

Children as Refugees

The purpose of this paper is to highlight the worldwide problem of abuse and violence in refugee detention camps, especially against children who are exploited under the most vulnerable of conditions.

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Abuse of Child Refugees in Foreign Detention Camps

by **Evgenia Berezina**

Every year, millions of individuals are forced to abandon their homes and cross international borders under the threat of violence or armed conflict. These people are known as refugees. In many cases, refugees are seeking asylum (as asylees) in a foreign nation for protection from persecution.

Governments are struggling to respond to the needs of the large influx of refugees and asylees. The majority of these individuals are women and children who become even more susceptible in times of conflict. Children separated from their families and attempting to secure asylum from a foreign government are the most vulnerable type of refugee. Currently, 25 million children have been uprooted from their homes. In addition, the UN High Commissioner for Refugees (UNHCR) reports that unaccompanied children are common. “UNHCR and its partners assist an estimated 7.7 million people under the age of 18, which represents 45% of the world’s refugee population. In Central Africa, 57% of refugees are under 18.”¹

In response to the growing needs of refugees the international community has produced a number of edicts aimed at establishing and protecting their rights on foreign soil. The most widely accepted document on the subject is Article 14 of the 1948 Universal Declaration of Human Rights, which established the fundamental right of individuals to seek asylum. Though viewed as a vital framework for legislators to establish the fundamental rights of refugees, many governments have not enacted its most basic tenets. Research has shown that this reluctance to protect and/or host refugees stems

from concern for national security, domestic destabilization, infiltration by armed groups or traffickers, depletion of scarce resources, possible influx of more refugees, or simply, xenophobia or racism toward certain groups.² For child refugees and asylum-seekers trying to survive in a foreign country, this failure of nations to conform to Article 14 has proven particularly dangerous.

According to Article 31 of the 1951 Convention on the Treatment of Refugees and the UNHCR Guidelines on Detention of Asylum Seekers, liberty of any individual is a fundamental human right just like the right for asylum. However, one of the most disturbing trends is the increased use of forced detention of asylum seekers, in direct violation of international law. Thousands of refugees worldwide are currently being housed in detention centers as they await the status of their asylum requests. Grants of asylum can take several months to several years – and governments have responded by housing detainees in prison-like conditions until their entry status is settled. As they wait, refugees are often regarded as criminals – and treated as such. Despite a number of international laws protecting the rights of asylum seekers and refugees, countries continue to disregard these measures and favor a policy of forced detainment.

International guidelines clearly state that asylum seekers under the age of 18 (i.e., a minor) should not be detained. “However, if states do detain children, this should, [sic] be the measure of last resort, for the shortest appropriate period of time,”³ and in compliance with the best interest of the child. Nevertheless, numerous countries have falsely imprisoned unaccompanied youth in detention camps for years at a time. In these camps, children are often treated as adults and forced to face the same, extended detainment and daunting prospects.⁴

A number of other international laws have also been flouted by governments to the detriment of the child seeking asylum. For example, although the United Nations Rules for Juveniles Deprived of their Liberty requires that countries of asylum provide special educational programs to children of

foreign origin with particular cultural or ethnic needs, research shows that most asylum seekers are provided neither educational access nor support. In a study conducted by Human Rights Watch, Sierra Leonean refugee girls living in camps in Guinea were at times forced to turn to prostitution as a form of income, and were still denied access to education and healthcare.⁵ When combined with additional obstacles to be faced while in detention, such as violence and abuse, a child’s emotional and physical well-being is compromised. The will and ability to survive on one’s own often grows bleak.

Already traumatized by the dire realities of the refugee experience, children in prolonged detention are subjected to additional sources of stress and suffering. Regular suicide attempts, violence between guards and detainees, verbal abuse, room searches and solitary confinement are just some of the traumas experienced. In many camps, children are woken at night for head counts, called by numbers instead of names, and separated from their parents for lengthy periods.⁶ Even when present, parents and other adults are powerless to provide necessary protection and comfort as they struggle with emotional and, at times, physical hardships of their own.

Australia is infamous for an immigration policy that requires mandatory detention of all asylum seekers – children and adults alike. Widespread accounts of violence, abuse and inhumane conditions in its detention centers have led to a number of protests, hunger strikes, riots, and escape attempts. In a shocking example of the country’s disdain for refugees and asylum-seekers, it was discovered that the country’s detainment centers are run by Australasian Correctional Management, a US-owned company that manages the oversight of prisons and jails. This example is often cited as evidence of the refugee community’s treatment as criminals instead of victims. At the same time, human rights activists in Australia are pressuring the Australian government to “provide processing services rather than prisons, [employing] social workers, teachers, and specialist counselors with trauma and torture experience.”⁷ In

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the meantime, children and adults remain housed under prison-like conditions.

In their continuous attempt to document human rights abuses in Australia's detention centers, Amnesty International has reported a number of cases of child abuse. All six of the country's centers were cited. At Woomera camp, a 3-year old boy was placed in leg restraints and later kept with his father in a cell without windows, toilet or shower for 13 days. In the same camp, a 12-year old boy was raped by a staff member, and a 15-year old was repeatedly sexually assaulted by an older man. Also, three children were deprived of food for 32 hours while being transferred across the country from Villawood to Port Hedland detention camps.⁸

Amnesty International's findings have been supported by independent journalists, and NGOs, who have reported the use of leg restraints, deprivation of basic medical care, the denial of food as a means of control, the lack of educational provisions, and the placement of detainees in isolation cells. Conditions are so deplorable that a 2002 study of Australia's detention centers revealed that its children suffer "the highest levels of mental illness among children ever recorded in modern medical literature."⁹ At present, the Australian government has denied all accusations, as well as all requests to open a formal investigation. Unfortunately, these are but of a few of the documented cases of neglect and abuse at Australia's detention centers. Cases like this abound worldwide.

Human rights abuses against child detainees have been documented at detention camps in the United Kingdom, the Bahamas, and in the United States. Recent evidence uncovered examples of children, even infants, who were deprived of proper nutrition necessary for their development. In addition, child detainees lacked recreational and educational facilities, were denied basic medical care, were detained alongside adults and were subjected to many other cruel, inhumane and degrading treatment as a result of their vulnerability.

In Bahaman detention centers, Amnesty International found a number of violations. "No education is provided at all for any of the children and there were no play or leisure areas... televisions and books."¹⁰ Human Rights Watch found U.S. detention centers that were holding thousands of unaccompanied children in jail-like conditions for long periods of time, failing to inform them of their legal rights, interfering with their efforts to obtain legal representation, and failing to facilitate contact with their family members. There have also been numerous reports of the use of corporal punishment, often in the form of strenuous and excessive physical exercise.¹¹

Very often, children housed in detention centers experience what can only be described as systematic abuse and violence. Whether their experience is physical or emotional, the long-term ramifications are evident. Denied basic rights and protections guaranteed under international law, children leaving such conditions face substantial obstacles. The lack of proper nutrition and educational support can stunt the physical and mental growth of children and leave limited prospects for future employment. Physical and emotional abuse can leave a child permanently scarred and unprepared to be an active member of society. By denying these basic freedoms, countries committing such acts are helping produce a worldwide generation of 'lost children'.

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Endnotes

- ¹ UNHCR “Youth 2003: Building the Future” (<http://www.unhcr.org.uk/youth/factsandstats.htm>); 6/2/2004
- ² Refugees International: ‘Asylum Seekers at Death's Door on Nauru Point to a Failed Global Asylum Regime’, by Maureen Lynch
- ³ UNHCR Guidelines on Detention of Asylum Seekers
- ⁴ Ibid.
- ⁵ HRW “Promises Broken” by Denis McNamara (<http://www.hrw.org/campaigns/crp/promises/refugees.html> 6/2/2004
- ⁶ ‘Children in detention suffer a 'living nightmare’, ABC Lateline (www.abc.net.au/lateline/); 05/12/2003
- ⁷ ‘Australia's detention of asylum seeker children amounts to torture’, by Barbara Rogalla (<http://www.onlineopinion.com.au/>); 08/06/2003
- ⁸ AI: ‘New evidence of brutality inside Australia's refugee camps’, by Jake Skeers; 12/20/2000 (<http://www.wsws.org/articles/2000/dec2000/ref-d20.shtml>)
- ⁹ “Children in Detention Suffer a ‘Living Nightmare’” (ABC Lateline (<http://www.abc.net.au/lateline/content/2003/s852962.htm>); 6/2/2004
- ¹⁰ AI: ‘BAHAMAS: Forgotten Detainees? Human Rights in Detention’ (<http://web.amnesty.org/library/Index/ENGAMR140052003?open&of=ENG-BHS>); 10/01/2003
- ¹¹ HRW: ‘Detained and Deprived of Rights: Children in the Custody of the U.S. Immigration and Naturalization Service’