenship by Iranian authorities, rendering him stateless. Mirza displayed burn marks on his body from the violence he experienced in Iran, alongside these older scars were deep gashes he had cut across his own torso more recently.

Mirza shook uncontrollably as he spoke and apologised as he struggled to remember the details of his own life, and the current status of his refugee claim in Australia.

He said, "In Iran I have been tortured and I have been threatened, but I have never been in prison before Australia. When I came to this country I was strong and healthy, now I am ill. I take sleeping pills, I am weak.

The pain and frustration here is unlimited. The only way to release it is to hurt ourselves. They do not allow us to end our lives, but they don't let us save our lives either. We are so stuck, we have no options

I know the officers are just doing a job. It is the politicians who play with my life like it's a ball in a soccer game."

He couldn't remember the last time he had left the detention centre.

*\*All names have been changed and identifying biographical information removed to protect the individuals and their families.*