

**Submission to
Human Rights and Equal Opportunity Commission**

**NATIONAL INQUIRY INTO CHILDREN IN
IMMIGRATION DETENTION**

From

THE AUSTRALIAN EDUCATION UNION



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"There have been times in our history when Australia has been generous and open hearted and times when it has been very mean. In 1938 at the Evian Conference about dealing with Jewish and other refugees from Hitler, Australia took a flint hearted position, saying that we did not want to import Europe's problems, or to increase racial differences, and that refugees should get back in the queue.

In the post World War II years, Australia was generous, as it was after Tienanmen Square and with refugees from Vietnam and Cambodia.

Words are like bullets –or chain saws: tremendous damage can be inflicted very quickly, and it may take years to recover.

Politically, there is an emphasis on simple solutions for complex problems, an appeal to the lowest common denominator in public discourse and there was a moral and intellectual vacuum (on both sides) in the 2001 election."

Barry Jones
Patron, Australians for Just Refugee Programs
"Tribune to Captain Arne Rinnan"
May 16, 2002

"For Nooria and many of her fellow students at Holroyd High, their dreams and ambitions will depend on getting permanent residency in Australia. Right now, they are grateful for the freedoms of a normal school. In Port Hedland, as Katie Brosnan leaves town for the last time, her thoughts are with her students. She believes that while they remain behind the razor wire, the children in immigration centres are being denied their fundamental rights."

"It's very, very difficult for them. They don't understand why they've been there one year, or two years, why they can't meet other children, why they can't meet Australian children. They can't understand why they're not allowed to go out and play with other children, why they can't go to school, a normal school, a real school."

Port Hedland teacher Katie Brosnan
interviewed by Rebecca Baillie
7.30 Report, ABC
April 10th 2002

Executive Summary

The AEU is pleased to put forward this submission as an issue vital to members and the community. Our primary concern is for those in immigration detention. The submission raises practical experiences and proposals about how to change and implement a policy which is failing the children in Australia's care.

We are also concerned at the way fear and suspicion has been used to turn a generous nation to commit acts and pursue policies which are unduly harsh, harmful and unconscionable.

This approach is anathema to the goals and principles of the teaching profession, the members of which have strongly supported the policy adopted by the AEU in January 2002, upon which the submission is based.

Recommendations

1. That, in view of the harm suffered by children in immigration detention in facilities in Australia, Manus Island and Nauru, they be released into the community to live with their parents with appropriate support and services, including education, counselling, welfare and health.
2. That Australia's public school and TAFE systems provide the necessary resources to allow children of asylum seekers and their parents to freely enrol in appropriate language, education and training courses and to participate fully in general education programs with gender equitable outcomes.
3. That the visa system should be changed so that the current limits and prohibitions applying to those on Temporary Protection Visas are removed and settlement, reunion, social services and entitlement rights restored so that families can live in peace and security while their position is determined.
4. That education programs provided to asylum seekers in public education should be based on those successfully developed under the 1999 Safe Havens program under the auspices of DIMA in conjunction with a number of non-government organisations, and should draw from the experience of the program currently operating successfully in New Zealand.
5. That teachers engaged to deliver educational programs to asylum seekers be provided with professional development to enable them to cater for the particular needs of child asylum seekers and their families.
6. That teachers engaged in programs for asylum seekers be employed on comparable terms and conditions to those engaged in the general teaching services of the state or territory in question, and preferably be seconded from those services, in order to attract experienced and qualified staff.
7. That the pervasive culture of secrecy in matters related to asylum seekers should be replaced by a more open administrative approach, including ending requirements for signed confidentiality undertakings as a condition of employment as a teacher.

The AEU thanks the many activists in the union and the community who have contributed to raising the issue of the education of the children in detention and to this submission. We particularly want to recognise the dedicated teachers of asylum seekers whose role is in the highest tradition of the teaching profession.

1. A Chance to Fill the Moral and Intellectual Vacuum

The Australian Education Union appreciates the opportunity to prepare and submit views on the care of children in immigration detention to the Human Rights and Equal Opportunity Commission. The Commission is to be congratulated for providing the chance for a range of community organisations and individuals to submit their views. This opportunity contrasts starkly with the lack of opportunities to contribute to the evolution of immigration policy by Federal governments over the past decade.

As the largest educational organisation in the country, the AEU represents 156,000 members working in schools, colleges and preschools in all states, territories and regions. Members work either in or in proximity to all detention centres and are often all too well aware of the needs and difficulties associated with them. While they put their professional responsibilities first, they are well aware of the extra resources required to address the problems of children at risk and those who have been harmed by the detention system.

Members of the teaching profession in public education have considerable experience in dealing with a range of cultures and languages, new arrivals and those who have experienced violence and trauma. This experience is drawn upon for the recommendations in this submission, which will focus on the educational issues and needs of children in Australia's immigration detention facilities.

1.1 Information on Education and Child Detainees

Information about children in detention is not readily available and has had to be collected from people who sometimes cannot be identified for fear of retribution by the Department of Immigration and Multicultural Affairs (DIMA) or Australasian Correctional Management (ACM), the U.S.-based private operator of Australia's detention facilities.

Teachers who have been employed in these centres report their fear of retribution due to a clause which they have agreed to sign to obtain employment, which they believe contains penalties including the possibility of imprisonment for so-called "whistle-blowers." Information from Manus Island and Nauru has not been easy to obtain but some has been provided under the auspices of the Council of Pacific Education (COPE), which represents education unions in Pacific countries.

1.2 Criminalisation of Detainees

Students who have been released from detention centres and who are now on Temporary Protection Visas (TPVs) have told teachers that they are afraid to identify themselves and to talk about their experiences in Australian detention centres. The climate of secrecy and intimidation which surrounds immigration detention adds to the pervasive sense of criminalisation of people whose only "crime" is to try to come to live in Australia free from violence, fear and want and who have not done so within the narrow rules established by Australian governments.

The criminalisation of immigration detention contrasts with the temporary safe haven programs conducted in 1999 for 4,000 Kosovar Albanians and 1,800 East Timorese. The success of these programs makes the contrast with the current treatment of children all the more repugnant.

Such programs have shown that resources of all kinds are readily available in the public education infrastructure in Australia to deal with the numbers currently in detention. State governments have indicated their view that children should be allowed to attend public schools and that they will provide the resources to assist them.

It is time to recognise that the current approach is inhumane, contrary to internationally recognised obligations in the Convention on the Rights of the Child and is inflicting harm on the children in Australia's care.

This submission does not focus on breaches of international obligations, these breaches having already been established by HREOC's own inspection of the Woomera Centre and the AEU adopts the views of the KIDS submission on those issues.

2. Education for Child Asylum Seekers

HREOC has particularly asked for views of educators on a range of issues which are set out in the background papers to the Inquiry. The AEU provides the following views in response to these questions.

2.1 Current Policies, Programs and Practices

The current arrangements represent a national disgrace for a country with the resources and experience of Australia. There can be no other conclusion than that the children of asylum seekers are being made to pay for the perceived "crime" that their families have committed...seeking to come to Australia outside the government established processes. The contrast with programs mounted by Australia on previous occasions and with a country as close in all respects as New Zealand is lamentable. State governments have offered to support the enrolment of children in detention in their public schools and colleges, but the Federal Government has continued to ignore those offers.

Former inmates of detention facilities and visitors report that children in detention receive only minimal education programs or none at all. Sometimes these are delivered by guards or by teachers who are not required to teach to any established curriculum or state-recognised syllabus. The Australasian Correctional Management, operators of Woomera, paid teachers at Woomera Central School to prepare units of work for use in the facility. Also at Woomera, young children had to attend lessons at a former school, St Michael's Catholic School, largely it appeared for the benefit of the media. At Maribyrnong it was reported that primary age children were allowed to attend the local St Michael's Catholic School but that secondary-age students received only a token amount of tuition.

2.2 No Environment in which Children Can Learn

Teachers have been told that a climate of fear and uncertainty prevails in detention centres which is anathema to an effective educational environment. A student, who has subsequently been released, reported to teachers at Holroyd High School that he had been beaten by guards and required to clean the facility when visitors were coming. Other children were “paid” a bottle of coke to clean toilets which were otherwise left in a filthy state. Students reported that once they reached the age of 12, their entitlement to attend schools from detention centres ceased. They had to stay in their rooms. There were no play facilities or options provided and the single television was dominated by adults and did not allow for children’s preferences. At Maribyrnong, a playground is off-limits to the children.

2.3 Unaccompanied Minors Released Traumatized in S.A.

Even when children are released from detention they face daunting challenges arising from their experiences. Merridy Childs, a counsellor from the SA Secondary School of Languages, in West Croydon, told the AEU South Australian Branch Council in April 2002 that the school had enrolled a number of unaccompanied minors who had been released from Woomera following unfavourable publicity about their plight. The following is what Ms Childs told the AEU Branch Council in South Australia.

Approximately 40 Afghan and Iraqi children were attending the school on Temporary Protection Visas, with a further six to ten unaccompanied minors still in custody. The children were in the care of the SA Department of Family and Youth Services and if aged over 16 were placed in independent housing.

The children had left their countries under terrible circumstances. Some had been sent across the border by their families, to avoid being forced into the Taliban, with payments made to people-smugglers to take them to Pakistan and Indonesia. Sometimes they had spent weeks alone in those countries, not knowing what was to happen to them. They had then been placed on boats which had been apprehended at Ashmore Reef or Christmas Island and thence transferred to Port Hedland and Woomera.

In the detention centres children had experienced or witnessed fires, self-harm and abuse, including sexual abuse. The children had huge problems as a result and were suffering from trauma, sleep disorders, acting out and acting “spacey”. There was an urgent need for more resources including a male counsellor to try to establish trust with the children who had no power or understanding. They had lost contact with their families, had little education and little English.

There was an attempt to make teachers who were employed in the School of Languages subject to the Immigration Act so that they could be “Directed Persons” under the Act. Staff were resisting this request from DIMA because they felt that it would put them in the position of having to act like guards, rather than educators, which would destroy the trust they were attempting to establish. Ms Childs was very concerned and upset at the position in which the School of Languages was placed and the needs she saw, which were not being met, for more support for the children enrolled there.

2.4 Formidable Problems of TPV Children in Western Sydney

Western Sydney received 40% of the net migration intake for the whole of Australia per year. Schools in the vicinity of Villawood in Sydney, such as Holroyd, Chester Hill, Fairfield, Cabramatta and Evans enrol many language groups and nationalities, and programs and resources are provided to deal with the needs. The schools named have Intensive English Centres to provide programs to new arrivals of all kinds.

Dorothy Hoddinot, Principal of Holroyd High School in Sydney, reported that there were 50 children on TPVs at the school in June 2002. The students had come from Curtin, Derby and Woomera centres. Many of these children had suffered from trauma and had witnessed unsettling events in the centres. The school has an Intensive English Centre (IEC) and its student population overall contained around 50% of children from refugee backgrounds, mainly from the humanitarian program.

Two literacy classes were included in the IEC for children with no English. Ms Hoddinot said that the students bore their situation with grace given the experiences they had been through, and in fact overcame problems better than their parents. However, the experience of trauma would tend to resurface once basic needs had been met in order to rebuild trust and confidence. Schools needed intensive English, counsellors and support mechanisms in the community.

The Catholic Commission for Justice and Peace reported on 21st May 2002 that the incidence of self-harm in immigration detention was at a high level and that if it occurred in an Australian prison it would prompt an enquiry. Many instances of self-harm are witnessed by or actually committed by children in detention.

2.5 Students Need Material Support

Teachers at Holroyd High School reported that for students on TPVs the meagre support benefits which were provided cut out at age 18 which sometimes forced students to leave school to seek employment, whereas residents could get the youth allowance. The students were denied access to the Adult Migrant Education Program and Medicare benefits. For older students, the knowledge that their TPV would end meant that they became cynical and believed the government was capricious in its dealings with them. As many of them acted as interpreters for their parents in dealings with

government officials, they were well aware of the situation in which they found themselves.

Students needed additional resources as a result of meagre or discontinued benefits such as warm clothing, calculators, exercise books, personal hygiene, health checks and vaccinations. Holroyd HS has established a trust fund to assist students with such needs, and to allow them to stay at school to complete year 12 if possible.

2.6 Woomera Witness

The following letter was received by Rob Durbridge, Federal Secretary of the AEU on 28th of May, 2002 by email from Ms Inese Peterson, an AEU member in South Australia. It speaks volumes about the professionalism of teachers who have been attempting to deal with the issues in detention centres, and ultimately the futility of attempting to do so in conditions of detention. Inese Peterson was required to sign a confidentiality agreement by ACM as a condition of employment, but in the public interest she has decided to make her views known.

Dear Rob

In regard to your article published in the Australian Educator Autumn 2002, No 33, firstly I would like to congratulate you on a heartfelt contribution and secondly, I would like to comment on and clarify some of the points you made.

I am a registered primary trained teacher in South Australia. In 2001 I was contracted as an Education Officer by ACM to teach at the Woomera IRPC for 3 months, May to August. During my time there, the teaching staff, consisted of a TAFE lecturer, a junior primary trained teacher qualified overseas, another SA primary trained teacher and a private consultant in Aged Care/Gerontology who had lectured at University - all professionally trained individuals.

*We were contracted by ACM [a subsidiary company of ACS, a company wholly owned by Wackenhut, USA], but I **never** considered myself as, nor identified with, being "an employee" of either ACM or Wackenhut or DIMIA. Yes, I was employed by ACM, but "worked" for the students/detainees. A moot point I concede, but my profession, Duty of Care, belief in human rights and social justice issues, demanded that I put the detainees first and foremost in my teaching practice. I'm sure that my colleges felt the same.*

Most contracts were for 6 weeks. Staffing for the 3 months I was there was as follows: 3 staff for 1 week, 2 for 2, 3 for 3, 4 for 1, 5 for 5. During these 3 months there were approximately 1500 detainees in the Centre, of which 300 odd were children, and some 40 were Unaccompanied Minors [children on their own without relatives aged 8-18].

There was a Kindy; lower, middle and upper primary classes; Teenager and Unaccompanied Minor focus classes [mine]; beginner, intermediate and advanced adult classes and a special session for another focus group - the long-term detainees [mine].

All teachers taught 6, 1hr classes for 4 days [Mon - Thurs] and attended an induction and training program Friday morning for the Assistant Teachers.

Teachers then attended 3, 1 hr classes in the afternoon. Most teachers worked from 7.30 am - 5.30pm.

My Time Table was as follows:

Mon-Thurs	9-10	UAMs and prepubescent boys
	10-11	UAMs and pubescent teen boys
	11-12	UAMs & 13-17yrs girls
	12-1	Lunch
	1-2	Meetings/Housekeeping/Prep
	2-3	UAMs & Teens mixed class
	3-4	UAMs & Teens mixed class
	4-5	Special Focus Group
Fri	9-12	Assist.. Teacher's training
	12-1	Lunch
	1-2	Visiting Case File UAMs/Students Collecting Case File Data
	2-3	UAMs & Teens mixed class
	3-4	UAMs & Teens mixed class
	4-5	Special Focus Group

All teachers had a similar time-table with their particular focus/age/ability groups. Classes were held in 4 different compounds, to which the teachers rotated daily. The classes were held in allocated prefabricated rooms which seated approx. 20 people comfortably. At times the classes were attended by 2 students and at times 52. In times of new arrival influxes, the classrooms were unable to cater for all the students, so classes were held in the Mess, the activity room or outside. In fact anywhere we could find space. Class numbers eventually stabilised or new classes were established to meet needs, often held by Assistant Teachers.

The assistant teachers were detainees with advanced English skills, IT skills, ex-teachers, librarians, interpreters, musicians, artists and athletes etc. In fact anyone who had a transferable skill and who was prepared to lend a hand or take a class. There were more than 50 detainees involved in some way in the education program. If it was not for their generous and concerned efforts there would really not have been an education program at all. They obviously filled in where needed, and there was a need. Certainly their "pay" of \$1.00/hr was not what kept them involved!

Now, there is the official [DIMIA/ACM] policy/standards version regarding the delivery of education in Woomera. Then, there is the unofficial media version. Certainly the public's perceptions and understandings regarding educational delivery, based on their own experiences and a belief that what happens in their arena also happens elsewhere, is a sad misconception. And then there is the reality of what is actually happening to the education program in Woomera.

It is my opinion that a positive and meaningful education program is not possible in Woomera given the current political and management policies, treatment of detainees, environmental conditions, detainee's physical, mental and emotional states and extreme lack of resources, both material and human.

The teachers there really did try to deliver a program. The ratio of 300 detainees to 1 teacher, which is the **minimal** requirement under the standards/policy, was only ever achieved for 5 weeks while I was there, and even then 1 of the teachers was totally involved in planning the Community Housing Scheme which effectively left 4 teachers delivering the program - ratio - 375 : 1.

When I first arrived, there was 1 Kindy area/room, 1 lower primary classroom, 1 "Resource" room [consumables, minimal texts and teaching materials] 2 other prefab classrooms, 1 library [minimal English literature and handful Arabic/Persian literature] and 1 IT room with 8 computers, all located in the Main compound. The Main compound housed about half of the number of detainees in the Centre. The Mike and November compounds had no library, 1 non-resourced classroom each [no consumables, text books, resource/materials, whiteboards, cupboards or sufficient tables or chairs] and no IT room/computers. The Oscar compound had 1 equipped classroom but no library, consumables, computers or teaching resources/materials. The India compound had no educational resources or facilities. Towards the end of my contract there was an attempt to resource the rooms in Mike and November and to install 6-8 computers in each compound. I was given the task of compiling a comprehensive and appropriate list of library, student/teacher resource books/materials, ESL materials and ESL Software and bi-lingual Dictionaries to supplement the scant teaching materials/resources on site. Some books and dictionaries did arrive while I was there, but to the best of my knowledge, nothing much arrived later in the year, wether by design, lack of funds or as a result of retaliation for riots. Much effort was put into the doing [compiling, planning, discussing, changing etc] but very little in delivering.

After about 2 weeks I perceived a particular need to focus on the educational needs of the Unaccompanied Minors and the teenagers of both genders. These students would be the most vulnerable and disadvantaged educationally, socially and culturally when they were released. Caught between child and adult, conformity or conversion and choice or obedience, they would have the hardest time of all adjusting, assimilating and being accepted. I planned, programmed and initiated a series of lessons based on what I saw as their specific learning needs, ensuring a continuity of learning outcomes over all of the compounds. Regardless of which compound they were moved to, or from, they would practically be able to fit into any similar class without major disruptions to their learning. I was disappointed when the Programs manager advised me that I had acted outside my guide lines and that it was not considered to be what was required. They were considered to be only short-term detainees and that setting up such a program was a waste of time and resources. The old adage "We're only here to keep you alive, not fatten you up", came to mind. Well and good if you are only short-term, but what happens when one is detained up to 2 years?

Given the shortage of staff and continual staff turn-over and the lack of resources, teaching was often a haphazard affair. Time-tables were adjusted on a weekly basis. Considering that there was only 1 teacher contact hour per day with each group, to deliver an appropriately comprehensive educational program with any continuity of learning, in this context was a difficult task. There was often a clash with Activities, considered by Programs management more important than education and always given priority. Add to this disruptions due to disturbances/riots, continual relocation/rehousing of detainees between compounds, releases and arrivals, detainee health and psychological states and the frequent changes to the education program by management to meet perceived or imposed needs, and a clearer understanding of just what was possible emerges. Changes that were management driven were often obstructionist and detainee detrimental. Also just what could be taught to what group, and the time allocated to a specific group, varied according to where they had progressed to in their Visa processing.

More importantly the detainees themselves were not in a state conducive to learning. The trauma of their experiences getting here and their treatment while they were in detention, allowed for very little mental energy to devote to learning. I found that their main focus and preoccupation was with getting a Visa and its attendant problems.

I was responsible for the educational program in the Oscar compound. This compound housed the long-term detainees [up to 2 years], the dysfunctional, the traumatised, the severely depressed, the suicidal, the self-mutilators, those on High Risk Assessment, the medically controlled and the “trouble makers” in isolation. Many of these detainees were professional, highly intelligent and highly educated people, with an excellent command of English. What could I teach them? What they needed and wanted to know was not part of any program offered at the Centre. I learned much from these people.

Learning was a high priority for most detainees but coming to classes often depended on their daily dispositions. Given their psychological states often it appeared to be a diversion at best, and I found that they only kept coming to classes regularly, if it was relevant to their needs. Of course, one might say, it is common sense and best practice to facilitate learning at their level, help them with what they need to know and respond to what they want to know about life and living in Australia. However this was not necessarily in keeping with the Centre’s educational policy. Regardless of what is written as policy, what is expected in delivery, is not the same thing.

I firmly believe that an educational program based on intensive language and literacy acquisition, supported by practical life-skills training and Australian cultural studies, based on factual and contextual learning/teaching, should form the initial [perhaps 2-3 months] needs based program at Woomera. If they are released during this time they have the basic “Survival Kit” and may deal with the culture shock better. If the detainees have been assessed at higher levels of learning they can be appropriately catered for, and with longer detention, detainee educational needs can be met in all areas of learning. It is extremely difficult to promote and facilitate learning based on the current SA curriculum, even with ESL adaptations, particularly if the infrastructure to support and deliver it is not in place. Never mind trying to cater for the extreme disparity in the educational experiences and learning of the detainees: none to PhD’s!

*I would rather more resources and funding be invested in providing educational opportunities for **all** TPV holders in all areas of education. This is not currently the case. How can we expect TPV holders to become fluent in English, finish postponed studies, become gainfully employed and become productive members of the community if they are not supported educationally on release?. Educational institutions and providers have a vital role to play, but only if their agendas, practices and programs are transparent and delivered for the best outcomes for all.*

I also concur with, and support the statements made in the media, by the two young ladies who taught in Pt. Headland. Our experiences are all too familiar.

There is much, much more that I could add, but please be aware that while I was in Woomera, I believe that all of the teaching staff worked extremely hard to deliver a culturally sensitive and appropriate learning program and environment to the detainees. This was often under less than suitable conditions, stressful situations and often without Program Management’s support or approval.

In closing, regardless of what is drafted, proposed, submitted, suggested, professed, written about and even given as policy, if it is delivered by a body which is not held to accountability, professionally, politically or publicly then there can be no hope that any detainee will get "a fair go" educationally or otherwise.

Yours etc,

Inese Peterson

2.7 Minister Ruddock Fails the Education Question

Minister Ruddock was questioned on the ABC 7.30 Report on 10th April 2002 about the programs available. A number of educators involved with children in detention appeared on the program which he said was "unbalanced." The Minister appeared to believe that because some of the children did not have much experience of formal education backgrounds there was not justification for providing them opportunities for education in the centres. He said:

"The point is the numbers of people held in detention at any one time vary considerably. The composition of those who come on boats vary considerably. They're often of different nationalities so the variety of languages spoken is wide. They may have no formal education."

2.8 Australia Fails its International Obligations

It is clear from the above that the Australian Government has failed in its duty under the UN Convention on the Rights of the Child to provide universal primary education and secondary education equivalent to that of other citizens. In the view of the AEU, it is semantic and legalistic obfuscation to claim that the children in Australia's detention centres are beyond its jurisdiction. In the language of educators, the children are within the care and control of the Australian government, and thus a duty is owed to them.

As part of the wider failure, the Australian government is also failing to meet the requirements of Articles 2,3,6 and 12 of the Convention which require appropriate education programs for children of different cultural, linguistic and immigration backgrounds.

2.9 Nauru and Manus Island

As part of its attempt to shed responsibility for the asylum seekers under its control, the Australian government established the so-called "Pacific Solution" which involves detention centres on Manus Island and Nauru. The AEU believes this is an entirely inappropriate way to treat asylum seekers and that it poses considerable health, trauma and education risks to the children in Australia's care.

According to information received by the AEU, from Mr Len Baglow, as of May 6, 2002 there were eight children held on Christmas Island, 243 on Nauru and 125 on Manus Island. It is reported that most of these have been held for over 6 months. While the AEU has no grounds for verifying these figures, they amount to 376 minors for which Australia has responsibility, despite obfuscation about immigration zones etc. The centres are Australian-initiated, funded and operated, with the Pacific countries involved acting as hosts only. Jurisdiction and responsibility cannot be evaded by attempting to shift the blame.

The Secretary of the Council of Pacific Education (COPE) reported to the AEU the following about the provision of education for children in these camps after discussion with the Papua-New Guinea Teachers' Association and the Fiji Teachers Union and Fiji Teachers Association who represent Fijian teachers employed on Nauru.

1. *There are children of school going age at both camps*
2. *That in Nauru some attempts have been made to provide a literacy class to children and that some local teachers visit the camp to conduct these classes after they had finished their own classes in their schools. However there are no properly provided/resourced classrooms. You might be interested to know that Nauru has an acute teacher shortage and that approximately 70% of the teaching staff in the secondary school is made up of expatriate staff, mostly from Fiji.*
3. *In the case of Manus it appears that there are no formally set up classes as yet. However the camp has far better facilities than Nauru as the camp is a naval base complete with its medical facilities. Not much is known at this stage about Manus but I will be in touch through contacts and friends in my church.*

From this report it appears that the "Pacific Solution" pays no more regard to the need for education than those who have been placed in immigration detention on the Australian mainland.

2.10 No Pacific Solution

The AEU's writ does not reach to Manus Island and Nauru, where some of the children who sought refuge in Australia have been transported. However, there are AEU members working on Christmas Island. The existence of the "Pacific Solution" detention centres away from Australian jurisdiction is anathema to the rights and expectations which Australian law and custody should create. Facts and opinion from teachers on Manus Island and Nauru obtained with the assistance of the Council of Pacific Education, based in Suva, Fiji show that educators in the Pacific regard the educational provision for children of detainees to be inadequate.

3. Alternative Models are at Hand

The AEU puts forward the following examples of different ways in which children in immigration detention and their families could be treated, at the same or less cost to Australia and with no greater risk to the security or integrity of the nation.

3.1 Contrast with the New Zealand Approach

A sister-school relationship exists between Holroyd H.S. in Western Sydney and Auckland's Selwyn College. The Post-Primary Teachers Association of New Zealand and the New Zealand Education Institute have provided information to the AEU about the operation of programs in New Zealand. The contrast between the Australian and New Zealand Government policies is graphic.

In New Zealand, asylum seekers are released to live in the community. Children are enrolled in local schools, families are provided with mentor families to support them and a range of social services are employed to care for the families while their immigration status is determined.

Selwyn College has a high enrolment of immigrant and asylum-seeker children. It provides intensive English programs for new arrivals, as well as counselling and welfare assistance for students.

The PPTA and NZEI report that the NZ government's policy has wide public support and that the Prime Minister of New Zealand, Helen Clark, has compared the Australian policy unfavourably with that of her country.

3.2 State Public Education Authorities Offer Support

Where Vocational Education and Training is concerned, the Minister for the Queensland TAFE system has decided to offer training for asylum seekers. This offer has been taken up by other state authorities.

The Managing Director of TAFE NSW and Director General of Education and Training, Ken Boston, conveyed his view to the NSW Teachers Federation in April 2002 that "children and young people detained in Villawood would benefit from attending local public schools and colleges." Ken Boston referred to a letter to the Commonwealth Department of Immigration and Multicultural Affairs, in which he said, "In my letter I indicated that the Department of Education and Training would provide appropriate ESL and counselling resources to public schools which welcomed those children and young people."

In correspondence to John Hennessy, General Secretary of the NSW Teachers Federation on 30 November 2000, the then Minister for Education and Training in NSW wrote that holders of TPVs would be considered for exemption from payment of the Administration Charge in NSW TAFE colleges and could request individual exemptions from payment of tuition fees,

to be determined on a case by case basis by TAFE directors. This has yet to translate into reality in many institutions.

3.3 Recommendations Draw Upon Successful Australian Programs

HREOC has requested recommendations about how to deal with the needs of children in immigration detention. The Australian Government through DIMA and a range of education authorities including the Australian Centre for Languages, Adult Multicultural Education Services Victoria, New South Wales Adult Migrant Education Services, Services for the Treatment and Rehabilitation of Torture and Trauma Survivors collaborated in the National Education Model developed for Kosovar and East Timorese refugees in Safe Havens in 1999.

The Safe Havens were operated at army bases where refugees were housed but which allowed access and visits on an organised basis to events and places in the vicinity.

In “Keeping the Good Things in our Hearts”, published by the Adult Multicultural Education Service, Lilliana Hajncl detailed the programs which were developed urgently and which proved successful for both adults and children.

Education provision would include:

- survival English language skills for adults;
- English via a non-accredited, customised curriculum;
- Kosovar, and then East Timorese, specific education services for children to provide a continued link to the education in the students’ homeland;
- Resource and information facilities;
- Access to technology;
- Social and cultural activities. (p3)

3.4 The Safe Haven Resource and Information Centre (RIC)

Central to the National Model of ESL/Education service delivery was the concept of a Resource and Information Centre (RIC). The function of the RIC was to provide a safe and comfortable environment, including reading, recreational and play materials as well as access to news sources and communications. The RIC was supervised by teachers assisted by support staff. (p4). Good technology was provided as well as library and information resources as was site-specific information. Each Safe Haven RIC was the first point of contact for the provision of survival English skills for adults and children and Kosovar/East Timorese specific education for children and adolescents.

The RIC model in practice provided a range of educational and other services including primary, secondary, young adult, mature adult education as well as educational activities. Linked with educational provision were child minding, internet information services, email communication, individual self-paced learning and recreational haven activities.

The AMES worked closely with the state Department of Education as well as with TAFE institutes located close to the Safe Havens. Staff was sought by expressions of interest from the Department which called for experienced, culturally aware teachers and administrative staff willing and able to work co-operatively in a changing environment away from home. Staff for child minding and care was recruited through the YWCA and Red Cross. Staff was prepared for the task with briefings on the history and recent events in the countries concerned and the likely experiences of the students they would receive. Lessons learned included the value of art, craft and recreation in developing a comfortable and effective learning environment.

Program delivery emphasised some factors:

- education for children should begin as soon as possible to help overcome the effects of trauma;
- parents could attend with their children if they wished to ensure attendance;
- the context of English language support needed to reflect the refugees' immediate language needs, and be sensitive to their recent life experience;
- the programs took into account the way in which the Kosovar and East Timorese children had experienced education before: the methodology, age of commencement, fragmentation, etc.

Curriculum delivery for children included:

- Trust building activities;
- Traditional class settings;
- Independent access to learning materials;
- Games, story telling, music;
- Sporting activities;
- Family excursions;
- Trauma counselling;
- Interaction with volunteers;
- Art and craft activities.

An holistic approach to the program was taken, with all aspects focused on helping the Safe Haven residents to overcome trauma, re-establish psychological wellbeing and have positive experiences. The structure and stability of the Safe Haven was vital in achieving this.

For pre-schoolers, the child minding and “play centre” service catered for children’s needs in providing:

- opportunities for preschoolers to engage in developmentally and culturally appropriate play experiences;
- occasional care for short periods of time to enable parents to access health and counselling services, and to participate in English and recreational programs;
- periods of operation that were structured to meet the needs of clients and other service providers;
- equity of access;
- qualified childcare workers experienced in caring for children from language backgrounds other than English;
- volunteers, who received training relevant to their role in working with young children in this situation;
- opportunities for parents to stay in the Centre with their children if they wished;
- indoor and outdoor play;
- a secure environment with accident and medication documentation, first aid, hygiene and sign in/out procedures;
- a décor that reflected the culture and familiar environment of each group.

3.5 Gender Equity in Immigration Education Programs

The culture of detention centres and their management structures and practices transmit strong messages about the value placed on participation of girls and women and boys and men in the wider society. The authoritarian nature of the detention centres transmits definitions of “masculinity” and “femininity” which the AEU challenges.

The AEU believes that the principles and understandings of gender equity should underpin and be incorporated into all aspects of curriculum, delivery and classroom organization to which refugees are exposed.

The provision of effective and appropriate educational practice in settings which are integrated, holistic and adequately resourced is essential for all children. To achieve gender equitable educational outcomes, girls and boys must be provided with:

- equitable use of and access to space, facilities and equipment;
- in-service support and professional development for educators;
- participation of parents/ carers and the refugee community;

- strategies for eliminating violence and harassment;
- education in life skills for girls and boys;
- strategies for promoting and implementing welfare policies and programs;
- access to life long learning for women and men;.

The AEU calls for the incorporation of the range of experience, knowledge, skills and aspirations of women and girls, men and boys to be incorporated in all education programs for refugees.

The AEU insists that gendered violence and sex-based harassment must be eliminated and that teaching about the construction of gender, effective communication and relationship skills, conflict management and resolution skills to both girls and boys takes place.

It is in the context of understanding and challenging inequality within our society that education should be provided.

4. Alternative Policies Have Public Support

4.1 AEU Federal Conference January 2002

At the AEU's January Federal Conference, four major themes were adopted for the union's work in this year. One of those was to campaign around the defence of human rights and opposition to the spectre of war and racism, internationally and within Australia. The resolution called for the ending of mandatory detention of children and was unanimously adopted. This resolution stated that children and their parents should be allowed to live in the community while their status was determined. In addition, the AEU called for children to attend public schools with their peers as generations of new arrivals to this country have done over the past century or more. Public education authorities were called upon to provide the additional resources such as counselling and medical help that schools enrolling refugee children would require.

4.2 AEU Policy has Membership and Public Support

The AEU's January 2002 call for children to be released from detention has been widely supported within the AEU and the community. Negative responses among the membership can be counted on one hand. The policy has been widely publicised through journals distributed to members in most states and territories. The union has made its views known through visibly joining protest demonstrations and rallies such as that on Palm Sunday in the major cities and by sponsoring newspaper advertisements and petitions.

The AEU has had a positive and encouraging response from its members and the community to its call to release child asylum seekers into the community.

Most teachers simply believe that a free and supportive educational environment, with expert resources available for particular needs, is the best way that child asylum seekers can heal and grow.

4.3 Education International Concern

Education International is the world's largest non-government organisation and represents 25 million educators in 159 countries. In a letter to the Prime Minister of Australia, the General Secretary of EI wrote:

Education International expresses its deep concern at the policies of your government towards the children of asylum seekers who have sought refuge in Australia. The world community has always looked to your country for humane and principled policies in accordance with international standards. On this issue Australia has failed to live up to its reputation and has attracted widespread criticism. The detention centres your government has established in remote and hostile parts of the land, as well as on offshore locations in unhealthy climates in poor countries, are highly repugnant to those looking for a civilised approach.

The complete letter dated 24 April 2002 is appended to this submission.

4.4 Public Education and Multiculturalism

The union believes that Australia's public schools are at the core of the evolution of the multicultural society we now enjoy. Recognising that aspects of our history are problematic, we believe that Australian society is as cohesive as it is due to the mixing of religions, cultures and races in our public education systems. The environment of relative equality and openness afforded by public schools has contributed to the strong democratic values of the Australian community.

These values are being undermined by the inspired campaign of suspicion and even fear deliberately generated by the Federal Government for electoral purposes. The fact that it is working is then used to justify further excesses. The danger of this approach is evident to any student of human history.

4.5 Detention Policy an Expression of "Xenoracism"

Professor Andrew Jakubowicz used the term "xenoracism" at the HREOC National Conference on Racism, "Beyond Tolerance" in March 2002 after reviewing the linked elements of race, culture and nation which lie behind popular support for Border Protection policies. These were xenophobic in form but racist in substance and supported by the full force of state racism; the use of the institutional power of the state to enforce and amplify the policy.

The revelations of the "Children Overboard" Senate inquiry have if nothing else given a graphic illustration of the state's use of the armed forces in what is a civilian matter and how military personnel have been politicised and information has been manipulated. Information has been censored, repressed, delayed or exaggerated by government and administration in the name of "protection." The Howard Government's policies are undoubtedly xenoracist.

4.5 Classroom Attitudes

For teachers, xenoracism is nothing new or unusual, it is often encountered as part of the daily fare of children's values as they reveal received social attitudes uninhibited by adult discretion. Teachers deal with such attitudes in the dynamic of the classroom, guiding children towards the educational and civic goals of multiculturalism, tolerance and respect for cultural diversity.

4.6 AEU Rejects Xenoracism

The AEU and its members reject racism and xenophobia as anathema to the core values they believe their work as public educators represents. While the AEU's policy to allow the children who are asylum seekers to live in the community with their parents is firstly directed at their best social, psychological and educational interests, it is also a call to Australians. It is our view that integration into ordinary public schools and colleges, providing extra resources are provided, would be accepted by parents and students alike. This has been the history of the massive post-war migration programme, painful and difficult as it sometimes was at the time.

In February 2002 the Leader of the Opposition announced that the ALP would support removing children from detention. In March 2002 the Executive of the Australian Council of Trade Unions unanimously decided to oppose mandatory detention.

4.7 Immigration Detention a Major Community Issue

AEU policy has been widely publicised among members and the community, including:

- Refugee Rights is a top campaign link on Branch and National websites, with links to refugee action campaign organisations;
- The "Australia is Refugees" schools project at both primary and secondary levels has attracted wide participation and sponsorship;
- Reports have been carried in membership newspapers and magazines in most states and nationally about conditions in detention centres and the lack of anything but minimal educational provision;
- The Woomera Action at Easter which made world news and involved AEU members and AEU support;
- SA AEU letter to Minister for Education in SA seeking resources for the School of Languages;
- SA Govt Report to Stephanie Key, the Minister for Community Services who recently sent officers to report on the conditions in Woomera;
- The HREOC report of officers who interviewed 20 families in Woomera;

- The requests to Woomera Central School for curriculum materials and the meeting held recently to discuss placing children in the school;
- NSW Teachers Federation Council resolution supporting the enrolment of TPV children and adults in free government-sponsored programs in school, TAFE and AMES and call for DOCS and NSW Govt negotiations to ensure all school age children have access to quality public education;
- NSWTF Council decision calling for the repeal of current Border Protection and Migration Legislation;
- NSWTF Council decision to replace mandatory detention with a compassionate system, possibly similar to the Safe Haven program for Kosovar asylum seekers involving access to education, English classes, community participation and recreation;
- The action which took place at Villawood involving NSWTF “teaching through the wire”;
- NSW Department of Education Director-General Ken Boston’s letter to the NSWTF General Secretary, advising him of letters sent to Commonwealth officers of DIMA and DETS supporting the enrolment of children in detention in public schools in NSW and offering appropriate ESL and counselling resources in those schools;
- Criticism of the ACM-Wackenhut corporation as the Detention Centre operator, the global operations of Wackenhut and the profits and costs involved to the Aust Govt, included in SA AEU Journal;
- Financial Analysis of Detention Centre Costs by actuary Naomi Edwards which shows that by allowing asylum seekers to live in the community, with support, the government would save \$70 million per year;
- The provision of “education” at St Michaels closed primary school in Woomera as per the “Southern Cross”;
- Reports in the “Western Teacher” on detainees’ art, letters on nazi memories and AMES, article on refugee rights;
- Pen-pal initiatives to link school students with refugee children in centres.



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Brussels, April 24, 2002

Dear Prime Minister,

Education International expresses its deep concern at the policies of your government towards the children of asylum seekers who have sought refuge in Australia. The world community has always looked to your country for humane and principled policies in accordance with international standards. On this issue Australia has failed to live up to its reputation and has attracted widespread criticism. The detention centres your government has established in remote and hostile parts of the land, as well as on offshore locations in unhealthy climates in poor countries, are highly repugnant to those looking for a civilised approach.

As an organisation representing 25 million educators in 159 countries, we reserve our deepest concern for the children in your care. The reports we have received from our affiliate - the Australian Education Union - and other reputable non-government organisations in your country indicate that children are suffering in the camps and are not being accorded the rights which international conventions require of you.

In particular we draw attention to your government's Human Rights and Equal Opportunities Commission's report on Woomera Centre which, following a visit and interviews with 20 families, stated:

"Based on the evidence, the Commission is of the view that Woomera IRPC places the Commonwealth in breach of its obligations under the Convention on the Rights of the Child, particularly (but not restricted to) Article 190 (1) 'State parties shall take all appropriate legislative, administrative, social and educational measures to protect the children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, whilst in the care of legal guardian (s) or any other person who has care of the child.' " HREOC also drew attention to a range of other causes for concern.

I call upon you and your government to address these issues urgently to prevent further breaches of the Convention on the Rights of the Child.

Yours sincerely,

Fred van Leeuwen
General Secretary