

Introduction

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) is Australia's largest independent aid and advocacy organisation for people seeking asylum and refugees, supporting and empowering people at the most critical junctures of their journey. Our services include legal, casework, housing, medical, education, employment and emergency relief. Based on what we witness through our service delivery, we advocate for change with refugees to ensure their human rights are upheld.

The ASRC welcomes the opportunity from the Australian Human Rights Commission to share the experiences of our clients who identify as women and have been held in immigration detention. Women in detention have experienced repeated and significant physical, verbal and sexual abuse due to negligence by the Australian Government and their health, safety and well-being remain at risk. The impact on their physical and mental health caused by indefinite detention is compounded by the specific vulnerabilities they experience due to their gender.

Women continue to experience racism, discrimination and a lack of safety in detention. Under regional processing, women are still being sent to Nauru where there is no safety, and they are at risk of devastating and irreversible harm. There remains no mechanism to prevent children being detained onshore or sent offshore. Women released from onshore detention as a result of the High court's NZYQ decision are also at risk of deportation to Nauru under the newly passed Home Affairs Legislation Amendment 2025 and Nauru deal. **The ASRC recommends that all women and children held in closed detention are immediately released, that alternatives to detention are implemented to prevent further harm, and that legislation is passed to prevent any future detention of children. We also recommend an end to offshore processing and deportations to Nauru.**

Sexual harassment & abuse

Immigration detention is an unsafe environment for women, who frequently report sexual harassment and abuse by guards and male detainees. Many are survivors of gender-based persecution, and the experience of detention only deepens their trauma. Because women make up a relatively small proportion of the detained population, their safety risks are often heightened, and overlooked by detention contractors and the Department.

Case study

Zahra experienced persecution, including domestic violence, and fled Iran and came to Australia by sea to seek asylum. She was detained on Christmas Island and then for several years in Nauru. While detained in Nauru, Zahra was sexually harassed and witnessed many traumatic events.

Later Zahra was transferred to Australia for urgent medical treatment, including for Post-Traumatic Stress Disorder, Major Depressive Disorder, suicidal ideation, panic attacks and insomnia.

Zahra was held in closed detention, including Melbourne Immigration Transit Accommodation (MITA) for around 2 years. During this time, she was subjected to frequent body searches by male and female guards who touched her in a rough and inappropriate manner, including when she had to attend medical appointments and meet with visitors. Zahra was also subjected to regular room searches, including when she was sleeping and not fully clothed. These experiences re-traumatised Zahra and triggered severe anxiety and a deterioration in her mental health.

Zahra was held in the same compound as men in MITA, and she often experienced harassment and threatening behaviour from male detainees. She was sexually harassed on several occasions, including being subjected to persistent sexual advances. She raised these issues with Serco, however she continued to experience harassment. Zahra felt that the Serco guards would not take her complaints seriously because she was a woman, and she felt very isolated and unsafe.

While in detention, Zahra was not provided with access to a psychiatrist to treat her mental health conditions.

Zahra did not have access to justice for the sexual abuse and harassment that she experienced in detention. Although she made a complaint to the AHRC regarding her treatment in detention, as the matter could not be settled by conciliation, the complaint did not progress.

After around 2 years, Zahra was transferred to community detention and in 2023, Zahra was finally given the freedom of a bridging visa. Zahra continues to experience poor mental health due to how she was treated in detention.

The power imbalance between authorities, immigration guards, and people in detention makes it prohibitive for women to report abuse, especially as they perceive that officers and other detention service providers can influence people's immediate safety through placing people in certain compounds within a detention facility, and also can place incident reports on people's detention records, which can prevent a person's release from detention. In addition, due to the sheer length and unpredictability of the duration of detention, women are less likely to make a complaint as they are uncertain of how long they will need to survive in detention and want to minimise any backlash from guards and other detainees that could occur as a result of making a complaint.

Case study

Zainab fled Iran with her father when she was 11 years old and came to Australia by sea. She is a victim-survivor of family violence and child sexual abuse in Iran and Australia.

In 2019, Zainab's bridging visa ceased and she was taken into closed detention at MITA when she was around 19 years old. At this time, Zainab had mental health issues including depression, anxiety and post-traumatic stress disorder, which were exacerbated by her indefinite detention and conditions in detention.

While she was detained, Zainab experienced physical assault and verbal abuse by Serco officers and other detainees, bullying by female Serco officers and sexual harassment from male detainees. These experiences had a profound impact on Zainab's mental health. Zainab and her ASRC lawyer raised these issues with Serco, ABF and the Department on several occasions, however Zainab remained in unsafe conditions and was not released from detention.

Zainab was also separated from her mother, who is an Australian citizen, and other Australian family members while she was held in detention. This separation was exacerbated in 2020 and 2021 during the height of the COVID-19 pandemic.

Zainab was unable to access appropriate treatment for her mental health in detention, especially in light of her young age and recovery as a victim-survivor of family and sexual violence.

After 4 years in closed detention, Zainab was finally placed in community detention, before being transferred to a Bridging visa with work rights. Zainab wants to enrol in TAFE to complete her Victorian Certificate of Education, however her life remains in limbo without study rights, or a clear visa pathway.

Racism, discrimination and a lack of cultural safety

Women in detention often experience racism, racial and religious discrimination and a lack of cultural safety.

Case study

Amina is a Muslim refugee woman who was one of the last remaining women in Nauru before it was emptied in 2023, and transfers restarted. Amina was held in Nauru for eight years. She initially declined transfer to Australia due to fears of being held indefinitely in jail-like conditions in onshore closed detention.

Amina eventually transferred onshore and despite being told by authorities that she would be detained for a short time, she was held in closed detention in Villawood detention centre for more than one year. Amina resided with other women. She reported that the women would taunt her, instigate fights, steal her modest clothing and possessions, including her hijab, and expose her to drugs. With no English, poor access to interpreters, alone and socially isolated, Amina struggled to tolerate the situation and became very unwell.

Despite many attempts to get help from authorities, nothing changed for Amina and she was forced to endure the situation until she was eventually released into the community.

Inadequate healthcare

Access to adequate healthcare is an endemic issue in detention. With poor access to gender-specific medical care, reproductive health services, and mental health support, many women are unable to obtain treatment for their physical and mental health conditions. Concerningly, there are instances of women who are pregnant and those with young children being detained. Due to the lack of appropriate access to specialist pregnancy, maternity and infant care there are significant impacts on the health and well-being of women and children.

Case study¹

Huyen fled Vietnam and came to Australia by sea in 2011. She met and married Paul, who is Mauritian and lives in Australia on a working visa.

In November 2017, Huyen was detained and placed in MITA. She was pregnant at the time. In January 2018, the Department attempted to deport Huyen to Vietnam when she was about seven months pregnant, despite her having gestational diabetes and a psychiatric condition. She was removed from the plane several minutes before take-off and returned to MITA.

After giving birth, Huyen and her baby were held at MITA. As Huyen was required to remain in detention, her baby, Isabella, remained in detention as a "guest" so that Huyen could breastfeed and rear her. Her baby's "guest" status meant the baby was free to leave, and stay with her father; however in practice this was not possible given Huyen was breastfeeding.

Huyen did not have adequate access to basic parenting equipment or health support for Isabella at MITA, and had severe depression. Also, Isabella was hospitalised and showed signs of

¹ The information included in this case study is publicly available: Sydney Morning Herald, *UN group urges release of mother and baby from immigration detention*, 1 June 2019, <https://www.smh.com.au/national/un-group-urges-release-of-mother-and-baby-from-immigration-detention-20190601-p51th6.html>.

anxiety that potentially stem from the "unavailability of positive emotional interactions in detention".

Case study²

The Australian Government's treatment of the Murugappan family (also known as the Biloela family) demonstrates the harsh conditions imposed on children and families who are seeking asylum, with devastating consequences to their health.

Nadesalingam (known as Nades) and Priya fled Sri Lanka and sought asylum in Australia. They met here and had two daughters, Kopika (born in 2015) and Tharnicaa (born in 2017).

In March 2018, the family was held in a Melbourne immigration detention centre, and later Christmas Island where their family was the sole occupant of the immigration detention centre.

The family remained detained at Christmas Island while court proceedings continued, despite the COVID-19 pandemic and concerns over exposure to COVID-19 from guards.

The family's prolonged detention in an isolated location had a devastating impact on them, particularly the children. The lack of sunlight due to their closed detention led to a vitamin D deficiency, which caused infections and other medical problems. Tharnicaa's nutritional needs were not met and her teeth started to rot. At age two, she had surgery to have teeth removed.

In 2021, Tharnicaa (aged 4 at the time) had to be evacuated from Christmas Island for medical treatment following a blood infection.

Women in detention who have mental health issues are often unable to access adequate treatment, and subjected to punitive detention conditions that further compound their illness. Additionally, women in detention also experience a lack of privacy and dignity, with inadequate access to private facilities and products for hygiene, menstruation, and personal care.

Family separation

Immigration detention continues to separate families and cause immense distress, grief and suffering to women, men and children. Also, women can be separated from their male partners and

² The information included in this case study is publicly available: SBS News, *From Sri Lanka to Biloela, to Perth and back: A timeline of the Nadesalingam family's journey*, June 2022, <https://www.sbs.com.au/news/article/from-sri-lanka-to-biloela-to-perth-and-back-a-timeline-of-the-nadesalingam-familys-journey/jfmo-fat70>; BBC News, *Biloela family: Locked up by Australia for three years*, May 2021, <https://www.bbc.com/news/world-australia-56768529>.

are forced to raise their children as single parents without adequate support in certain circumstances. High levels of trauma, depression, anxiety, and Post Traumatic Stress Disorder are often worsened by long term detention and family separation.

Case study

Fatima is a Somali woman who fled to Australia by sea to seek asylum. She was transferred to Nauru, where she experienced severe trauma, including rape, and had complex mental health conditions.

Fatima sought injunctive relief to be transferred to Australia for critical medical treatment after she attempted suicide by ingesting bleach. After receiving medical treatment in hospital, she was held in closed detention at MITA for around 2 months.

She was then transferred to community detention. Fatima formed a relationship with Ishmael, a Safe Haven Enterprise Visa (SHEV) holder, and in 2021, they had a son.

Fatima lives with her infant son in community detention; her husband is not allowed to live with them as he is a SHEV holder. Although her baby is a SHEV holder, as Fatima is his primary caregiver, her son remains with her in community detention. It has been very difficult for Fatima and Ishmael to raise their child together while living apart and Fatima has been very isolated.

Fatima's life remains in limbo after 5 years in community detention and without a clear visa pathway, despite her son and husband being granted permanent Resolution of Status visas in 2023.

Fatima would like to learn English so she can better integrate into the community and support her son, however she has not been offered any opportunities to learn English while in community detention and is unable to enroll in formal study as she does not have study rights.

New onshore detention service provider 'Secure Journeys'

The ASRC has received anecdotal reports from women in detention regarding issues with the new onshore detention operations and security provider Secure Journeys.

Women in detention making complaints regarding harassment/bullying perpetrated by other detainees and officers are rarely receiving written acknowledgement of the complaint, and an outcome. Their experience is that nothing is happening with the complaints. This is not unusual, and has been a persistent pattern in both onshore and offshore detention across almost all service providers.

Women are having skincare products refused entry to the centre due to containing 'alcohol', however it largely depends on which officer is making the decision. This excessive control of items deemed to be contraband has also been consistent across service providers and has resulted in people having innocuous items removed such as vitamins, protein powder and makeup items.

There appears to be little communication between the different shift managers/teams, and as a consequence people are not being transferred to their health appointments and court hearings on time. While mismanagement of transport and escort services had often caused missed medical appointments and other important events, this issue appears to be more pronounced with Secure Journeys than it had previously been with Serco.

Offshore detention

Although the Commission's current inspection is focusing on onshore detention, it would be remiss not to highlight the abhorrent suffering of women and girls held in offshore detention. Over 400 women have been transferred to the Republic of Nauru under regional processing arrangements after 19 July 2013. A large number of these women experienced sexual and/or physical violence. The ASRC received allegations of sexual harassment and sexual assault from over 46 individual women and children, and some reported multiple historical sexual assaults.

"I told the doctor the pain was in my tummy... but he examined my breasts..... I jumped up and he held me from the back, with his hands in my undies pushing me towards himself and holding me tightly...I was scared...he was big"

In May 2019, when there were 21 women remaining in Nauru, 41% of the women reported sexual and/or physical violence, or produced medical records that report a history of sexual and/or physical violence. This percentage is likely to be lower than the actual number of women who experienced violence as many would not report for various reasons including feelings of shame, fear of repercussions from male family members, or fear of further violence.

Named perpetrators include Republic of Nauru hospital staff, International Health Medical Services (IHMS) staff and Nauru Police Force officers. Sexual violence by people in positions of power or authority contributes significantly to the fear experienced by the women.

"There is no point reporting, no one cares and I do not feel safe and trust, there are no protections here...I am scared it will make my situation worse and I will have to face 'him' again".

Many women disclosed a history of horrific domestic violence and abuse in their country of origin, which were compounded by gender-based violence and sexual violence in Nauru. Unsurprisingly, women held offshore suffered from a multitude of significant and debilitating physical health issues including abnormal vaginal bleeding, weight loss, stomach pain, hypertension, diabetes, bleeding from bowel, osteoarthritis with chronic pain and poor mobility.

“Sometimes I cry for myself, I tell myself I’m a young woman, I haven’t married and had children, how come I am so crippled with health issues?”

The majority of women also experienced serious mental health illness including depression, anxiety, schizophrenia, post-traumatic stress disorder, and were either acutely or chronically suicidal and attempted suicide multiple times.

“I monitored the situation – when security guards were coming and going, what time they go for lunch.....I tied a fan chord around my neck to hang myself...my neck got swollen...but I had a good feeling...one security guard came back and saw me....nurses and doctors checked my breathing, put 2 officers with me all the time, removed everything around me. I still want to kill myself....if I do it, I will do it in a way no one will know and be able to find me.”

There is a culture of impunity and neglect in offshore detention - allegations are often not properly investigated, victims face barriers to reporting, authorities (both Nauruan and Australian) fail to ensure protection. Despite the extraordinarily high volume of sexual assaults that have occurred in Nauru within the regional processing centre and in the community, there has been not a single prosecution, let alone successful conviction.

Although there are currently no women or children held in Nauru, the Australian Government has continued to transfer women and children there recently. The Australian government has made medical evacuations impossibly difficult to achieve, meaning that women and children will be left at risk in unsafe conditions with deteriorating physical and mental health. While the Australian Government maintains its offshore processing policy and continues to transfer people offshore, it is critical that the Commission has oversight into the treatment of people held offshore, including women and children.

Women at risk of deportation to Nauru

Given the high risk of violence and abuse, and the lack of safety for women in Nauru, the ASRC holds grave concerns for at least one female client on a Bridging Visa R (BVR), released from detention following the *NZYQ* decision, who may be at risk of deportation under the newly passed Home Affairs Legislation Amendment 2025, and the \$2.5 billion deportation deal between the Australian and Nauruan governments.

Conclusion

Immigration detention continues to cause irreparable harm to all people detained. In particular, women face additional risks to their safety and well-being due to their gender, and regularly experience violence, sexual harassment and abuse. The lack of medical care and indefinite family separation further compounds the suffering that women experience. The ASRC strongly recommends that all women and children held in closed detention are immediately released, that alternatives to detention are implemented to prevent further harm, and that legislation is passed to

prevent any future detention of children. We also recommend an end to offshore processing and deportations to Nauru.