

Submission to the Select Committee on the Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru



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SAVE THE CHILDREN AUSTRALIA

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Letter to the Committee Secretary

Dear Committee Secretary,

Please accept this submission into the Senate Inquiry on Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru. I write this submission in my capacity as a former Senior Child Protection Worker with Save the Children Australia (SCA) at the Nauru Regional Processing Centre (Nauru RPC). I was employed with Save the Children Australia from 14 November 2013 – 25 September, 2014. Shortly after my resignation, former Immigration Minister Scott Morrison ordered my deportation from Nauru along with 9 other SCA workers, and subsequently commissioned the Moss Review. I was never contacted or interviewed by Phillip Moss. My last deployment on Nauru ended on 11 August, 2014.

I have been employed as a professional social worker since 1995. I have worked as a child mental health clinician for more than 10 years specialising in the areas of child traumatic stress and parent-child relationships. I also have a post-graduate certificate in infant mental health and I have carried a professional license to provide clinical mental health services in California since 1998. The assessments and opinions stated in this document are based on 20 years of professional experience providing services to children and their families in a variety of contexts. The views expressed in this submission are my own except where expressly stated otherwise. I would also like to be called upon to give verbal evidence.

The written evidence provided has been redacted to protect the confidentiality of asylum seekers and refugees as well as individual staff of Commonwealth contracted service providers. Pseudonyms have been used throughout this document for this same purpose. However, upon request by the committee, further identity details can be provided for the purposes of advocacy or further verification.

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Reporting Relationships

In my role as a Senior Child Protection Worker, I reported to the SCA Child Protection and Support Manager (CSPM) who, in turn, reported to the SCA Operations Manager. All concerns were reported first internally to SCA. SCA management then reported these issues/concerns to DIBP in Nauru and Canberra. Conversely, I received DIBP directives and other communications through SCA management. At times, I also interacted directly with DIBP employees on a formal basis during multi-Commonwealth contractor meetings to discuss vulnerable children.

Australian Child Protection Standards and Practices

In Australia, there are laws to prevent and respond to child abuse and neglect as well as to punish offenders. These include laws to:

- Conduct pre-employment screening of individuals who will be working with children
- Allow child protection professionals to remove children from harmful situations
- Punish offenders
- Punish those who fail to respond appropriately to child abuse
- Mandate reporting of suspected child abuse and neglect

In addition, Australian facilities that provide services to children are required to meet minimum standards of safety, staff qualifications, and training, and are expected to have policies in place to prevent, report, and respond to suspected child abuse. These include policies that define:

- Appropriate physical contact and professional boundaries with children
- Identifying indicators for suspected child abuse and managing disclosures

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- Responding to incidents of suspected child abuse
- Protecting children from additional harm

Child Protection Policies and Practices in Nauru RPC

Lack of legislation

Nauru is a developing nation that does not have a child protection authority to investigate physical, sexual and emotional abuse or neglect towards children. The Australian government has frequently stated that crimes committed against children are a matter for the Nauruan government to respond to. However, the Australian government chooses to transfer and detain children in the Nauru detention facility with the full awareness that there is no statutory child protection authority to investigate or act to protect children who were abused. Furthermore, the Nauruan criminal code lacks adequate laws to cover offenses against all children up to age 18. Consequently, even when abuse against a child is substantiated, not only is there no statutory authority to intervene or to remove children from abusive situations, but there are not adequate laws or a functioning criminal justice system to bring the perpetrator to justice.

Lack of Working with Children Checks for Commonwealth Contracted Employees

In addition, Nauru does not have a system to perform “working with children checks” for Commonwealth contracted local employees who have access to children. Despite this, Commonwealth contractor service contracts require that a large percentage of the workforce in the Nauru detention facility are Commonwealth contracted local employees. I have been informed by senior SCA staff that the mandated ratio of local to expat employees is 50%. Therefore there are numerous Commonwealth contracted employees with close and unfettered access to children that have not been checked to ensure that they can work safely with children. It is also my understanding that Commonwealth Contractors Wilson’s Security and Transfield Services did not

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require their Australian employees to have working with children checks *at least* as late as March 2014¹, but only required a criminal records check despite the presence of detained children from August 2013. This standard is not considered acceptable in Australia for employees who have 24 hour access to children in a residential facility. It is also noteworthy that DIBP Commonwealth contracts did not require Commonwealth contractors in the Nauru RPC to employ personnel who had “working with children” checks, although SCA required these checks of their employees².

The Commonwealth contractors that work at the Nauru RPC are in significant positions of power and authority and have been responsible for leading child assault investigations. It is surprising that Commonwealth contracted employees who are in charge of the security and welfare of vulnerable children and adults in a high risk detention setting were not required to have “working with children” checks despite their availability to Australian employees, but were only required to undergo criminal record checks. Criminal record checks are less extensive and not designed to assess the level of risk that an employee poses to the safety of a child which is the purpose of a “working with children” check. The Royal Commission on Institutional Responses into Child Sexual Abuse has highlighted in their interim report the importance of pre-employment “working with children” checks to identify perpetrators as well as to deter registered sex offenders from applying for employment in institutions that care for children³.

It is also noteworthy that a child protection policy for the Nauru RPC was not developed until May 2014⁴ and that the Code of Conduct that Commonwealth contracted employees were required to sign prior to this date did not include information regarding child protection reporting

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procedures, or practices⁵. It is also noteworthy that a *verbal* policy regarding appropriate touch/boundaries between service providers and children was only communicated after January 2014 as a result of escalating concerns of inappropriate boundaries that were observed between Commonwealth contracted employees, children and young people.

The Royal Commission into Institutional Responses to Child Sexual Abuse has also highlighted in their interim report the importance of clear policies, training and oversight to decrease the risk of child abuse in institutional settings. It has also stated that the following characteristics *heighten* the risk of child sexual abuse in institutional settings:

- Lack of independent bodies to investigate allegations
- Lack of independent oversight of the institution
- Institutions that operate in physically isolated places
- Significant power imbalances between employees and those in their care
- Policies and practices that prevent children from coming into contact with other services or the community

Case Example 1

On 8 August 2014, I filed an incident report⁶ regarding my brief interaction with a Commonwealth contracted employee who chose to bring a weapon to the detention centre. This employee was openly playing with a knife within the detention centre facility which had a blade of approximately 18-24 cm. This man informed me that he was bringing this knife for “self-defence”. It is noteworthy that although this employee was openly fingering this large knife in the plain view of several other Commonwealth contracted employees in the detention centre; none of them expressed any concern or attempted to report this incident, despite that he was within the Nauru detention facility (RPC 1) where he could come in close proximity to child and adult asylum seekers.

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Furthermore, during this brief interaction, this employee made several comments about killing and eating cats and dogs, and appeared mentally compromised. It was disturbing to me that a Commonwealth contracted employee who appeared so mentally impaired could pass employment and interview checks with a Commonwealth contractor (Transfield Services). It made me question the appropriateness of screening procedures used to hire employees who are working in close proximity to vulnerable children and adults.

[Site Visit from the Physical and Mental Health Subcommittee of the Joint Advisory Committee for Nauru Regional Processing Arrangements](#)

On 16-19 February 2014, the Physical and Mental Health Subcommittee of the Joint Advisory Committee for Nauru Regional Processing Arrangements conducted a site visit on Nauru in order to provide “assessment, commentary and recommendations on issues affecting the physical and mental health of people in held detention on Nauru”⁷. In their report, the committee documented that there was a “significant and ongoing risk” of the physical and sexual abuse of children. It also reported that asylum seekers were held in crowded conditions without “normal social structure of meaningful activities”. Furthermore, the committee concluded that there was “a lack of clarity” among Commonwealth contractors regarding the processes for managing and investigating child protection issues⁸. The report further noted that no Commonwealth contractor had a child protection policy in place⁹ as of 19 February, 2014 more than 6 months after children had been detained in Nauru. In February 2014, at the time of the visit, I received a verbal brief from the SCA Child Protection and Support Manager that I needed to be “diplomatic” if the committee were to speak with me. I did not speak with the committee. However, based on my reading of the committee’s report; I find it disappointing and of concern that the cases of substantiated and alleged

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sexual assault that I have identified in this submission and in the Moss Review were not picked up by this committee. As per case examples , 3, 4, 5, and 11 it is important to highlight that incidents of alleged child sexual assault were occurring simultaneous to this committee's site visit.

Case Example 2

In approximately August 2014, I was informed by an SCA manager¹⁰ that an SCA employee was recently terminated due to negative results of one of his employment checks (i.e. either his criminal records check or his working with children check). It is of note that he had been working in the Nauru Detention facility for at least several weeks with access to sensitive data on asylum seekers, including of children. Of further concern is that prior to his arrival at SCA, he was previously employed by another Commonwealth contractor at the Nauru detention facility and would have had ongoing contact with children and other asylum seekers in his role with DIBP¹¹. It is important to note that even employees whose positions are administrative and who therefore spend the majority of time in the administration offices at OPC1 still have easy access to children. Children attended school at OPC1 and played around the school building only loosely supervised on a daily basis. Commonwealth contracted employees were not restricted from spending time in this area as the staff gym, meeting rooms, and other offices were located in the same building as the school. Furthermore, children were often located directly outside the employee administrative offices only loosely supervised while they waited for legal or medical appointments.

Lack of Authority to Protect Children from Harm or to Prevent Further Harm to Children

During my employment in Nauru, I was struck by the lack of appropriate child protection policies, procedures, or training that had been established when I arrived in November 2013 despite

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the detainment of children in the facility since August 2013. Although SCA was contracted by the Commonwealth to provide child protection services to children on Nauru, they were not given authority by DIBP to remove children from harm, to prevent additional incidents of harm, or to act to protect the best interests of children. SCA Child Protection and Support workers (CSPW's) could only make recommendations and report child protection concerns to SCA management and DIBP. In general, these concerns and recommendations did not appear to be acted upon by DIBP. In the rare circumstance that an individual was medically evacuated, it was after serious harm had already occurred. It appears that workplace culture prevented DIBP employees from acting to protect children and adult asylum seekers in the Nauru RPC from harm. As a result of the lack of timely response to children in unsafe situations, children experienced additional incidents of abuse and were exposed to multiple incidents of violence.

Case Example 3

On my first deployment to Nauru, an adolescent male, "Danny" was sexually assaulted and then verbally mocked by a Commonwealth contractor on 16 November 2013¹². After his sexual assault, this boy demonstrated a significant deterioration in his mental health and functioning. He was placed on the SCA list for "vulnerable minors". The deterioration in his mental health and the mental health of other family members was discussed weekly by Commonwealth contractors and this information was routinely forwarded to DIBP¹³. The assigned Child Protection and Support Worker informed the Child Protection and Support team that the child and family were fearful of retaliation for reporting the assault. There was an attempted physical assault on the child's brother by another Commonwealth contractor later that week. It is unknown whether this was in retaliation or "just" another episode of violence against children.

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Subsequently, this child and his family were subjected to multiple death threats and bullying from some adult asylum seekers, further contributing to severe mental distress and fear of all family members. In fact, two of the individuals in this family took turns staying awake at night to keep watch over other family members due to extreme fears for their safety. Danny was also subjected to another incident of assault by another Commonwealth contracted employee. Please see the confidential submission that describes this additional abuse. DIBP did not remove this child from the detention centre where his family was experiencing severe mental distress as a result of multiple assaults, threats, bullying, and intimidation.

I have included screen shots of emails that were sent to DIBP on 19 November 2013 regarding the sexual assault from the SCA Operations Manager and of DIBP's email reply. This email discussed the SCA child protection and support worker's request for her or another SCA employee to speak with the Nauruan police to ascertain the process that would be followed if the child victim chose to make a formal criminal complaint to the Nauru Police department regarding his sexual assault. The SCA Operations Manager wrote the following to Commonwealth contractor Wilson's Security Liaison Officer and DIBP:

"I have told CP they are NOT to contact the police and that any such action should be discussed with you first. The family have not asked for this to happen but it is thought that if they understand the process they may be more comfortable about taking such action or better prepare them if such action is taken. What are your thoughts?"

These emails demonstrate that DIBP was aware of this substantiated sexual assault no later than 19 November 2013, almost one year prior to when the government claimed they first became aware of allegations of sexual assault on Nauru.¹⁴

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Danny's mother wrote a letter to Scott Morrison regarding the sexual assault of her son while on Nauru. The Child Protection and Support Worker had the letter translated and asked if SCA could forward it to DIBP on behalf of Danny's mother. However, Commonwealth contracted employees SCA Child Protection and Support Manager and SCA Operation's Manager stated that the formal channels established between DIBP and Save the Children Australia could not be used to allow the mother of the child who had been sexually assaulted to send a letter to Immigration Minister Scott Morrison. The Child Protection and Support Worker was told to inform the family that they could provide her with an envelope and stamps, but she needed to mail the letter herself from the Nauru detention centre. It is also important to note that according to Danny's mother she had previously attempted to provide Minister Morrison with a letter that she had written regarding their experience on Nauru (prior to his sexual assault) when Minister Morrison visited Nauru but he refused to accept it.

Case Example 4

"Tiana" is a 4 year old girl who began exhibiting behaviours consistent with a child who had been sexually assaulted. Tiana also experienced a serious incident of substantiated physical abuse from her caregivers and there were ongoing concerns related to inadequate supervision of Tiana. Furthermore, concerns regarding the inappropriate boundaries observed in relation to touch/physical affection that she was receiving from Commonwealth contracted staff was noted in a multi-Commonwealth contractor meeting as early as January 2014. The DIBP detention centre manager¹⁵ was present at this meeting¹⁶. Tiana also exhibited progressively alarming sexualised behaviours that were consistent with indicators of sexual abuse which included:

- Sexualised play with dolls
- Sexualised dancing inappropriate for her developmental level

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- Often found wandering outside her tent with only her underwear
- An incident report was filed alleging that she entered the tent of another asylum seeker, pulled down her underwear and tried to get adults to insert their finger into her anus¹⁷

Taken together, child protection workers assessed Tiana to be at high risk of ongoing sexual abuse while she remained in the detention environment. Concerns regarding Tiana's vulnerability to ongoing abuse, inadequate supervision and mental health concerns were discussed and noted in weekly Vulnerable Minor Meetings and multi-Commonwealth contractor meetings which DIBP attended over the course of months¹⁸. The minutes of these meetings are forwarded to DIBP in Canberra on a weekly basis.

Despite the seriousness of the sexualised behaviours and risks that were present for this child, DIBP did not remove her from the detention environment. When I left Nauru in August 2014, Tiana remained in the same situation in detention in Nauru.

Case Example 5

"Mia" is an eight year old girl who made allegations that she was sexually assaulted on more than one occasion in the Nauru detention centre, but was unwilling to disclose who the perpetrators were¹⁹. In addition to this, Mia was required to stay in Nauru with a substitute caregiver who had serious mental health difficulties which resulted in incidents of physical and verbal abuse and the emotional neglect of Mia. Mia's caregiver spoke with Mia about her desire to kill herself, harmed herself on multiple occasions, and subsequently tried to commit suicide²⁰. Mia was also diagnosed with depression and post-traumatic stress disorder by IHMS. Shortly after the disclosure of alleged sexual assault, Mia's Child Protection and Support Worker made a request to DIBP to allow Mia

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to skype her father in Australia on Mia's birthday as recommended by her treating

psychiatrist. The DIBP Detention Manager stated the following in an email response²¹:

"My first response was to say no, as it would set a crazy precedent. But given:

- Further extended contact with her father is supported by a clinician*
- [redacted name] history at the OPC*
- Her previous SME history*
- Recently raised as a client of concern in Preventative (CBM)*
- Ongoing concerns from IHMS mental health*
- Current request by her father to visit/stay in OPC3*
- DSP reports of concern for [redacted name]*

Happy for you to facilitate as a one off on above grounds. Birthday is "coincidental" to this request as this would set an unrealistic precedent, however a nice coincidence for [redacted name]."

Mia's mental health deteriorated to the point that she wanted to take her own life²².

Although the alleged sexual assault allegations were reported to DIBP in January 2014, Mia remained in the Nauru detention facility for more than 7 months. It is important to note that Mia has a parent living in the Australian community who is willing and able to care for her. Mia remained separated from her only parent living in the place where she was allegedly sexually assaulted with a caregiver who was emotionally neglectful and abusive to her. Even after Mia began wanting to take her own life, DIBP did not medically evacuate her. She was finally medically evacuated after her

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caregiver attempted suicide. It is my understanding that she remains in an Australian detention facility with the same caregiver, separated from her parent who lives in the Australian community.

Case example 6

Timmy is a 2 year old child who experienced multiple incidents of physical abuse, witnessed an episode of domestic violence, and has been left unsupervised in the Nauru detention facility by his caregivers on multiple occasions. I supervised the caseworker who was providing services to this family and therefore I am well-acquainted with their circumstances. An incident report²³ was filed on 19 June 2014 after Timmy's mother dragged him across the floor, picked him up by the elbow, dropped him on the ground from the height of her shoulder, kicked him in the forehead, slapped him four times, and hit him twice in the back in front of Commonwealth contracted employees, asylum seekers, and other children. Despite intensive case management services, this mother's mental health was so poor that she later threatened to kill herself and her two children. The child protection and support worker assessed the risk posed to this child as serious however DIBP did not remove him from detention. Instead, they directed a Commonwealth contractor (SCA) to develop a "safety plan" for this child as he would be required to remain in the care of his mother.

Timmy's situation highlighted the lack of appropriate child protection policies and procedures that existed as late as August 2014, one year after children were detained in the facility. SCA Child Protection and Support Manager²⁴ confirmed with me that no Commonwealth contractor has the ability to remove this child from his mother's care even if she was assessed to be at serious risk of harming her child. There were no foster care arrangements on the island of Nauru, or legislation that would allow him to be removed. She further informed me that the most that we could do is strongly suggest to the mother that she stop dropping, kicking, slapping, and threatening

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to kill her child, request her to sign a voluntary plan to stop this behaviour²⁵, and to provide her with “positive parenting” strategies. She also reiterated that only DIBP could remove this child from detention and that they were unwilling to do so.

A safety plan was developed after the first witnessed assault. While the child was under this “safety plan”, this mother threatened to kill herself and her children. She was then placed on “high watch” where she was continually observed by two Commonwealth contracted employees from Wilson’s Security. On 1 August 2014 at 12:35 PM, the minutes of a meeting with DIBP and other Commonwealth contractors to discuss vulnerable asylum seekers noted that if Timmy’s mother “escalates” again, the children should be “removed”²⁶. It should be noted that on 1 August 2014 at 2:30 PM, despite having a “safety plan” and being on “high watch”, an incident report²⁷ was filed stating that Timmy’s mother hit him again in the presence of an SCA child protection worker. During a meeting, Timmy began crying, walked away from his mother, and tripped on some rocks. After falling and as he lay on the rocks crying, Timmy’s mother hit him in the back. This child suffered significant distress and further abuse from his mother despite the presence of this safety plan. My understanding of Australian child protection requirements is that a voluntary parental agreement after multiple episodes of abuse and a threat to kill a 2 year old child would be considered an inadequate response to child safety concerns.

Subsequently, I wrote an email to the SCA Child Protection and Support Manager and the other senior caseworkers reiterating my concerns regarding the serious risks posed to children without SCA, a Commonwealth contractor having the authority to remove children from danger. I stressed the need to develop a policy in collaboration with Wilson’s Security on the removal of children in situations where their safety was threatened²⁸. I never received a response to this email.

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It is also important to note that despite an agreement for Timmy to be removed from his mother's care should his mother "escalate", this never occurred despite his mother physically abusing him again within two hours of that meeting. It is my understanding that this child still remains in the Nauru detention facility in the care of his mother.

Sexual Exploitation and Sexual Harassment of Women and Children

Since my first deployment in Nauru (November 2013) female asylum seekers have informed my colleagues and I that they feel unsafe in the detention facility due to sexual harassment. This was information that I heard spoken about routinely in internal SCA meetings as well as in meetings with other Commonwealth contractors since I arrived in November 2013. DIBP was present at several of these meetings and therefore aware of these concerns and allegations at least from that time forward.

Sexual Harassment of Women

Case Example 7

In December 2013, some men were overheard making plans to sexually assault a young adult female. I have enclosed an email²⁹ sent by the Commonwealth contracted Security Manager for the Nauru RPC describing the risks posed to this female. Management personnel of Commonwealth contractors (The Salvation Army, SCA, and Transfield), as well as _____ were cc'd in this email. DIBP required this young woman to remain in the detention facility despite the serious risks to her safety. It is important to highlight that this email regarding the threatened sexual assault of a female asylum seeker was sent to DIBP in Nauru and Canberra 10 months before the Moss Review was commissioned.

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Case Example 8

On 23 November 2013, I completed an incident report noting that a single mother approached me in distress stating that she felt unsafe in her accommodation³⁰. She stated that some men in the detention facility were approaching her tent at night and expecting sexual favours as a result of any assistance that they provided to her young son during the day. A Commonwealth contracted employee from Wilson's Security and I noted at this time that her accommodation was extremely close to the "single males" accommodation and that there was no gate separating them from the family detention area. This mother declined to identify the alleged perpetrators out of fear.

Case Example 9

In approximately April 2014, a single mother informed me that she felt unsafe and was sexually harassed by a particular group of men in the detention facility. She requested to change tents in order to move away from the particular men in the camp that were harassing her. I completed an incident report on this situation. The SCA Child Protection and Support Manager³¹ informed me that this woman could not be immediately moved to a different tent accommodation. She stated that this was because DIBP had to approve all accommodation changes and that they would not approve such a request unless there were a series of incident reports documenting harassment. It is of concern that a woman is required to experience multiple episodes of sexual harassment before she can be moved to a safer location. It is my understanding that this response to sexual harassment would be considered unacceptable under Australian sexual harassment laws.

Suspicion of Grooming of Children for Sexual Abuse

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Grooming for child sexual abuse is frequently employed by perpetrators of child sexual assault. It includes establishing a special relationship of trust with the child so that this trust can then be used to sexually assault or exploit the child. Some general indicators of grooming include giving gifts or candy to a child, inappropriate physical boundaries between an adult and child and singling out a child for special favours or attention. From the beginning of my employment in November 2013, SCA's Child Protection and Support team were having conversations regarding suspected grooming activities between Commonwealth contracted employees and children. These concerns were raised in meetings with other Commonwealth contractors and DIBP. In the detention centre, CSPW staff noted the following behaviours between Commonwealth contracted employees and children:

- Giving of toys, clothing, lollies, and other gifts to particular children
- Inappropriate physical boundaries between Commonwealth contracted employees and children
- Granting of special favours and privileges to particular children or families
- Children knowing and using sexually explicit words in Nauruan

Unfortunately, it was difficult to distinguish between Commonwealth contracted employees who were providing special gifts, privileges and candy out of a desire to improve the lives of children in the detention facility and those who may have been grooming children for sexual abuse.

For this reason, in approximately February 2014, the SCA Child Protection and Support Manager asked for verbal directives to be given to all Commonwealth contractors that specifically prohibited Commonwealth contracted employees from singling out particular children for gifts or favours, or for engaging in anything other than "hand to hand" touching. However, despite these efforts, SCA child protection workers continued to note that some children were singled out for gifts and candy by Commonwealth contracted employees and the continued existence of inappropriate physical boundaries between some Commonwealth contracted employees and children. In

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retrospect, given the number of alleged assaults on children that have been documented, it appears the early concerns that were noted regarding suspected grooming activities were valid.

Sexual Exploitation of Children

Case Example 10

On 7 February 2014³², an incident report was filed alleging the following: An 8 year old boy was sexually assaulted by two male asylum seekers and this assault was witnessed by a Commonwealth contracted employee. The employee yelled at the men in question to stop after he witnessed the assault. It is of concern, however, that there was no further intervention made to separate the men from this boy or other children at the time of the sexual assault. The employee from Wilsons also noted that the Commonwealth contracted SCA child protection worker who was initially informed of this appeared to be “casual” in her approach to this incident. The child’s statements further noted that he witnessed the same man pull down the underwear of a younger boy and touch his penis. It was further reported in a memo to the Public Prosecutor that although the incidents were witnessed and the perpetrators identified, one of the factors that kept this crime from prosecution was the lack of existence of written procedures to manage these incidents.³³ It is my understanding that although one assault was witnessed by a Commonwealth contracted employee, at least one of the men who was seen allegedly assaulting the boy was returned to reside in OPC3, the family detention facility, after the public prosecutor declined to prosecute this case. It is unknown if the second man who was also witnessed to allegedly assault the boy was removed from the family detention facility or if he continues to reside there.

Case Example 11

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In approximately May 2014, I was approached by an SCA teacher who informed me that a young girl was being sexually harassed by a Commonwealth contracted employee but that she was too fearful to make a formal report regarding this situation. I was later informed that the situation was referred to her child protection and support worker for follow up. I am not aware of the outcome.

Case Example 12

In approximately May 2014, an SCA teacher reported that a 13 year old girl was afraid to walk around the detention facility due to sexual harassment that she received from a group of adult male asylum seekers as well as Commonwealth contracted employees. This matter was referred to her Child Protection and Support worker.

Case Example 13

On 22 April 2014, an incident report³⁴ was filed that alleged a number of Commonwealth contracted security guards were routinely sexually harassing young girls in the camp, most notably near the children's playground at night-time, and had recently invited them to a "sexy party". The two girls that reported they were routinely harassed were aged 16 and 17 years old.

Case Example 14

In July 2014, an incident report was filed by a Commonwealth contracted employee from Wilsons Security who witnessed a five year old boy crawl under a table, put a finger to his mouth stating "shhhh" and then state "no" when two adult male asylum seekers approached him. One of the men moved his index finger in and out of his mouth several times and then pointed to the boy. As the men approached the boy, he withdrew farther and farther under the table away from them, and stated "no". One of the men then approached the table and spoke with the boy. At this point,

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the boy stated “no” and began to throw rocks at the man. The boy would not provide any further information to the Wilson’s employee. It is of concern that the Commonwealth contracted Wilson’s employee who witnessed this episode did not obtain the identities of the two men³⁵.

Case Example 15

I do not have direct knowledge of this situation, however, given the gravity of what is alleged I believe it should be brought to the Committee’s attention as it speaks directly to the sexual assault of children and what appears to be an inappropriate response. In April 2015, I was informed by a former SCA employee³⁶ that a male asylum seeker in the detention facility had sexually assaulted several young girls. It is alleged that he inserted his finger in their vaginas. The Commonwealth contracted SCA former employee stated that although the man was isolated in an area of the facility reserved for children and adults with special medical needs for a period of weeks, he was not interviewed regarding these assault allegations. This man is also the father of a young child. It is unknown the type of contact (if any) that this man has with his young child or if other asylum seekers and children are present in this area where he is required to reside.

When I was employed on Nauru, this area had a number of families with children that were under “observation” by Commonwealth contracted employees (Wilson’s Security), due to their special medical or mental health needs. It is of concern to me that it is possible that these particularly vulnerable children may be accommodated close to an alleged child sex offender. It is also worth noting that a child previously placed under observation was still assaulted while he was under “observation” (See Case Example 6). The children that this man allegedly sexually assaulted remain in the detention facility. In Australia, it would be considered inappropriate to require children who have experienced sexual assault to remain in the place where they were assaulted and in proximity to the alleged offender (even if he is in a separate area). Furthermore, requiring

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children to remain in detention delays their ability to recover from this additional trauma as the detention facility serves as a continual reminder to the trauma that they experienced.

It is important to note that if this man is granted refugee status and placed in the Nauruan community, he will have ongoing access to Nauruan and refugee children. It is of concern that Nauru may not have the appropriate child protection laws to enable a full and appropriate investigation of the matter and the ability to bring him to justice if he was determined to have sexually assaulted children. Furthermore, unlike Australia, Nauru does not have any sex offender registration laws to limit his ability to frequent places where there are many children. Furthermore, Nauru is such a small island that it would be impossible to prevent him coming into frequent contact with children.

Case Example 16

On 30 December 2013, an incident report³⁷ was filed alleging the following: An asylum seeker reported that he saw a 9 year old boy hiding half naked with no underwear behind a bin outside and was worried that he may have been abused when at the same time, he saw an adult male in the single woman's area close to where this boy was. When Commonwealth contracted Wilson's security guards approached the area, the witness reported that the man jumped over the fence.

Case example 17

On 30 April 2014, an incident report was filed³⁸ which alleged the following: Approximately 10 days prior, two adult female asylum seekers observed "several older children having sex from behind with several younger children". This information was reported to Commonwealth contracted employees at Wilson's Security at the time but the information was not forwarded to SCA nor

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incident reported by Commonwealth contractor Wilson's Security. It was not until the story was repeated 10 days later to an SCA child protection and support worker that the allegations were reported. The delay in reporting compromised the child protection investigation into this matter.

Case Example 18

In April 2015, I was informed by an SCA child protection and support worker³⁹ that there continue to be reports of a number of alleged assaults in the Nauru RPC in the Area 1 accommodation near the toilets.

Child Protection Investigations Regarding Commonwealth Contracted Employees

Allegations of Commonwealth contracted employees assaulting children were managed by Commonwealth contractor Wilson's Security. This appeared to be a conflict of interest as it allowed employees of Wilsons Security to conduct investigations of other employees in the same company. Furthermore, Commonwealth contracted Wilson's Security employees were not professionally qualified or trained to interview alleged child assault victims. These investigations were not always conducted in a timely manner.

Case Example 19

On 17 January 2014, an incident report⁴⁰ was filed alleging the following: "Robby", a 10 year old special needs child became upset and did not exit the school bus immediately at the end of the school day. Another employee witnessed a Commonwealth contracted employee attempt to forcibly drag Robby out of his seat and call him "a little shit". Robby was not interviewed regarding these allegations by Commonwealth Contractor Wilsons Security until 9 February 2014. I was

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present during his interview. I expressed my concerns in writing to SCA management regarding the Commonwealth contracted interviewer's lack of skill in interviewing a child after an alleged assault⁴¹.

I never received a response.

Physical Abuse of Children

Case Example 20

On 5 April 2014, a "Letter of Concern"⁴² was written by an SCA Child Protection and Support Worker on behalf of a number of Commonwealth contracted SCA employees regarding the mistreatment and abuse of asylum seeker children by Commonwealth contracted employees from Wilson's Security. It detailed a number of incidents of abuse. I am unaware of what response (if any) resulted after these concerns were expressed.

Case Example 21

On 1 May 2014, an incident report⁴³ was filed alleging the following: Four adolescent asylum seekers were attending school in the Nauruan community. They arrived late for class and apologised to the teacher. The local community teacher stated "we will treat you the same as Nauruan children" and then proceeded to beat them with a wooden ruler around the shoulders. Two of the children alleged that they were beaten hard enough to leave a mark and expressed that they did not feel safe to return to school.

Case Example 22

In approximately July 2014, I was advised by an SCA teacher that a local community teacher in Nauru stated to an SCA employee "I had to beat them to get them to do anything" in reference to asylum seeker children attending her class for that day. This information was also confirmed to me

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by the SCA Education Manager⁴⁴. The SCA Education Manager also informed me that incident reports, in general, were not filed on incidents that occurred in the Nauruan school system because it was not part of the detention facility.

Case Example 23

On 6 March 2014, an incident report was filed⁴⁵ that alleged a Commonwealth contracted employee struck a special needs 10 year old child across the face.

Case Example 24

On 27 March 2014, an incident report⁴⁶ was filed by two Commonwealth contracted SCA employees who witnessed another Commonwealth contracted employee from Wilsons Security chase a 4 year old girl and hit her in the back of the head. The incident report further stated that the “blow was of such force that it lifted her off her feet”. She then fell to the ground with enough force to injure her elbow and cause it to bleed. When the SCA staff asked for the Commonwealth contracted employee’s name, he stated “f ... off”.

Systemic Abuse, Humiliation and Degradation

Asylum seekers had very little control over their daily lives. The detention facility was filthy and full of hazards. Asylum seekers did not have their basic material needs met including adequate or appropriate undergarments, footwear, clothing, beds, or sanitation products. They were reliant on Commonwealth contracted employees who had the power to wield control over minute details of their daily lives. This created a significant power imbalance between Commonwealth contracted employees and asylum seekers. We know from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse that severe power imbalances encourage abuse in institutional

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settings. This was also the case in Nauru where asylum seekers were also subjected to humiliation and often treated with a lack of human dignity. As one asylum seeker father informed me, "If I make a complaint about what happened to me, the next time I need to get a bucket of water to wash my little girl who needs special care, the security guard won't let me have it".

Case Example 25

On approximately 9 March 2014, an adolescent boy "Sam" had his arm in a cast and therefore had to shower with one hand. On this particular day, Nauru water restrictions required showers to be 2 minutes or less. Commonwealth contracted employees turned off the water after the allotted time which left Sam with shampoo in his hair due to the difficulties of washing his hair with one hand. The cumulative stress of his daily hardships resulted in Sam sitting outside the shower sobbing with shampoo all over his hair. An adult asylum seeker saw his distress and brought him a bucket of water to rinse the shampoo out of his hair. He was unable to do so completely with one hand so he went back in the shower to complete rinsing his hair. Upon realising that he had re-entered the shower, five male Commonwealth contracted employees suddenly converged on Sam inside his shower cubicle while he was naked and in the shower to prevent him from using the water. Sam, as a 15 year old boy was extremely distressed and frightened to have 5 adult males suddenly enter his shower cubicle while he was naked. This information was reported to me on 10 March 2014 by his SCA Senior Child Protection and Support Worker⁴⁷ and another Commonwealth contracted employee from Wilsons Security who was aware of the situation. I urged the Senior Child Protection and Support Worker to file an incident report on the matter, it is not known to me if he did.

Case Example 26

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On 5 June 2014 an incident report⁴⁸ was filed alleging the following: At night-time, a mother was walking with her three year old daughter “Ana” to the dining area. On the way, Ana needed to use the toilet so they approached security and requested to use the toilets in the closest accommodation area. The Commonwealth contracted security officer refused to let Ana use the toilet because she did not live in that area. The mother informed the security officer that her 3 year old would end up going to the toilet on the spot. The Commonwealth contracted security officer indicated that the girl should go to the toilet on the ground right where they were standing, in public. The mother pulled down the daughter’s underwear and helped her to squat on the ground to go to the toilet. The Commonwealth contracted security officer then shone her flash light on Ana’s private parts. This embarrassed the little girl and she was unable to urinate. The mother and another friend pleaded with the Commonwealth contracted security officer again to let Ana use the toilet but she refused. Later when Ana’s mother went to Commonwealth contractor Wilson’s Security to speak with the “boss” regarding what occurred, he refused to provide her with the name of the Commonwealth contracted security officer involved.

Additional Factors that Contribute to Distress and Under-reporting

Fear of Negative Impacts on Asylum Claims

Asylum seekers in the Nauru detention camp routinely communicated to me their reluctance to report wrong-doing by Commonwealth contracted employees and other asylum seekers. They expressed fear for a number of reasons. The primary issue that was on the mind of the families I saw was the processing of their asylum claim. They expressed fear that if they complained about Commonwealth contracted employees or about DIBP in particular, it would negatively affect their ability to receive asylum, or delay the processing of their claim forcing them to

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remain in detention for longer. At times, this view was reinforced by some Commonwealth contracted employees.

In approximately July 2014, I was apprised by the SCA Child Protection and Support Manager⁴⁹ that Commonwealth contracted employees from Wilson's Security had informed several asylum seeker families that if they did not behave appropriately, it could negatively impact their asylum claim. The SCA manager was referring to a situation where there was a lot of conflict between families with babies and young children living in extremely close quarters. She informed me that these Commonwealth contracted employees made these statements to "motivate" them to behave courteously and to "remind them the point of why they came here". Although I communicated my belief that threats of this nature would be highly detrimental to people's mental health, it was made clear to me at this time that I or SCA could not change how Commonwealth contracted employees from Wilsons Security communicated with asylum seekers and should not try to do so.

Concerns Regarding Medical Care and Separation from Family Members

Asylum seekers that I spoke with frequently expressed serious concerns about the lack of access to medical care for themselves and their children and its poor quality. On occasion, asylum seekers would be medically evacuated for treatment to Australia because the appropriate facilities or medical personnel were not available on Nauru. During these times, DIBP would routinely separate children from their parents contributing to the deterioration in each person's mental health. Their increased vulnerability also contributed to a reluctance to report wrong-doing as they feared retaliation in the form of prolonged separation from their family member.

Case Example 27

A father was medically evacuated to Australia and separated from his three children and his

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wife for more than 8 months. This family repeatedly wrote letters and requests to speak with DIBP regarding their separation from their father and desire to be with him while he was undergoing medical treatment. However, DIBP refused to speak with them. On 29 July 2014 I was instructed by DIBP and Transfield management to “pacify” their requests and to tell the family to stop writing requests to be reunified with their father or to speak with DIBP. I chose not to do so as I believed it was unethical for DIBP and Commonwealth contracted employees to instruct a family not to make particular requests. However, the mental health of all family members declined due to the separation and each member’s concern over their father/husband’s failing health. The family spiralled into an intense state of despondency. The mother stated to me “I know what it is like to have the government set its enmity on you. This happened to us in our country and this is happening to us in Australia. The Australian government has set its enmity on us and if we complain, they will refuse us asylum or for my kids to see their father before he dies.” Their state of despondency was so intense that the mother rarely left her tent and would lay on a stretcher bed crying throughout the day and the children stopped attending school.

Case Example 28

On 25 June 2014 an incident report⁵⁰ was filed alleging the following: At night-time a mother approached security requesting urgent medical assistance for her baby with severe diarrhea. Commonwealth contracted employees from Wilson’s Security informed her that she would be unable to obtain medical assistance and would need to wait until the next day. The mother became so distressed due to the lack of medical assistance for her baby that she scratched her face and arms so intensely that she left marks which were observed by the Commonwealth contracted SCA child protection and support worker the following day.

Inadequate Responses to Asylum Seeker Concerns

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The families that I worked with often expressed the futility of reporting any concerns because “nothing changes. All you do is write it down”.

Case Example 29

Asylum seeker and SCA workers have made several complaints regarding the lack of appropriate hygiene and sanitation in the camp. Concerns included filthy toilets, lack of sanitizers/soap, overflowing trashcans and the presence of cockroaches, rats and other vermin in the accommodation tents. In addition, multiple complaints about inadequate lighting at night time, particularly near showers and toilets have been reported however these concerns were not rectified. The SCA Workplace Health and Safety Managers and SCA community health nurses conducted risk assessments for the area where 0-4 year olds were housed⁵¹. They reported “serious concerns about the safety of the infrastructure” which included the following:

- Risks of electrocution due to water dripping down on power cables
- No fire systems in place such as sprinklers/lighted emergency exit signs
- No emergency exits in the accommodations to facilitate the evacuation of babies , young children, and parents
- No external lighting
- High risks of dengue fever due to water pooling
- Serious mould under floor boards and in other areas

Despite these documented risks by Commonwealth contracted SCA Workplace Health and Safety personnel; DIBP required families with babies and young children to live in this area before it was assessed as safe. It is my understanding that when I finished my last deployment to Nauru in August 2014, these concerns had still not been rectified.

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Asylum seekers were aware of the many safety risks that were present in their accommodation. Several families informed me that DIBP's continual disregard for the infrastructure risks present in the facilities where they were residing contributed to their belief that it was meaningless to report assaults/harassment and intimidation to a Commonwealth department that clearly did not value their safety.

Retaliation for Reporting

Asylum seekers had concerns over the lack of privacy and confidentiality in their dealings with Commonwealth contracted employees and that all information that they disclosed could be accessed by DIBP or any employee. They were also concerned that any reporting against other asylum seekers or Commonwealth contracted employees in the detention facility would place them in increased danger. As they were informed repeatedly that they would not leave the detention environment or Nauru, they were acutely aware that they would not be able to avoid the people who had assaulted or intimidated them. They were also aware that even though a particular Commonwealth contracted employee may be dismissed, this employee would have friends/relatives working in the detention centre who could exact retaliation for their reporting.

Case Example 30

On approximately 19 March 2014, a Commonwealth contracted bus-driver attempted to assault a child on the school-bus with a cricket bat in the presence of other children⁵². Another Senior Child Protection and Support Worker and I were called to speak with several of the children and families in the detention centre immediately after this incident occurred. At this time, several parents communicated to me "we don't want problems with Nauruans" or "we don't want problems" and declined to speak further about the incident. Several children also informed me that

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the bus-driver appeared to target this particular young person. This young person had previously reported wrong-doing that he had witnessed by Commonwealth contracted employees.

Inability to protect family members and children

The majority of asylum seekers who reside in the detention facility do not engage in assaultive or intimidating behaviour towards others, and in fact are victims of such behaviour. However, there is a minority of asylum seekers that engage in intimidating and harassing behaviour towards others and who are alleged to have assaulted children. Although a minority of such individuals can be found in all Australian communities, in the detention facilities asylum seekers have no ability to avoid such individuals and therefore the ability to adequately protect themselves or their family members from abuse. This has contributed to the severe mental distress that parents experience as a result of their inability to remove their children from people who they believe to be unsafe. Furthermore, the knowledge that they will be settled as refugees with these same people and therefore will not be able to avoid them or Commonwealth contracted local employees who are unsafe contributes to the under-reporting of abuse.

Privacy and Confidentiality

Asylum seeker experienced multiple data breaches while I was employed at SCA. I believe this may have contributed to a mistrust of Commonwealth contractors to keep the complaints that they filed confidential. Indeed, while I was present on the island, the systems to guard confidential information were grossly inadequate. In November 2013, SCA staff stored client information in an office at OPC1. At this time, there were no filing cabinets or lockable containers available to store sensitive child protection investigations material. Files were stacked on desks or in a cardboard box. The office was kept unlocked 24/7 and any detention facility employee could walk in and access any child protection file, including employees who were the subject of an investigation. These files were also stored on external hard drives which were not password protected or locked up at the end of

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the night. In 2014, lockable filing cabinets were obtained for client files; however, these keys were stored in an unlocked top desk drawer of the SCA Child Protection and Support Manager, allowing any employee easy access to highly sensitive information on asylum seekers. The Commonwealth contracted SCA Child Protection and Support employees raised concerns over the lack of secure storage for client records over the course of many months. At the time of my last day on Nauru in August 2014, there was still no secure “lock box” to store keys for the filing cabinets holding child protection records and in some cases, legal paperwork on their asylum claim provided by Claims Assistance Providers. It is noteworthy, however, that from January 2014 onwards, Commonwealth contracted employees were provided with lockable storage boxes to store our personal toiletries between rotations.

Case Example 31

On 30 April 2014, while I was off-island I received an email indicating that the SCA child protection external hard drive had been stolen⁵³. This hard drive was not password protected. It contained a case file on every asylum seeker in the Nauru family detention centre. This case file included details on their asylum claim, alleged assaults, child protection investigations, medical and mental health information. We were also informed that two external hard drives were stolen from the Recreation team around the same timeframe which also had sensitive information about asylum seekers.

Case Example 32

An SCA manager⁵⁴ also informed me that on one occasion, child protection case notes had been stored on a shared computer. This computer was used by asylum seekers during their

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internet time. As a result, some asylum seekers accessed the child protection case notes of other asylum seeker families in the detention facility.

Workplace Culture and Attitudes

Since the time I began employment at SCA, there has been a culture of fear among many Commonwealth-contracted employees that I interacted with. This includes fear that if employees raised concerns regarding the risks facing children and asylum seekers too frequently or voiced them too strongly, they would be terminated by DIBP. Along with this concern, many Commonwealth contracted employees believed that they were being “reported on” by other Commonwealth contracted employees for voicing concerns. I believe this created a climate of fear of regarding raising concerns about the treatment of asylum seekers in the Nauru RPC. Furthermore, due to the many serious risks that were present in the environment, certain issues related to the dignity and well-being of children and adult asylum seekers were considered “low priority”. These “lower priority” issues included adequate clothing and footwear, beds, changing out urine stained sheets for children with bedwetting problems, providing appropriate quantities of undergarments, a lack of toys for children, or addressing issues with bullying/harassment within the detention facility.

While I was employed at SCA, I expressed concern on numerous occasions that the concerns that Commonwealth contracted employees (including myself) had raised regarding the safety of children on Nauru were not being taken seriously and addressed. In approximately May 2014, I expressed my serious concern about the safety of children in the Nauru detention facility to the Child Protection and Support Manager and requested that this was communicated directly to DIBP through the SCA Melbourne office as per protocol⁵⁵. In this conversation, we spoke about a range of assaults that had occurred to children by Commonwealth contracted employees and I expressed my concern that there was more occurring in the detention facility that we were unaware of due to

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asylum seekers fear of retaliation for reporting. I never received a response to this formally expressed concern.

However, an often repeated sentiment among many Commonwealth contracted employees was “if you make a big deal out of everything, you’ll never be taken seriously”. In fact, a similar sentiment was expressed by the Commonwealth contracted SCA Adult Case Manager during her interview⁵⁶ with Phillip Moss. Furthermore, in approximately May 2014, I was also informed by the Child Protection and Support Manager that SCA’s recommendations regarding serious child protection issues were diminished if they “advocated” for too many children. Therefore, SCA had to reserve their advocacy for children with only the most extreme situations of risk that were well-documented or DIBP would not listen to them about any children. The Child Protection and Support Manager informed me that SCA was concerned about losing its ability to have a voice for any child if they were seen by DIBP as advocating for “too many”.

Conclusion

It is well-established that abuse thrives in an environment of secrecy. When asylum seekers do not feel safe to report abuse, the perpetrators are able to continue. I have spoken with many families and children in Nauru that were reluctant to report abuse or complain about unsafe or mentally distressing conditions due to the previously described factors. We know from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse that secrecy, power imbalances, fear of retaliation, lack of appropriate employee screening procedures, lack of appropriate child safe policies, processes and statutory child protection authority escalates the risk of sexual exploitation and assault, as well as other forms of abuse.

As I have emphasised throughout this submission, the government has known about the alleged sexual assault, exploitation and harassment of women and children in the Nauru RPC since at

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least November 2013. Many of these allegations were written in incident reports at the time of their alleged occurrence. Every incident report is forwarded to DIBP staff at the Nauru detention facility. These are then sent to DIBP in Canberra where they are also reviewed. In addition, several of the child protection concerns have been documented in weekly Vulnerable Minor Meetings (VMM). I was informed by SCA management that the minutes of these meetings are forwarded weekly to DIBP Canberra⁵⁷. In addition to this, several of these incidents are also discussed in daily and weekly multi-Commonwealth contractor meetings where the DIBP Detention Manager is in attendance. The minutes of these meetings are also routinely forwarded to DIBP in Canberra. I believe that the information and evidence provided in this submission demonstrate that the government's knowledge of assault allegations in the Nauru detention facility occurred well before "late 2014" as Minister Dutton has stated publicly. I would like to be called to provide verbal evidence to the committee and I would like this submission to be made public.