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The forgotten children in Australian detention centres before 2005

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ACCORDING TO ARCHBISHOP Desmond M. Tutu it is the politicians who ultimately offer what people want, especially where children's rights are respected and protected. Articles 28 and 29 of the UN *Convention on the Rights of the Child* recognise the rights of children to education. Many people residing in Australia, and abroad, assume that all young Australian children's rights are respected and protected. However, there has been one identified group of young children, residing in Australia, whose rights have not been respected and protected. These young children were held in Australian detention centres. It was only after public pressure in July 2005 that all children and families were released from Australian detention centres. This paper focuses mainly on the lack of educational provisions for this identified population.

Introduction

THE WORLD-RENOWNED humanitarian Archbishop Desmond M. Tutu, in his foreword to the UNICEF publication, *For Every Child*, wrote:

We each can make a difference if we are vigilant to create a new kind of society, more compassionate, more caring, more sharing where human rights, where children's rights are respected and protected. Politicians ultimately offer what the people want. Let us tell them we want peace and prosperity for everyone (Castle, 2000, p. 4).

Politicians of the Australian Federal Government could have been accused of not respecting and protecting the rights of all young children who were under their legal protection. The majority of young Australian children are raised in a safe and secure environment and receive adequate services, including education, to enable them to grow and develop into fully functioning citizens of the community. This paper will illustrate that not all children residing in Australia have a safe and secure environment. This applied to those children who arrived as asylum seekers.

Children who arrive in Australia as asylum seekers are likely to have experienced severe trauma. Such trauma is made worse by being held in detention centres.

The Refugee Council of Australia (2000, p. 1) believe 'these children have often experienced horrific torture and subsequent trauma'. According to international human rights, all children have basic rights to education (Castle, 2000). In detention centres, children did not have access to appropriate education, especially early childhood education. It was only after public pressure was applied to the government in 2005 that all children and families were released from detention centres. This included those incarcerated on Christmas Island.

Historical information

In the past decade, war has affected many people. In 1996 alone, more than 24 million people worldwide were displaced from their homes, half of whom were children (Machel, 1996). By the time children reach refugee camps and detention centres, they have been vulnerable to increased risk factors associated with displacement, including violence, rape, mutilation, molestation, trafficking, separation from parents, and conscription (Sims, Hayden, Palmer & Hutchins, 2000). Children who arrive in Australia as asylum seekers are likely to have experienced severe trauma and have generally been deprived of the basic necessities of food, shelter and safety (Refugee Council of Australia, 2000; Thomas & Lau, 2002).

Legally, the control of people entering Australia is managed through the *Migration Act (1958)*, which stipulates that all non-citizens who enter or stay in Australia must have a valid visa to do so (Crock & Saul, 2002). Pettman (1992) states the Australian Federal Government's determination to control who enters Australia has a long history, associated with fear linked to politics of prejudice and difference. Consequently, all people who enter Australia by boat or plane without a visa are deemed 'unlawful citizens'. Since 1994, these people have been immediately placed in detention centres while their refugee status is assessed. Some of these detentions are on remote Pacific Islands such as Nauru. This creates further challenges of providing adequate services to families and children. Those assessed as genuine refugees are given Temporary Protection Visas. As a signatory to the *Universal Declaration of Human Rights*, the *Refugee Convention* and the *Convention on the Rights of the Child*, the Federal Government of Australia is obligated to provide education for children (Castle, 2000) and to ensure equity for all (Campbell et al., 2001; MacNaughton, 1999). Education in detention centres was controlled by the Department of Immigration, Multicultural and Indigenous Affairs, which outsourced the running of detention centres (and subsequently education) to a private company, Australasian Correctional Management.

The Australian Federal Government failed to meet the basic needs of children who arrived in Australia prior to 2005. Furthermore, Australia violated the guidelines set out in the *Convention on Children's Rights* with regard to the practice of mandatory detention of asylum seekers. While in detention, children were not given adequate care to ensure their needs and rights were met, and were not provided with adequate services to assist them in dealing with past experiences (National Council of Churches in Australia, as cited in Cologon, 2003).

Early childhood education for some and not others

Conditions in these centres did not meet the UN *Convention on the Rights of the Child*. Article 28 of the *Convention on the Rights of the Child* applies equally to all children within Australia regardless of their legal status, location or living arrangement. This article sets out the core minimum obligation, which is to ensure that primary education should be made 'available and accessible to every child' (UNICEF, 1989, p. 8). Broad goals for education include the development of the child's personality, talents and mental and physical abilities to their fullest potential. Additionally, Article 37(b) of the *Convention on the Rights of the Child* states: 'The arrest, detention or imprisonment of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time' (UNICEF, 1989, p. 10). Cologon (2003)

believes detention of children in detention centres in Australia was not a measure of last resort. Detention had been the first option for these children.

Maladaptive behaviours

There are many children worldwide who have experienced similar traumas to the children who were detained. Research conducted by Thomas and Lau (2002) on childhood trauma suggests that unaccompanied children in detention centres may be under significant psychological risk. Additionally, the effect of incarceration suggests it is detrimental to children's overall wellbeing and contributes to aggression, fear and psychological disorders (Van der Veer, 1998). Cologon (2003) argues that within Australian detention centres nothing was being done to promote early childhood education, as characterised by experiences tailored to individual differences. Research in early childhood education suggests that play therapy (Oehlberg, 1996; Webb, 1999), caring relationships and supportive environments enhance opportunities for children to deal with past traumatic experiences. Furthermore, Hunt (1994, as cited in Cologon, 2003) and Robertson (2000) found that expression and healing through visual and expressive art (drawing, dance, painting, song) creates stability for children and assists them to build resilience.

There is no evidence from Australian immigration detention centres indicating that appropriate educational strategies were in place. Research suggests that children were denied appropriate education activities to assist them in overcoming the effects of any trauma they may have experienced (Cologon, 2003). This was evident in the case of a young Chinese toddler who had been detained since birth with her mother at Villawood Detention Centre. Even though this child had no visible physical or neurological problems, she was psychologically disturbed and an elective mute. Public pressure applied to the Department of Immigration resulted in the release of the young child and her mother into the community.

Marans and Adelman (1997, cited in Sims et al., 2000) found the extreme nature of detained children's experiences causes them to adjust in ways that are developmentally dangerous. Children may begin to display behaviours that are labelled as aggressive or withdrawn by other children and adults, resulting in isolation from peer groups. Bloom (1995) recommends that education policy-makers and practitioners should consider such a child as injured, through no cause of their own. Sims et al. (2000) agree that educators need to understand that repetitive re-enactment of their trauma is triggered by outside stimuli and is not something children are able to easily control. Children need to be understood and offered alternative methods for coping through an educative process. It is imperative

that the maladaptive behaviours of children who are detained are addressed, in order to prevent maladaptive behaviours being passed on to their own children.

Garbarino, Dubrow, Kostelny and Pardo (1992) found that children who do not receive appropriate support in their early years of education have a higher risk of developing post-traumatic stress disorder. Such children can develop extremely aggressive behaviours, depression and learning difficulties (Lawson, 1995, cited in Sims et al., 2000, p. 26). However, research conducted by Rutter and Hyder (1998) indicates that children who are able to access appropriate early childhood environments are less likely to need specialised therapy or intervention. Supportive early childhood environments have a significant impact on a young child's development, especially when 'working respectfully with parents across cultural boundaries' (MacNaughton, 1999, p. 16).

From their research with early childhood teachers, Sims et al. (2000) identified the symptom of chronic fear among preschool-aged children from detention centres. Teachers felt children appeared to be constantly watching them and indicated this was a behaviour that they had observed in children who had witnessed violence in their home environment. This fear was exacerbated at sleep-time, when children appeared to feel they were in an unfamiliar environment. One teacher described a child who was scared of all people wearing uniforms. Fear was also triggered by loud noises such as sirens and trains nearby.

Both traumatised and uprooted from a familiar cultural environment can impede the psychological development of children. Consequently, various processes that are important for child development may be inhibited. Often, observational learning from parents (as role models) is restricted because parental functioning is affected by their own trauma and coping mechanisms. Communication and misunderstandings caused by cultural differences can also create difficulties for child development, especially in regard to identity development (Van Der Veer, 1998).

Young children with diverse needs

The UN *Convention on the Rights of the Child* (1989) has been designed to ensure children with diverse needs have the opportunity to participate in all aspects of their community. The detention of children with diverse needs creates barriers in achieving integration with community services. The National Inquiry into Children in Immigration Detention (2004) argued that, by legislating the mandatory detention of children with diverse needs, the Commonwealth assumed the responsibility of ensuring that these children were provided with appropriate support and care, such as

they would receive in any Australian community.

The inquiry also reported that the Immigration Detention Standards did not specifically address the provision of care of children with diverse needs. It was established that the Department of Immigration had failed to ensure that children with diverse needs received appropriate education in accordance with their specific needs. Consequently, there had been insufficient staff and support to develop and implement an education strategy within immigration detention centres. This is a contravention of Article 23, 'Disabled Children', of the UN *Convention on the Rights of the Child*.

Additionally, the inquiry stated that there were inadequate efforts to enrol children with diverse needs in schools outside the detention centre that could have provided appropriate staff and facilities. One psychologist stated to the inquiry:

There is an abundance of research about the ill effects of institutional settings on people with disability. It is widely agreed that those settings have negative effects on people with disability in terms of their health, emotional, intellectual and social developments (National Inquiry into Children in Immigration Detention, 2004, p. 509).

Inappropriate educational provisions

There was a lack of school resources (e.g. books, play equipment and paper) within detention centres. Australasian Correctional Management's (ACM) rationale for the poor provision of teaching material was documented as, 'we can't provide much more material because the next time they riot it will all get burnt and then we will just have to replace it' (National Inquiry into Children in Detention Centres, 2004, p. 600). Evidence from teachers who formerly worked in detention centres, ACM staff and documents received by the inquiry all indicated problems with the provision of curriculum resources.

Children in detention centres were not able to form close relationships with teachers due to their teachers' appearance and short-term contracts. Teachers working in detention centres were generally expected to wear ACM uniforms (National Inquiry into Children in Detention Centres, 2004). The inquiry found that several teachers working at Woomera Detention Centre commented that it was initially difficult for children to distinguish between teachers and detention officers. The teachers reported that it would have been easier to carry out their role as a teacher without being in uniform. The education coordinator from Woomera told the inquiry that teachers wore uniforms and security earpieces in case of emergency, as there was no other form of contact in education areas. However the children reported that they perceived the teachers to be

detention officers rather than teachers, because they looked the same.

Children who received internal schooling in immigration detention centres had limited access (no longer than two hours per day). In comparison, children within Australian schools generally have access to approximately six hours of education per day (including breaks). The low number of tuition hours for children in detention is linked to the shortage of teachers and classrooms. Furthermore, because of the lack of teachers, children were inadequately assessed as to their educational needs, and there was insufficient reporting of children's educational progress.

Cultural alienation

Because Australia is perceived as a culturally diverse country, many early childhood educators have long recognised the need for early childhood programs to address issues of culture (MacNaughton, 1999). Children who do not belong to the dominant cultural group must learn to function in two different sociocultural environments, creating bicultural children. It is imperative that educators assist children to develop strategies for surviving amid the constant tension created by conflicting cultural values and conditions of cultural subordination. Cultural diversity is a reason for celebration and should not be devalued because minority cultures are viewed as different to the dominant culture.

There is a common fallacy that early childhood educators who design and implement programs which focus mainly on the visible aspects of culture are often seduced by a belief in the causal relationship between the promotion of lifestyles and the enhancement of life chances (Troyna & Carrington, 1990, cited in Glover, 1994). Many early childhood educators sincerely believe that tokenistic experiences, which introduce children to cultural diversity, will result in social harmony. MacNaughton (1999, p. 6) describes tokenism as 'the superficial recognition that an issue exists but the expenditure of only minimal effort to try to resolve it'. Unfortunately, social harmony does not occur as an outcome of tokenistic gestures such as placing pictures of minority ethnic groups on the classroom wall.

In Australia and elsewhere

Early childhood educator Flack (2002) visited the Curtin Immigration Detention Centre, located in the Kimberley area of Western Australia. Flack interviewed families and children about their situation. At all times, a Department of Immigration, Multicultural and Indigenous Affairs officer was present. Children exhibited symptoms of chronic fear, ranging from baulking at any noise, constantly keeping their eyes low and watching the

Australasian Correctional Management officer during the interviews (Flack, 2002). From this research, it was established that not every preschool- and primary-school-aged child attended the local school, and it was Australasian Correctional Management who decided which children could attend. Furthermore, there was no teacher who came to the detention centre. Families became confused when they realised they were allowed to have education but were not given access.

Flack (2002) argued that the basic detention centre environment reflected poorly upon child development. Few items existed to 'stimulate a child's mind or encourage a child to be creative' even though many families had requested educational books and material for learning English (p. 10). The majority of education in the detention centre was self-learning, requiring high levels of self-motivation. The environment sent messages of stagnation, hopelessness and a general lack of safety. There was no predictability in relationships between people, with children exposed to more adults than children. Flack stated that:

You look at some children within our communities, and generally you see a joy and spirit, a vivacity and curiosity and wonder. In the children at Curtin there was none of that. They looked bored and listless. It's like their spirits have been washed away (2002, p. 10).

Dolgopol (2002) visited Woomera Detention Centre and found similar issues such as lack of educational and recreational equipment and activities available to children. Parents were acutely aware of the impact that boredom and depression had on their children. At Woomera, children under 12 were given just two hours of schooling a day. Dologopol described parental feelings of guilt and frustration, as parents felt they were not protecting their children by providing them with a safe and secure future. One Woomera detainee father said: 'Just send my children to school, and let them be in freedom. They should live in a human good atmosphere, they should learn something good, and not the things they are learning here' (National Inquiry into Children in Immigration Detention, 2004, p. 579).

Devereaux (2004) describes the treatment of asylum seekers in New Zealand as a model example to Australia of understanding human rights. Refugees are detained in the Mangere Refugee Centre, located in Auckland. There is an open gate into a car park, with a two-metre cyclone fence surrounding a number of buildings, all open and visible, connected by footpaths and well-tended lawns and gardens. Devereaux (2004) explains how teachers and children were taking pride in their educational programs within the centre. The centre had colourful classrooms and children were laughing, running and playing.

In contrast to Australia's treatment of asylum seekers, the example of 40 Afghan boys who were rescued

from the sinking container ship MV Tampa in 2001 demonstrates New Zealand's commitment to children's rights. The boys were immediately made wards of the state and given full rights of citizenship. The boys were accepted as students at Selwyn College, Auckland, which enabled them to integrate into the school community. The immigration service located surviving members of their families in Afghanistan and has since flown them to New Zealand to be relocated with their children. Devereaux (2004, p. 17) describes how the New Zealand community realised that the 'gifts these boys had brought with them were immeasurable'.

Conclusion

It needs to be reiterated that every child is entitled to appropriate educational standards. This means children in all educational settings should have access to appropriate resources, curriculum and teachers. Research suggests that the intervention of early childhood education can help children cope and overcome the effects of trauma (Cologon, 2003). This was not made available to children in detention in Australia prior to July 2005. The National Inquiry into Children in Immigration Detention (2004) clearly highlighted the Australian Federal Government's breach of commitment to early childhood education for both children and parents before 2005. Children in detention should have had access to mainstream schooling and community support; however there were few appropriate strategies in place that allowed children to attend and function within a community. Given the events of the recent past, the right of every child to education within the Australian context requires greater understanding. At the very least, an empathetic approach to the treatment of children and families must be ensured.

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