

Ethical Dilemmas in a time of border control

April Pearman

Association for Services to Torture and trauma Survivors (ASeTTS), Perth, Australia

Introduction

ASeTTS has provided torture and trauma counselling in immigration detention since 2010.

In 2015 the Australian Government passed legislation banning all practitioners from speaking publically about anything they see or hear in immigration detention facilities.

Practitioners' professional ethics has been compromised working within this legal framework.

In Oct 2016 an amendment was made to the Border Force Act stating that health practitioners (including all FASTT staff) are not subject to the act.

Background

The arrival of by boat asylum seekers by in Australia has been framed as a national security risk.

The Border Force Act 2015 militarizes the immigration department and its' officials, and erodes the humanitarian response to asylum seekers.

If practitioners spoke publically about what they witness in immigration detention, they face criminal conviction and a maximum 2 years imprisonment.

Working in immigration detention was already a highly challenging environment for practitioners.



Fig. 1 Yongah Hill Onshore Immigration Detention Centre, Western Australia ¹



Fig. 2 Curtin Onshore Immigration Detention Centre, Western Australia ²



Fig. 3 Person in immigration detention ³



Advocacy work pre-Board Force Act

Counsellors advocated for the needs of their clients inside the facility and to the immigration department. Situations could include abuse of individuals, human rights violations (witnessed or reported), mandatory reporting issues or whistle blower situations. This was a challenging time when professionals felt their ethics were further compromised in this environment of human rights violations. The act itself inflicted damage on the Psyche of health professionals in Australia, where federal law opposed their professional ethics. Some work was halted and slowed such a research publications on this population. These impacts are still a reality and need recovery time.

Discussion

The Border Force Act was amended following mounting public pressure including peak bodies like the AMA.

- The act itself still pertains to other employees.
- creates 'blind spots' in transparency and accountability in the name of border control.
- Some health professionals chose to cease their employment under this legal framework and others were deterred (parallel process).

Conclusion

The act aims to limit freedom of speech and government accountability. While practitioners bear witness but are silenced, they cannot fully support their clients and further human rights abuses can occur.

The Australian example sets a dangerous precedent for secrecy to increase in other countries' asylum seeker policies. These secrecy provisions also beg the question; how different is the Australian Government from those which refugees are escaping?

References

¹ Berrington, K., n.d. *Northam Yongah Hill Immigration Detention Centre*, viewed 25 September 2016, <<http://www.perthnow.com.au/news/western-australia/man-critical-after-attack-at-wa-detention-centre/newsstory/51c643c85a5edbf9bf9e2be58e4254b>>

² *Curtin Immigration Detention Centre*, n.d. Sydney Morning Herald, viewed 25 September 2016, <<http://www.smh.com.au/federal-politics/political-news/asylum-seekers-arrive-on-australian-soil-for-interviews-with-indian-officials-20140727-zxfgu.html>>

³ Burns, J., n.d., viewed 25 September 2016, <<http://thestringer.com.au/never-before-seen-hardship-and-ills-in-australian-detention-centres-6244#.WAMn6vTk7wr>>