

Social work advocacy in Australia: Challenging immigration detention

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Introduction

Social work is no stranger to the impact of malevolent policies on vulnerable people. Social workers operate at the coal-face and witness firsthand the suffering that may be inflicted by the harsh hand of government on the homeless, the mentally ill, the single parent. This paper looks at one specific area of social policy – asylum seekers - where governments around the world are toughening their policy responses with little outcry from the populace. The focus of the paper is a campaign in Australia where social work took the lead in exposing the draconian policy of mandatory detention of asylum seekers and endeavoured to influence change. The model adopted by Australian social work academics has lessons for other social workers involved in other complex domains of social work and social policy. The campaign known as the People's Inquiry into Detention was initiated by the Australian Council of Heads of Schools of Social Work in 2005 and continues to have an impact today.

Asylum seeking in Australia: An overview

Australia has one of the harshest asylum seeker regimes in the Western world. All 'unauthorised' arrivals – people arriving without travel documents – are mandatorily detained until they are accepted as refugees or removed from Australia. In past times, under the conservative government of Prime Minister John Howard (1996-2007) this detention could be for extended periods – three, four, five years. Detention still includes men, women and children. Since the election of a Labor government in late 2007, there have been some reforms but since 'boat people' began arriving again, particularly in 2009/2010, there has been a slide into harsh responses, buoyed on by unrelenting media commentary and a critical conservative opposition. Added to this is a moral panic generated by fear of the Muslim 'Other' (Briskman and Dimasi 2010).

By the time this paper is presented, a federal election will have taken place in Australia and in the lead-up asylum seekers are very much on the agenda, with a competition between the major political parties about which can be the toughest on both asylum seekers and people smugglers. As I write, negotiations are taking place with East Timor and Nauru for off-shore processing, a policy that had been abandoned by the Labor government; children are still detained despite a commitment by the government that this would no longer occur; and people smugglers, no matter what the scale of their activities, face lengthy prison terms.

Because of excision provisions introduced in 2001, most boat arrivals are processed on remote Christmas Island, 2,600 kilometres from the Australian mainland creating unprecedented expense, inconvenience and hardship. Because of the overcrowding on the island facilities some other sites are now used, often in remote locations as was the case during the Howard government. In one of the first visits of advocates to the new

detention site of Leonora in Western Australia, established for families in 2010, concern was expressed about the pregnant women in the camp, the stress on Afghan and Sri Lankan families whose claims have been suspended and rising concerns about their children's mental health.

Opinion polls continually reveal that most Australians support the harsh policies of government and have been duped into believing that asylum seekers represent a threat to Australia's sovereignty and to national security. Since the attacks in New York on 11 September 2001, there has been a regrettable conflation of asylum seeking with terrorism. Yet despite the support for government policies from the mainstream community, there has been a robust advocacy movement. This has subsided to some extent since the election of the Labor government as many people suffered from advocacy fatigue after years of activism with little result. However, as one advocate Kate Gauthier recently expressed so well:

Most policy reformers, especially social policy reformers, like to tell governments where they should spend their money. But when it comes to asylum seeker policy, reform advocates are not asking governments to spend more money; we are begging them to spend less.

It would be hard to find another area in which more money is thrown away on policies that prove completely ineffective, are extremely expensive, breach both international and domestic law; and inflict further damage on people who have fled persecution, torture and trauma (Gauthier 2010).

The expense associated with mandatory detention policy borders is nothing less than absurd. Contemplate Christmas Island for example. Its isolation from Australia and small permanent population of just over 1,000 means that everything and everyone responsible for running the facility has to be flown in – legal advisors, government officials, private detention staff, food and more. Over the next four years \$A974.6 million has been allocated for offshore processing on Christmas Island. But cost is not the main concern I will be discussing today. I will focus on Gauthier's second comment about breaches of law and the ensuing damage created by the human rights violations. To the forefront of the presentation will be the response of professional groups including social workers.

The damage of detention policies and the professional response

There is a mounting body of evidence about the harm done by protracted detention where people are stripped of their rights, are criminalised when they have committed no crime, face uncertain futures, may grieve for families left behind and are likely to be physically and emotionally brutalised. As Grewcock (2009) argues when asylum seekers, border control and terrorism are drawn together the state can do what it likes no matter how counter-productive it is to a humane approach. With a criminalisation approach the state can act with full force, and by presenting unauthorised arrivals as deviant, locking them up becomes the logical policy response. For Grewcock the abuse is systematic, operational and becomes the norm; detention becomes a national prison, quarantined from outside world and society.

Many mental health professionals have taken a lead in exposing the harms done by detention. These have included accounts of misdiagnosis, inappropriate treatment and

the sheer uncertainty of indefinite detention (Briskman et al. 2008). Beyond this, a group of psychiatrists with experience of immigration detention refer to their own dilemmas once they enter the detention environment (Steel et al. 2004):

When we enter the world of detention...we enter a zone in where usual conceptions of human rights and obligations to others do not apply...The role of doctor and clinical advocate is altered by 'crossing over'...the social contract, as we usually experience it, does not apply here.

Child psychiatrist Sarah Mares (2007, p. 239) states that:

At the start, we didn't know we were playing brutal politics. We were doctors, health professionals advocating for patients. We have had to learn, for example, about 'wedge politics' first-hand.

Debates on the 'dual loyalty' question has confronted professional groups in a range of settings. The question of where the loyalty of the human services professional lies, to the patient/client, or in this case the detained asylum seeker, represents a tension for service providers from within and outside punitive systems. Historically, the ethical obligations of health professionals have privileged the need for loyalty to patients. Increasingly however, health professionals may be in settings where they are asked to weigh their devotion to patients against service to the objectives of government or other third parties (London et al. 2006, pp. 381-382). In the case of immigration detention, the interests that have traditionally been the concern of the helping professions may be readily subordinated to the interests of employers as state agents, and this creates potential for the violation of human rights.

Social work in Australia has somewhat lagged in the critiques and debates on dual loyalties regarding asylum seeker policy and immigration detention for a number of apparent reasons. Social workers have not been the main professional players within immigration detention facilities and have therefore not directly witnessed the plight of asylum seekers; under the government of Prime Minister Howard case managers were not employed in detention settings. Furthermore, when people were released from immigration detention between 1999 and 2008, restrictive Temporary Protection Visas were granted that prohibited refugees from accessing services. However, as consumers of media there is little doubt that the majority of social workers were aware of what was occurring but did not publicly protest. A contributing although under-explored factor may be that employment contractual arrangements were often so stifling that social workers felt bound to silence about any matters of public policy. The Australian Council of Heads of Schools of Social Work (ACHSSW) took a more pro-active stance. Freed from the perceived constraints of social work organisations, this group was able to criticise government without repercussions from their employers.

The People's Inquiry into Detention

The People's Inquiry was prompted by the cruelty shown to one woman. Early in 2005, the Australian media reported that a woman known as 'Anna', suffering from a severe mental illness, was being held in the Baxter Immigration Detention Facility in Port Augusta. It eventually became clear that 'Anna' was Cornelia Rau, an Australian resident. She had been reported as missing by her family but had not been identified

by authorities. Mistakenly identified as a 'suspected non-citizen', she had been held in a Queensland jail and then Baxter for months (Briskman and Goddard 2007). The outrage that followed the inhumanity meted out to 'one of us' resulted in a formal government inquiry (The Palmer Inquiry) and despite the lobbying of refugee advocates the government refused to broaden this inquiry to examine the totality of immigration detention policies and practices, particularly in relation to asylum seekers.

The ACHSSW represents social work in universities throughout Australia. Its charter includes addressing national issues of social policy, consistent with the social work quest to work toward social justice and human rights. The Council had previously taken up concerns about immigration detention through policy advocacy and by initiating the People's Inquiry the social work organisation was able to take on a more extensive investigation. The aims of the Inquiry were twofold: to influence policy (a difficult endeavour) and to place the stories of detention on the public record. In running the Inquiry social workers were able to bear witness to the atrocities of detention.

The ACHSSW took the decision to convene the People's Inquiry believing it was beholden on those with privilege and expertise to speak out and to act. With a government failing to take moral responsibility others soon joined social work in the Inquiry process, at last finding an outlet to share information and to participate in a truly democratic process when government-style democracy was failing asylum seekers. With very few resources but with a great deal of goodwill, trust and energy the Inquiry held public hearings in urban and rural Australia (200 testimonies) and received written submissions (another 200). A third of those who presented to the Inquiry had been in immigration detention facilities. Over a three year period, stories were amassed about the brutality experienced by asylum seekers with the focus on journeys to detention, the processing of claims, life in detention and the aftermath of detention. Although a somewhat subversive activity at the start, the Inquiry soon reached the mainstream through a best-selling publication co-authored by three social workers (Linda Briskman, Susie Latham and Chris Goddard) in 2008 – *Human Rights Overboard: Seeking asylum in Australia*. The book received the Australian Human Rights Commission award for literature in 2008.

The findings

Some of the stories in each of the above categories are presented to illustrate the cruelty, injustice and what I have previously described as torture, or cruel, inhuman and degrading treatment and punishment (Briskman et al. 2010).

The journey into detention (asylum seeker testimony)

It was extremely stormy and every time we thought that the wave would come and kill us. We thought we would die...And then three Australian Navy boats approached us and they break the bad news to us that the Australian government was not allowing any refugees into their land any more. Everyone lost hope completely...After about four days they took women and children only. Single men and married men were left in this broken boat by themselves and they said 'We are going to take you to international waters and then you can go wherever you like'. The wives were pleading, crying and begging them – that's how it is when you are so desperate.

Processing of refugee claims (migration agent testimony)

Most of my detention cases in the last few years have been people who have been rejected, sometimes three or four times. When I called for the files and we read them through, you just see the appalling ignorance of the case officers.

Detention (asylum seeker testimony)

I can't control my son. He tried to hang himself. My son drank shampoo two times. He drank bleach two times.

Life after detention (asylum seeker testimony)

I feel I was better before I came to Australia. I don't know what happened to my mind. I am forgetting too much. I felt from time to time to cry. I think this is Australia - I must get a permanent visa, not a permanent sickness. I got a permanent sickness. I know myself it's not going to go out of me.

The moral duty of social workers

In relation to the People's Inquiry the question of the moral responsibility of an ethical profession became clear-cut. In running the Inquiry the ACHSSW had no authority bestowed upon it except for the authority of 'the people', advocates, activists, professional groups and former immigration detainees. Social workers have a great deal of knowledge about the impact of policies on vulnerable people and have a duty to act and speak out, although this does not always occur. One way of reframing social work practice is for social workers can reposition themselves as human rights ethnographers. In day-to-day professional practice there is some opportunity to reflect on what is happening and to analyse practice in relation to how well the profession is positioning itself as a human rights defender. Rather than focusing on organisational constraints against speaking out, social workers can find ways whereby their ethnographic knowledge can be utilised to interrogate policies and practices (Briskman 2010).

For Ferguson and Woodward (2009), although social work is an ethical career it cannot be only at the level of direct practice. They argue that social work has to be an ethical profession in a political sense mirrored in social work lecturer and later British Labour Prime Minister Clement Attlee's 1920 notion of social worker as agitator. Regrettably there still remains some polarisation within social work between those who see social work as a 'helping profession' alone and those who see it as a 'political profession'. Arguably however, the world of politics permeates social work whatever the mode or setting of practice.

Social work ethical codes provide some guidance. The Australian Association of Social Workers Code of Ethics (1999) calls upon social workers to challenge oppressive policies and practices. The AASW Code further states that the social work professions subscribes to the values and aspiration of the Universal Declaration of Human Rights, which has proved to be a sound basis for asylum seeker advocacy. At a global level, the International Federation of Social Workers (IFSW) has a website presence dedicated to human rights which informs social workers of the role that social workers have taken in relation to the human rights of immigrants without formal legal status (IFSW nd).

Beyond social work deliberations there are questions of hospitality to the stranger that surmount policy and practice consideration and the frameworks of a number of social theorists provide leads. Theories about hospitality are broad, focusing on political, juridical and ethical elements. Essentially, hospitality is about human rights and responsibility for the Other (Levinas 1969) and/or the Foreigner (Derrida 2000) who is helpless. Kant's seminal piece, *Towards Perpetual Peace*, maintains hospitality is a universal obligation, whereby foreigners cannot be treated with hostility when they arrive in another country nor can they be turned away if this threatens their existence. This right of foreigners is known as *Besuchsrecht* (Limbu 2009, p. 263).

The ethical experience of the face-to-face encounter is not simply about seeing the Other's face in a physical sense but is about the visibility of the Other. A simple way of thinking about this in relation to asylum seekers coming to Australia, is reconceiving of the 'face' as the presence of the Other. Most Australians, including social workers, have encountered asylum seekers through their television screens or newspaper reports. Whether Australians physically shake the hands of asylum seekers or encounter them through their televisions, from an ethical standpoint Australians still have a responsibility to welcome asylum seekers and offer protection simply by virtue of shared humanity (Dimasi and Briskman 2010).

In conclusion

In 2009, 43.3 million people were forcibly displaced by persecution and conflict (UNHCR 2009). Rather than tackling this in the way other global disasters are supported, Western countries in particular respond by tightening their borders, criminalising the persecuted and diverting funding away from a moral policy response to one of creating increased suffering with a view to deterring others. The professions are just one of the players in trying to influence a revised discourse and an ethical policy response and social work is one profession among many. Although the major policy actors – governments – may exercise their power without due restraint the response of civil society should not be under-estimated. When the decision was taken to hold the People's Inquiry the influence of others who had stood up against the mainstream became an inspiration. The words of Clive Stafford-Smith, in *Bad Men: Guantanamo Bay and the Secret Prisons* resonated: 'I am under no illusion that I have the skill to do justice to the stories...but the greatest sin would be not to try'.

In a review of *Human Rights Overboard*, Gifford (2010, p. 238) sees it as a democratic act of defiance and praises the power of collective action through witnessing. She further sees it as an achievement for the social work profession and calls on other professions to take note.

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