



National Inquiry into Children in Immigration Detention

METHODOLOGY OF THE INQUIRY

The National Inquiry into Children in Immigration Detention was announced on 28 November 2001 and commenced early in 2002. It was conducted by federal Human Rights Commissioner, Dr Sev Ozdowski on behalf of the Human Rights and Equal Opportunity Commission.

The Inquiry was held in public wherever possible. It received a wide range of submissions and sought input from Commonwealth and State governments, through submissions and/or evidence at hearings.

A substantial number of professional groups, including lawyers, doctors, nurses, psychologists, social workers and education specialists made submissions or provided evidence. Many former ACM staff have also provided information to the Inquiry.

Numerous community groups and religious organisations, especially those who support detainees and refugees, have given the Inquiry detailed information.

The Inquiry also spoke with current and former child detainees and parents about their experiences of living in an immigration detention centre.

SUBMISSIONS

The Inquiry received 346 submissions, including 64 confidential submissions. Detailed information was provided by organisations representing detainees, human rights and legal bodies, members of the public, religious bodies, state government agencies and a range of non-government policy and service-providing organisations.

VISITS TO IMMIGRATION DETENTION CENTRES

Inquiry staff visited all immigration detention facilities in Australia between January 2002 and December 2002, including three visits to Woomera. During each visit, Inquiry staff conducted a tour of the facility, spoke with detention centre staff and interviewed all families and children who wished to talk about their experiences. The Inquiry conducted a total of 112 interviews with children and their parents, on the understanding that their identity would be protected.

FOCUS GROUPS

During 2002, the Inquiry held 29 focus groups with approximately 200 children, parents and other former detainees now living in Sydney, Melbourne, Perth, Adelaide and Brisbane on temporary protection visas. These focus groups were conducted on the understanding that the identity of the participants would be protected in order to allow them to talk freely about their experiences.

PUBLIC HEARINGS

Between May and August 2002, the Inquiry held public hearings in Melbourne, Perth, Adelaide, Sydney and Brisbane to allow members of the community, State government agencies, non-government organisations and former ACM staff, amongst others, to provide further information to the Inquiry. The Inquiry held 61 public sessions (105 witnesses) and 24 confidential sessions (50 witnesses). Nine of the witnesses in confidential hearings (seven sessions) later agreed to make their evidence public.

EVIDENCE FROM THE DEPARTMENT AND ACM

The Department provided a written submission in May 2002 and the Inquiry received a series of documents from the Department and ACM throughout 2002 in response to requests and legal 'Notices to Produce' issued by the Inquiry.

In December 2002, the Inquiry heard oral evidence from the Department and ACM on various issues, including:

- how unaccompanied children are cared for in detention
- how families with deteriorating mental health are assessed and helped in detention centres
- the provision of education in detention facilities
- the provision of services to families with disabilities
- how compliance with human rights standards is monitored in detention centres.

After these hearings, the Inquiry wrote a draft report containing initial factual findings and a preliminary view as to whether there were breaches of children's rights. In accordance with the principles of natural justice, a copy of the draft report was provided to the Department and ACM in May 2003, allowing them to respond to the Inquiry's findings and to provide further evidence and submissions. ACM requested the opportunity to make oral submissions and these were heard in September 2003.

A second draft was provided to both the Department and ACM for further comment in November 2003. After the Inquiry received their second round of responses, the final report was completed. The Department and ACM were given a final opportunity to inform the Inquiry about what actions they were taking in response to the final findings and recommendations in January 2004.