

A last resort?



National Inquiry into Children
in Immigration Detention

April 2004



*Human Rights and
Equal Opportunity Commission*

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No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

Convention on the Rights
of the Child, article 37(b)



The Hon Philip Ruddock MP
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney

I am pleased to present *A last resort?*, the Commission's report of the National Inquiry into Children in Immigration Detention.

The report is furnished to you under the functions and powers conferred by sections 11(1)(e), 11(1)(f)(ii), 11(1)(g), 11(1)(j), 11(1)(k) and 13(2) of the *Human Rights and Equal Opportunity Commission Act 1986* (Cth). As such, it is subject to the tabling requirements in section 46 of that Act.

I conducted the Inquiry with the assistance of Dr Robin Sullivan and Professor Trang Thomas pursuant to delegations from the Commission and the President of the Commission.

Yours sincerely

Dr Sev Ozdowski OAM
Human Rights Commissioner
April 2004

Abbreviations and Acronyms

Abbreviation	Term
AAIMH	Australian Association for Infant Mental Health
ACM	Australasian Correctional Management Pty Limited
AFP	Australian Federal Police
Beijing Rules	<i>United Nations Standard Minimum Rules for the Administration of Juvenile Justice</i>
Body of Principles	<i>United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment</i>
BVE	Bridging Visa E
CAMHS	Child and Adolescent Mental Health Service, South Australia
CARAD	Coalition Assisting Refugees After Detention
CAT	<i>Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination Against Women</i>
CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
CERT	Centre Emergency Response Team
Commission	Human Rights and Equal Opportunity Commission
CRC	<i>Convention on the Rights of the Child</i>
DCD	Department for Community Development, Western Australia
Department	Department of Immigration and Multicultural and Indigenous Affairs, Commonwealth
DHS	Department of Human Services, South Australia
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs, Commonwealth
DoCS	Department of Community Services, New South Wales
DSC	Disability Services Commission, Western Australia
ESL	English as a Second Language
FACS	Family and Children's Services, Department for Community Development, Western Australia

FAYS	Family and Youth Services, Department of Human Services, South Australia
HRAT	High Risk Assessment Team
HRC	United Nations Human Rights Committee
HREOC	Human Rights and Equal Opportunity Commission
HREOC Act	<i>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</i>
IAAAS	Immigration Advice and Application Assistance Scheme
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
IDC	Immigration Detention Centre
IDF	Immigration Detention Facility
IDS	Immigration Detention Standards 1998
IGOC Act	<i>Immigration (Guardianship of Children) Act 1946 (Cth)</i>
Inquiry	National Inquiry into Children in Immigration Detention
IRPC	Immigration Reception and Processing Centre
JAS	Justice for Asylum Seekers
JDL Rules	<i>United Nations Rules for the Protection of Juveniles Deprived of their Liberty</i>
JSCM	Joint Standing Committee on Migration
Migration Act	<i>Migration Act 1958 (Cth)</i>
Migration Regulations	Migration Regulations 1994 (Cth)
Minister	Minister for Immigration and Multicultural and Indigenous Affairs
MOU	Memorandum of Understanding
MSI	Migration Series Instruction
Notice 1 (N1)	Notice to Produce 1, issued to DIMIA on 18 July 2002
Notice 2 (N2)	Notice to Produce 2, issued to DIMIA on 18 July 2002
Notice 3 (N3)	Notice to Produce 3, issued to DIMIA on 18 July 2002
Notice 4 (N4)	Notice to Produce 4, issued to DIMIA on 24 October 2002
Notice 5 (N5)	Notice to Produce 5, issued to DIMIA on 24 October 2002
N1, F2, Q3	Notice 1, Folder 2, Question 3 (example of referencing for documents provided pursuant to Notices to Produce)
PPV	permanent protection visa

PTSD	post traumatic stress disorder
QPASTT	Queensland Program of Assistance to Survivors of Torture and Trauma
RACS	Refugee Advice and Casework Service
Refugee Convention	<i>Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees</i>
RCOA	Refugee Council of Australia
RHP	Residential Housing Project
RILC	Refugee and Immigration Legal Centre
RRT	Refugee Review Tribunal
SCALES	Southern Communities Advocacy Legal and Education Service
Standard Minimum Rules	<i>United Nations Standard Minimum Rules for the Treatment of Prisoners</i>
STARTTS	Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, New South Wales
TIS	Translating and Interpreting Service
TPV	temporary protection visa
UAM	unaccompanied minor
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNHCR Detention Guidelines	<i>UNHCR Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers</i>
UNHCR Guidelines on Refugee Children	<i>UNHCR Refugee Children: Guidelines on Protection and Care</i>
UNHCR Procedures Handbook	<i>UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees</i>
UNHCR UAM Guidelines	<i>UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum</i>
UNICEF	United Nations Children's Fund
UNICEF Implementation Handbook	<i>UNICEF Implementation Handbook for the Convention on the Rights of the Child</i>
VFST	Victorian Foundation for the Survivors of Torture
YAC	Youth Advocacy Centre

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