



'A last resort?'

## Report of the National Inquiry into Children in Immigration Detention

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### SAFETY AND SECURITY

Under the *Convention on the Rights of the Child*, children have a right to live in a safe environment.

Throughout the course of the Inquiry, a number of serious disturbances occurred in immigration detention centres, including riots, fires, hunger strikes, protests, self-harm and suicide attempts.

The Inquiry heard that the measures taken to address disturbances in the detention centres – such as the use of tear gas and water cannons – left children feeling frightened and unsafe. During these incidents, children were exposed to a level of risk to their physical safety and their mental health that children in the community are unlikely to face.

Between July and December 2001, the Department recorded 688 major incidents involving 1,149 detainees across all detention centres. Of these incidents, 321 were alleged, actual or attempted assaults (19 involved children), 174 involved self-harm (25 involved children) and about 30% involved 'contraband, damage to property, disturbances, escapes and protests'. Almost 75% of these incidents occurred in the Curtin, Port Hedland and Woomera centres.

From January to June 2002, there were 760 major incidents involving 3,030 detainees across all detention centres. There were 116 alleged, attempted or actual assaults (16 involved children), 248 self-harm incidents (25 involved children) and 52% involved contraband, damage to property, disturbances, escapes and protests. Almost 80% of all incidents occurred in the Curtin, Port Hedland and Woomera centres.

Maintaining safety and security in detention facilities is a very challenging task. It is clearly legitimate for staff to protect themselves at times when they are being threatened. However, evidence to the Inquiry suggests that sometimes the security measures used compromised the physical safety and mental health of children, especially tear gas and the use of riot gear.

The Department and ACM acknowledged that they had a special responsibility to protect children from harm whilst the children were held in immigration detention. However, evidence to the Inquiry suggests that procedures in place to address unrest in detention centres did not sufficiently take into account the need to provide children with special protection.

The Inquiry accepts that parents have primary responsibility for their children to prevent them from witnessing riots and other distressing events. The Inquiry also acknowledges that some parents did participate in the demonstrations and, therefore, may not have removed their children to a safer place.

However, the ability of parents to protect their children in such situations should be put into context. Within the detention environment, parents are forced to protect their children from situations of violence that they would only rarely encounter in the community. The frequency of major disturbances in detention centres through 2001 and 2002 also made it difficult to prevent exposure to violence.

After considering substantial evidence about the safety of children in detention centres between 1999 and 2002, the Inquiry found that the Commonwealth breached the *Convention on the Rights of the Child* by failing to take all appropriate measures to protect children in detention from physical and mental violence.