

*Submission to the  
Australian National  
Contact Point – Global  
Solutions Limited*

Supplementary evidence on the operations of  
GSL

The complainants

July 11 2005

## Introduction

The complainants, Human Rights Council of Australia (HRCA), Children Out of Detention (ChilOut), Brotherhood of St Laurence (BSL), Rights and Accountability in Development (RAID) and the International Commission of Jurists (ICJ) wish to provide the Australian National Contact Point with additional information and evidence to demonstrate that Global Solutions Limited (Australia)— GSL, is in breach of the OECD Guidelines for Multinational Enterprises.

The supplementary data supports claims that:

1. GSL is in Breach of the Human Rights provisions of the Guidelines
2. GSL is in breach of the Consumer Interest provisions of the Guidelines
3. GSL is unable to meet its own human rights policies and procedures
4. GSL is not meeting the Department of Immigration and Multicultural Affairs Standards Performance Measures and Principles
5. GSL is not complying with international law

The additional information provided further demonstrates that GSL is violating international human rights standards, the human rights of individuals in its care, is in breach of the OECD Guidelines for Multinational Enterprise and is not adhering to contractual standards and performance measures of their own contract involving the investment in and management of Australia's immigration detention centres.

## Conditions in GSL run detention centres

In addition to information provided in the body of the submission to the NCP (see page 9, 14), there is a depth of evidence that confirms GSL is not meeting its responsibilities. The Consumer Interest provision of the Guidelines calls on enterprises “**not to make representations or omissions, nor engage in any other practices, that are deceptive, misleading, fraudulent or unfair**”. GSL is in clear breach of this provision. Their own claims to being “**committed to promoting best practice in human rights in its policies, procedures and practices**” is not being implemented in its operation and management practices at the immigration detention centres. GSL is not providing adequate care for those in its responsibility, nor are detainees being treated with dignity and respect.

## Body of evidence

### *Palmer Inquiry*

Initial findings by former Federal Police Chief, Mick Palmer<sup>1</sup> have described Baxter detention centre as “manifestly inadequate when it comes to dealing with mental health issues. His findings go further and identify the poor mental health provisions at the centre, poor communications between centre and healthcare professionals, and a lack of flexibility by GSL staff.

It is well documented that there is a heightened incidence of mental illness among detainees, yet despite this, Palmer reports that a psychiatrist visited Baxter only eight times in 2004, and only once during the four months that Cornelia Rau was wrongly detained.

The inadequate provision of appropriate mental health and medical services at Baxter [and other detention centres] is a direct result of GSL's “cumbersome medical subcontracting arrangements”. This is a clear example of GSL failing to meet its responsibilities and provision of care.

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<sup>1</sup> [www.theaustralian.news.com.au/printpage/0,5942,15764026,00.html](http://www.theaustralian.news.com.au/printpage/0,5942,15764026,00.html)

Christine Rau, sister of Cornelia Rau, confirms that a “lack of communication” at Baxter has been a major problem. This has been further compounded by psychiatrists being unavailable for several months and a lack of consistent staffing to deal with complex issues.<sup>2</sup> The (leaked) Palmer report criticises the organisational structure of GSL managed detention centres, particularly the remote location of Baxter and Christmas Island which has hindered the delivery of appropriate health and medical services. This is something GSL undertook to provide in its contractual relationship with DIMIA.

### *Amnesty International*

The recently released report by Amnesty International, *The impact of indefinite detention-the case to change Australia’s mandatory detention regime*<sup>3</sup>, provides further evidence of the impact of detention on mental health which suggests the GSL has an added responsibility to ensure their management practices provide appropriate and dignified care to detainees. Amnesty International continues to receive information about the ill-treatment of detainees in GSL managed centres. “Reports of hunger strikes, suicide attempts, riots and protests within immigration detention centres are symptomatic of the complete disempowerment and desperation of human beings who are arbitrarily detained with no access to effective remedy”.

“Amnesty International continues to receive reports of abuse in detention centres from detainees and their advocates. These include allegations that people are being placed in isolation in the Management Support Unit (MSU) as ‘punishment’ for alleged inappropriate behaviour, as opposed to the stated purpose of monitoring those who are at risk of self-harm or of harming others. There have been reports of detainees being held in the MSU or medium-security Red 1 compounds for weeks, even months, at a time for anything from spitting at an employee, refusing to obey an instruction, or inflicting self-harm”. This clearly demonstrates that GSL is not managing the centres effectively in a way that is consistent with respecting international standards of human dignity, is not adequately training staff to deal with complex situations, is overseeing practices that treat detainees in an abusive and harmful way, and is not meeting its own best practice standards.

Amnesty International continues to receive reports about the inadequate care provided by GSL particularly with regard to the detention of children. For example, those children remaining on Christmas Island are able to attend school, but concerns have been raised that the children’s experience of detention is causing them serious harm. Concerns have also been raised over the safety of unaccompanied women in the GSL centre on Christmas Island.

### *First hand experience and observations*

In addition to the considerable body of evidence referred to in the complainant’s submission, there are numerous first hand accounts by both detainees and their advocates about the conditions within GSL managed detention centres. Some of these accounts go as far as to suggest that conditions within immigration detention are more inhuman and arbitrary in their operation than prison.

Verbal accounts of conditions in GSL managed detention centres presented to the NCP representatives on the 11 July 2005 by informed experts<sup>4</sup>, confirms that the management practices of GSL and the daily operations of the detentions centres for which they are responsible, breaches the OECD Guidelines, their contractual obligations, their own commitments to uphold human rights best practice and the relevant international law. Considerable information was provided about GSLs responsibilities to provide a safe and secure environment that prevented children from

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<sup>2</sup> [www.abc.net.au/cgi-bin/common/printfriendly.pl?](http://www.abc.net.au/cgi-bin/common/printfriendly.pl?)

<sup>3</sup> Amnesty International, *The impact of indefinite detention: the case to change Australia’s mandatory detention regime*, 2005.

<sup>4</sup> Dr. Michael Dudley (Psychiatrist), Elizabeth Evatt (ICJ, former member of the UN Human Rights Committee, former head of the Australian Law Reform Commission), Ms Alanna Sherry (ChilOut) and Ngareta Rossell (Refugee Advocate)

witnessing self harm and other acts of violence including brutality by guards towards detainees.<sup>5</sup> Numerous examples were given including that of two Korean brothers detained at Villawood. These children were forcibly removed from school, detained at Villawood where they witnessed extreme self harm amongst other detainees and were provided with no counselling. In addition, they were provided with no translators despite being asked to sign deportation papers on their mother's behalf.

The complainants provided additional evidence<sup>6</sup> of the major developmental impact that long term detention has on children. This is further exacerbated by management practices of GSL which does not provide a safe and secure environment for children where they are not subjected to witnessing self harm and violence. The evidence confirms that mental health and psychiatric issues significantly increase the longer the period of detention. The management practice of solitary confinement of detainees, including adolescents, is a further failure by GSL to responsibly care for detainees with serious health issues. Of major concern to the complainants is the lack of any independent process in GSL's operations to provide psychological reviews and assessments of the wellbeing of detainees.

Demonstrated evidence of GSL management practices includes, but is not limited to:

- Failure to provide a safe and secure environment for children (demonstrated by children frequently witnessing self harm and violence)
- Failure to provide suitable play and leisure facilities for children
- Lack of access to play group and preschool activities
- Lack of protection for children who are detained with adult men, many with acute psychiatric issues
- Failure to provide adequate psychiatric, counselling, and health services – the practice of outsourcing is inadequate, poorly managed and communicated, and compromises scrutiny and evaluation of care and responsibility
- Inappropriate management by GSL staff resulting in hourly watches on detainees, day and night, including waking children in the night
- Lack of clear policies and guidelines around parenting and the care of children, and lack of consistency in what is allowed
- Lack of appropriate visiting facilities in Residential Housing Projects
- Lack of respect for the personal space and belongings of detainees at Villawood who are moved from room to room without notification or consultation to make way for new arrivals
- Failure to provide adequate and appropriate translators and interpreters
- Forcible separation of mothers and children without clear communication, notification or decision making processes
- Poor communication by GSL of their management policies, procedures and decision making processes to detainees
- Inadequate provision of training to GSL staff to enable them to provide appropriate care to children, women, detainees with a disability, detainees with particular cultural needs and sensitivities, detainees with psychiatric and mental health issues
- Practice of relying on poorly trained GSL staff as part of the HRAT team to make decisions about which detainees will be placed on 'suicide watch'
- Detainees being prohibited by GSL staff from using visual expression, such as drawings, to depict their emotions and surroundings
- Inappropriate medicalisation to manage detainees stress and the use of chemical restraints

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<sup>5</sup> [www.humanrights.gov.au/human\\_rights/children\\_detention\\_report/report/chap08.htm](http://www.humanrights.gov.au/human_rights/children_detention_report/report/chap08.htm)

<sup>6</sup> See references at the end of the submission regarding mental health and immigration detention in Australia.

- Lack of cultural sensitivity among GSL staff to issues pertaining particularly to the conditions under which women are detained
- Inadequate provision of secure accommodation for single women detainees
- Lack of information available to visitors about visiting times, numbers of visitors and the process of arranging a visit
- Lack of adequate lighting for evening study and reading
- Inconsistency in the distribution of donated goods to detainees from charities
- Demonstrated lack of availability of milk for children at night
- Failure to provide hygienic living conditions and provide adequate vermin control

### *Immigration detention standards*

The Department of Immigration and Multicultural Affairs (DIMIA) own Immigration and Detention Standards<sup>7</sup>, parts 1 – 10, identify the standards that GSL as the contracted service provider must meet in the delivery of the detention function, and the associated performance measures. It clearly states the “legal and international obligations of the Immigration Detention Standards...including Australia’s international obligations, such as those relating to human rights”.

As demonstrated by the body of evidence above, and all other material contained in the submission, GSL is clearly not meeting its contractual obligations, not complying with clear determinations of international human rights law, is in breach of the OECD Guidelines for Multinational Enterprises and is not fulfilling its own commitments to best practice with regards to human rights policies and procedures.

In particular, consideration of Part 2<sup>8</sup>, part 3<sup>9</sup>, and part 7<sup>10</sup>, reveals the operational practices of GSL are not consistent with the detention standards outlined in their contractual arrangements with DIMIA. This includes, but is not confined to:

- The operations of the detention facilities
- Their obligations to respect cultural diversity, and beliefs, and to treat them [detainees] with dignity and respect
- Safety of all detainees including the access to a safe and secure environment, and accommodation which recognises the special needs of particular groups, including, but not limited to, families, unaccompanied minors, women, men and persons who are ill and or have a disability
- Provision of timely and effective health care and psychiatric services, including counselling
- Provision of services by appropriate and qualified health care professionals
- Provision of individual health care services to detainees in an appropriate and timely manner
- The safety, care, welfare and well-being of detainee children, in particular unaccompanied minors, are managed effectively and appropriately
- School-age detainee children including unaccompanied minors, have access to and are encouraged to participate in educational services appropriate to their age, intellectual and English language abilities
- Numbers and mix of staff in a detention facility are appropriate.

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<sup>7</sup> [www.immi.gov.au/detention/standards\\_index.htm](http://www.immi.gov.au/detention/standards_index.htm)

<sup>8</sup> [www.immi.gov.au/detention/standards\\_two.htm](http://www.immi.gov.au/detention/standards_two.htm)

<sup>9</sup> [www.immi.gov.au/detention/standards\\_three.htm](http://www.immi.gov.au/detention/standards_three.htm)

<sup>10</sup> [www.immi.gov.au/detention/standards\\_seven.htm](http://www.immi.gov.au/detention/standards_seven.htm)

- Staff behave in a tolerant, respectful and culturally sensitive manner
- Staff have communication, counselling, negotiation and conflict resolution skills necessary to the performance of their duties
- All staff are trained, or provided with access to training programs...to enable them to operate effectively

### *The Auditor General Report*

The Auditor General's report<sup>11</sup>— raises serious concerns about the management performance of GSL detention facilities with regards to food, health and other services which are identified as not being adequate. The complainants wish to draw the NCP's attention to a number of issues raised in this report:

- The ANAO notes that schedule part 2, standard 2.1.2.1 of the GSL DIMIA contract confirms that “while all detainees should be held on DIMIA’s advice, the appropriate performance measure in the Contract relies on the Services Provider satisfying itself that the person is lawfully detained”. The complainants maintain that this emphasises the onus on GSL Australia to provide information on its process of satisfying itself (as the Service Provider) that individuals in its centres are detained lawfully and to explain how it brings knowledge and understanding of relevant international human rights law, and the findings of relevant UN human rights bodies and independent monitoring organisations, to this process.
- The ANAO found that the “Contract does not adequately specify key responsibilities that are to be met, either by DIMIA or GSL. In particular, clear and consistent definitions are not provided for health standards that are central to detainee welfare. For example; Duty of Care and the specific obligations for a subcontractor supplying psychological services are not consistent with the department’s Immigration Detention Standards. The ANAO found that the “Contract does not clearly specify mechanisms for the ongoing monitoring of subcontractor arrangements, for compliance with intended outcomes”. The complainants note that GSL Australia has highlighted the significance of independent monitoring of its operations in its correspondence with the complainants, yet the ANAO has found particular problems with the monitoring of the Immigration Detention Standards and in particular the provisions of appropriate health services.
- The ANAO found that the lack of clarity in the performance standards and measures in the Contract itself means that it is not possible for DIMIA’s staff to assess the ongoing performance of the Services Provider objectively, based on the performance reporting”
- “DIMIA relies on the Services Provider’s skill and expertise to provide detention services and provision of these services must comply with the obligations outlined in the Contract and Schedules”. The ANAO report has highlighted that while there are many areas of shared responsibility there is a high reliance on GSL’s skills and expertise. The complainants maintain that the continuing pattern of reports emerging from detention centres managed by GSL Australia indicates that GSL is not implementing the required skills and expertise in their operational activities. The ANAO confirms that “the imprecise description of the expected quality standards makes the practical implementation and provision of the required services difficult”, highlighting the current inadequacy of existing monitoring mechanisms.

### **Relevant Human Rights Standards**

Given the international dimensions of the OECD Guidelines for Multinational Enterprises and the already stated breaches by GSL of the Human rights provisions of the Guidelines, the Complainants wish to provide additional information on the relevant international human rights standards, as requested by the ANCP, to assist in his determination. This should be read in conjunction with the evidence already submitted. The International Bill of Human Rights is comprised of the Universal Declaration of Human Rights, The International Covenant on Civil and

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<sup>11</sup> ANAO Audit Report No.1 2005-06 Management of Detention Centre Contracts

Political Rights and its Optional Protocols the International Covenant on Economic, Social and Cultural Rights. Australia has formally ratified the international human rights standards referred to below.

*Convention on the Rights of the Child (CROC)*

**INSTITUTIONS, SERVICES & FACILITIES**

Article 3(3)

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

**SEPARATION FROM PARENTS AGAINST THEIR WILL**

Article 9(1) and Article 9(3)

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

**PROTECTION FROM VIOLENCE**

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

**CHILDREN WITH DISABILITIES**

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

**CHILDREN'S HEALTH**

Article 24

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

**EDUCATION**

#### Article 28

States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

#### RIGHT TO PLAY

##### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### PROTECTION FROM SEXUAL ABUSE

##### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

#### TREATMENT WHILE IN DETENTION

##### Article 37(a) AND 37(c)

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

#### HELP CHILD RECOVER FROM PAST TRAUMA

##### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

*International Covenant on Civil and Political Rights (ICPPR)*

TREATMENT WHILE DEPRIVED OF LIBERTY

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;  
(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

RELIGIOUS EDUCATION

Article 18(4)

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

PROTECTION OF THE FAMILY UNIT

Article 23(1)

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

MEASURES OF PROTECTION FOR CHILDREN

Article 24(1)

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

*International Covenant on Economic, Social and Cultural Rights (ICESR)*

PROTECTION OF FAMILY UNIT AND CHILDREN

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

HEALTH

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

## EDUCATION

### Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - (a) Primary education shall be compulsory and available free to all;
  - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
  - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

## PARTICIPATION IN CULTURAL LIFE

### Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
  - (a) To take part in cultural life;
  - (b) To enjoy the benefits of scientific progress and its applications;
  - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

## Conclusions

The complainants conclude that on the basis of publicly available information, and reports from a wide range of credible sources and findings of relevant human rights bodies, there is no doubt that GSL is in breach of the OECD Guidelines for Multinational Enterprises with regard to the Human Rights Provisions and the Consumer Interest Provisions. In addition, GSL is not complying with DIMIA's own Immigration Detention Standards and is unable to meet its own best practice standards with regards to human rights and the provision of immigration detention centre facilities in a way that demonstrates respect for human dignity and the provision of adequate and appropriate services in a timely manner to detainees in their care.

The complainants conclude that the general environment provided by GSL in the detention centres is inadequate and their operational and management practices are punitive and have inherent systemic problems and poor communication practices. There is a lack of accountability, transparency and governance. The current operations of GSL in managing the detention centres provide no opportunity for an independent outside body to review processes and decisions that impact on the health and wellbeing of detainees.

GSL is not providing adequate care and support to detainees despite their own statements about compliance with international obligations. The complainants consider GSL's duty of care responsibilities have not been met.

It is the view of the complainants that GSL has a responsibility to proactively provide care to the highest standard and not adopt a passive interpretation of their Contract with DIMIA. Indeed GSL's responsibilities go beyond compliance, particularly with regard to long term detainees who have a demonstrated increase in mental health issues associated with the length of their period in detention. This is particularly relevant to those detainees held in isolated locations such as Baxter and Christmas Island

The complainants conclude that the responsible and appropriate course of action is for the Australian NCP to undertake a full investigation of GSL as a specific instance under the OECD Guidelines for Multinational Enterprises.

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