

Children in detention: Shayan's story

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On 2 March 2006, eleven-year-old Shayan Badraie accepted a \$400,000 payout from the Australian government for psychological harm suffered during his time in Woomera and Villawood detention centres. Shayan's experience reveals a disturbing insight into the severities of immigration detention centres and their desolate consequences for the mental and physical health of children. If the Howard government implements its proposed amendments to the *Migration Act*, there may yet be more children who will suffer irreparable psychological injuries like Shayan.

Shayan spent a total of seventeen months in immigration detention, beginning in March 2000 at the age of five. After fleeing religious persecution in Iran, he and his parents arrived in Australia by boat and were immediately taken to Woomera detention centre in the South Australian desert. Aggression and unrest had been escalating at Woomera and in the months following his arrival Shayan witnessed protests, hunger strikes, fires and riots. In August 2000, there were three days of rioting in which tear gas and water cannons were used. Three months later, Shayan witnessed an adult detainee slash his chest with a shard of glass and attempt to jump from a tree.

Medical records noted Shayan was experiencing nightmares, anxiety, sleep disturbances and poor eating. He would often wake at night crying, clutching his chest and saying 'they are going to kill us'. He repeatedly drew pictures of himself and his parents within fences and displayed aggressive behaviour and social withdrawal. In January 2001, a psychologist diagnosed Shayan as suffering post traumatic stress disorder and recommended the family be moved to a more appropriate detention centre. Two months later, Shayan and his family were transferred to Villawood detention centre in Sydney's west.

On 30 April 2001, Shayan witnessed another suicide attempt. He had been running from room to room playing with a friend when he discovered a male detainee bleeding profusely after slashing his own wrists. Shayan was deeply traumatised by this incident – he hid under a blanket, would not leave his parents, would wet himself, would not eat, would only drink small amounts of milk, would not speak and could not sleep. Three days later, Shayan was admitted to Westmead Hospital where he was assessed as being acutely traumatised and at risk of dehydration. A child psychiatrist drew a clear correlation between Shayan's illness and his experiences inside the detention centres.

Shayan's condition deteriorated and, on 15 May 2001, he was readmitted to Westmead Hospital for a period of eight weeks. During the remainder of his time at Villawood, Shayan was seen by the centre's medical service seventy times and was admitted to Westmead Hospital on a further six occasions. Westmead Hospital specialists wrote thirteen letters outlining the gravity of Shayan's case and urged his removal from Villawood detention centre in order to protect him from further harm.

Shayan's parents had become increasingly desperate about their son's deterioration and, using a video camera smuggled to a fellow detainee, they secretly filmed Shayan's psychological breakdown. These images were aired on ABC TV's *Four Corners* program in August 2001. The program had a far-reaching effect and provoked a mixture of indignation, sympathy and rebuff across the media. One Sydney mother, Junie Ong, was so tormented by the images of the debilitated six-year-old that she decided something had to be done. Along with a group of outraged friends, Junie founded ChilOut – an organisation aimed at lobbying for the release of all children and families from detention centres, campaigning against the government's mandatory detention policy and countering widespread misinformation. ChilOut maintained regular contact with the Badraie family and began the task of monitoring the numbers and conditions of children in detention.

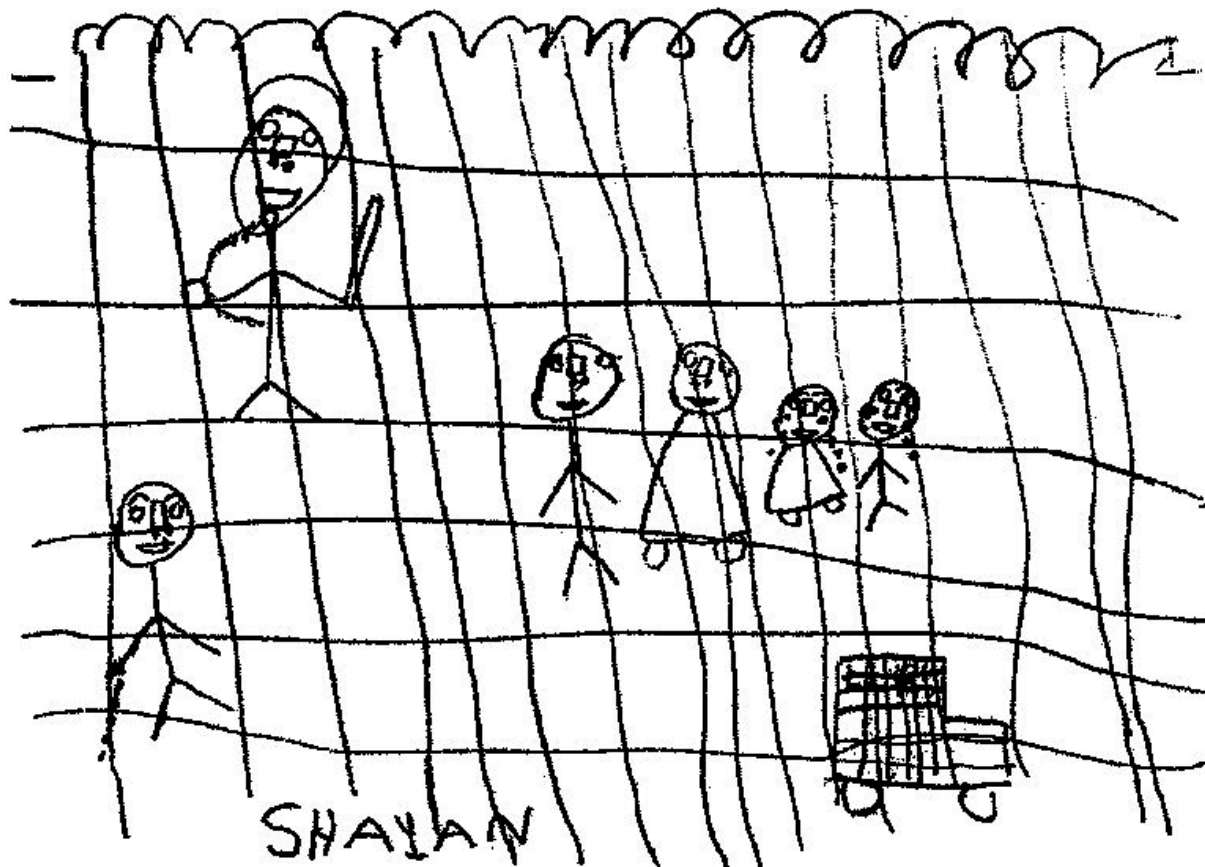
On 23 August 2001, Shayan was transferred into foster care, whilst his family remained inside Villawood. Five months later, he was reunited with his mother and baby sister and, finally, in August 2002 the entire family was reunited and granted temporary protection visas.

Some four years later, Shayan began his landmark legal action against the federal government in the Supreme Court of NSW. He sued the government and private detention centre operators, Australasian Correctional Management, for aggravated and exemplary damages. During months of hearing, the court received evidence from a number of psychiatrists and health professionals detailing the grave psychological harm caused by Shayan's time in detention. His present psychiatrist, Dr David Dossetor, testified that Shayan's intellectual and psychological development was so severely impaired that he might never fully recover. Dr Dossetor told the court that even if Shayan 'got over his anxiety' he would have an increased risk of other psychiatric disorders like clinical depression and might not 'regain the full intellectual capacity that he would have otherwise had' (Wallace, 2006).

After thirteen weeks of trial, Shayan's lawyers reached an out-of-court settlement with the Australian government for \$400,000 plus payment of legal costs of more than \$1 million. Twenty minutes later, the Badraie family received a phone call to say their permanent residency visas had been granted.

According to the Human Rights and Equal Opportunity Commission's 2004 National Inquiry into Children in Immigration Detention, at least 2100 children have been held in immigration detention centres across Australia since 1999 (HREOC, 2004). At their peak period, detention centres held 842 children, with 456 of those children housed in Woomera alone. Considering these numbers, it is plausible that other children have suffered similar psychiatric injuries to Shayan. As Shayan's solicitor told ABC radio, 'the problems that Shayan experienced were systemic problems rather than ones that were just specific to him' (AAP, 2006).

HREOC's Inquiry revealed that many other young



Shayan Badraie, untitled, courtesy the artist and ChilOut

detainees had witnessed similar incidents to Shayan – protests, rioting, detainees fighting one another, hunger strikes, lip-sewing, fire breakouts, detainees hit with batons, use of tear gas and water cannons, detainees self-harming and attempted suicides. On some occasions, children themselves had carried out acts of self-harm. HREOC received evidence that a small number of children had sewn their lips together, slashed their bodies, ingested shampoo, and attempted to hang themselves.

In early 2003, a study was completed by health professionals from five institutions who assessed a group of 20 children from a remote detention centre (HREOC, 2004). All but one of these children was diagnosed as suffering a major depressive disorder and half were diagnosed with post traumatic stress disorder. Five of these children had self-harmed either by slashing their wrists or banging their heads against walls. Although HREOC's report did not quantify the precise number of children in detention suffering from mental illnesses, their evidence indicates a considerable number of children have been diagnosed with clinical depression, developmental delay and post traumatic stress disorder.

In July 2005, the *Migration Act* was amended to say 'a minor shall only be detained as a measure of last resort'. The Australian government took the long-awaited step of releasing children and their accompanying families from immigration detention. ChilOut may have thought its work was over, however in May 2006 the Howard government proposed further changes to the *Migration Act*. The Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 proposes that all asylum seekers who arrive in Australia by boat be transferred to offshore processing centres. At the time of writing, the government was negotiating with a dissident group of Liberal backbenchers to progress this Bill through the Senate.

The concern with this proposal is that children will once again be held in immigration detention centres. However, this is not the only concern. Offshore processing centres will be less open to scrutiny than Australian detention centres. Community groups like ChilOut will have less access to children and will be less able to monitor their physical and mental wellbeing. Organisations like HREOC will be unable to supervise offshore detention centres or conduct inquiries into the impact of detention on the development and welfare of the child. A story like Shayan Badraie's would remain behind razor wire.

Claire Hammerton is a law student at the University of New South Wales and is currently completing an internship at the Australian Human Rights Centre. She has visited Villawood Detention Centre regularly over the past three years.

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