



**ethnic
communities'
council of
victoria**

Patron

The Right Hon Malcolm Fraser
AC, CH, former Prime Minister of
Australia

**ECCV Submission
to the
Australian Human Rights Commission
On the
National Inquiry into Children in Immigration
Detention
May 2014**

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the Voice of Multicultural Victoria. As the peak body for ethnic and multicultural organisations in Victoria, we are proud to have been the key advocate for culturally diverse communities in Victoria since 1974. For 40 years we have been the link between multicultural communities, government and the wider community.

We aim for a culturally diverse and harmonious society that is just, fair and inclusive where all people have the opportunity to participate in and contribute to, community life. We advocate for freedom, respect, equality and dignity for multicultural communities and strive with others, to build a strong, vibrant Victorian community.

ECCV welcomes the opportunity to make a submission to the National Inquiry into Children Immigration Detention to the Australian Human Rights Commission

Background

1. It is concerning that there are now 1,000 children in immigration detention, since the 2004 Commission Inquiry into Children in Detention. This is more than at any time since the last inquiry¹. Under Article 31 of the United Nations (UN) Convention Relating to the Status of Refugees, asylum seekers who arrive by boat to Australia are not acting illegally². Under the Convention, States must not penalise people who illegally enter Australia and identify themselves as refugees³.

Seeking asylum

2. In 2010 to 2011 Australia received 11,491 asylum applications; only 5,175 of these were asylum seekers arriving by boat⁴. Embarking on boat to Australia is perilous and ECCV acknowledge the Commonwealth is trying to deter people smugglers and ensure the safety of any potential asylum seekers.

ECCV believe that these people are typically fleeing life-threatening and traumatic situations at their country of origin and should not be punished for actions of people taking advantage of vulnerable people in desperate circumstances.

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¹ Australia Human Rights Commission (2014), *National Inquiry into Children in Immigration Detention 2014: Discussion Paper*, <https://www.humanrights.gov.au/publications/national-inquiry-children-immigration-detention-2014-discussion-paper>

² United Nations (1951), *Convention Relating to the Status of Refugees*, <http://www.unhcr.org/3b66c2aa10.html>

³ Ibid

⁴ Refugee Council of Australia (2012), *Boat arrivals*, <http://www.refugeecouncil.org.au/f/as-boat.php>



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International human rights obligations

3. ECCV recently held a round table on asylum seekers with representatives from State Government, local government, migrant resource centres, AMES, academia and other non-government organisations working with asylum seekers. Their feedback is included in this submission.
4. ECCV believe that asylum seekers are owed the legal right to seek protection in Australia. ECCV advocate for a compassionate, humanitarian and human rights approach to the treatment of asylum seekers, in particular those who travel irregularly by sea to Australia⁵.

Recommendation 1

That the Commonwealth adhere to the UN Charter of Human Rights.

Recommendation 2

That the Commonwealth adhere to the UN Convention on the Status of Refugees.

Recommendation 3

That the Commonwealth adhere to the UN Convention on the Rights of Children, which Australia ratified in 1990.

The impact of detention on children

5. The ECCV roundtable participants believe that placing children in offshore detention is inhumane and exposes them to traumatic events. The ECCV is concerned by reports from the Australian Human Rights Commission that children in detention are visibly distressed and the conditions in detention are stunting these children's development⁶. In the interest of community harmony and participation, ECCV believe it is important that these children are provided with positive experiences.
6. ECCV advocate that children with their parents be placed into community detention as soon as practical and provided with satisfactory settlement support and services. These support services should respect the asylum seekers' religious and cultural beliefs. They should be provided with opportunities for adequate education and to connect with other children their own age. In addition, they should be provided with adequate health and mental health support and encourage children to be involved in community activities.

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⁵ Ethnic Communities Council of Australia (2013), *ECCV Position Paper Asylum Seekers*, http://www.eccv.org.au/library/ECCV_Position_Paper_Asylum_Seekers_August_13.pdf

⁶ Australian Human Rights Commission (2014), *Inquiry team visits distressed children on Christmas Island*, <https://www.humanrights.gov.au/news/stories/inquiry-team-visits-distressed-children-christmas-island-0>



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Recommendation 4

That all asylum seekers are provided with quick processing of their claims

Recommendation 5

That children and parents or guardians be put into community detention as soon as it is possible.

Recommendation 6

That children are provided with opportunities for adequate education and to connect with other children their own age.

Recommendation 7

That children and parents are encouraged to be involved in their community activities to avoid social isolation

Recommendation 8

That children and parents are provided with adequate mental health and health support.

Recommendation 9

That their religion is respected.

For more information, please contact Sylvia Daravong, Policy Officer on 03 9349 4122 or sdaravong@eccv.org.au.

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