

# Reconceptualising child rights

## Guest author series



## Children's voices from immigration detention

by Dr Mary Tomsic

My research focuses on the lives and experiences of the children seeking refuge, as addressed in Article 22 of the United Nations Convention on the Rights of the Child, The 'Convention'. As part of this I am particularly interested in how and when the voices of children who have experienced forced migration are heard. The Convention's Article 13 articulates a right to expression which encompasses seeking, receiving and imparting information and ideas. I'm also interested in this in relation to Article 31 – in terms of how this is linked to full participation in cultural and artistic life. I'm interested in cultural sources used when researching and writing history, so see this as a right that will expand the respect for children's cultural expression.

### Relevant Articles from the United Nations Convention on the Rights of the Child

**Article 5:** Governments and parents must ensure children are equipped with the knowledge to understand their rights.

**Article 13:** Children have the right to freedom of expression and can seek, receive and impart information and ideas of all kinds.

**Article 22:** Children who enter a country as refugees should have the same rights as children born in that country.

**Article 27:** All children have the right to a standard of living adequate for their physical, mental, spiritual, moral and social development.

**Article 31:** All children have the right to rest and leisure, to engage in play and recreational activities and to participate freely in cultural life and the arts.

### Children's drawings

I have been researching drawings and artwork by these children who have been subject to Australia's immigration detention regime. I have looked at the meanings attached to these drawings when they have been published and shared publicly. We primarily use these drawings as evidence of children as innocent victims of Australia's border protection regime. I argue that in using the drawings this way, we fail to see all that children have expressed in their artwork. In my research, I suggest that we can see children expressing their understandings of forced displacement and making political demands in responses to their forced movement from their homes and their experiences in Australia's regime of administrative detention.



### Short video

Listen to Mary discussing Article 13 from the Convention and how to bring this understanding to the illustrations of children in detention.

I see this failure to engage with children's expression in a more nuanced way being due to dominant Western understandings of children as archetypal figures of innocence and beings who are entirely apolitical. I have read these children's drawings against this dominant construction and follow a developing body of scholarship where children's narratives are taken as nuanced, and not governed by constructions of innocence. In taking this approach, children's active political understandings, expression and engagement can be seen in their drawings. In fact, I argue that we are undervaluing children by not recognising their 'evolving capacity' as outlined in the Convention's Article 5.

### Viewing children's drawings differently

Drawings and artwork by children in immigration detention facilities have been collected, exhibited and shared by groups and individuals since the early 2000s. This has been mostly done with the goal of political activism and raising awareness of the detention regime on children. Children in immigration detention on Nauru in November 2015 created their own Facebook page to communicate with other children, and artwork by a child named M was published there.

The largest collection of drawings was gathered by Australian Human Rights Commission (AHRC) as part of its second major inquiry into children in immigration detention centres in 2014 which was published as the report [The Forgotten Children](#). The Commission carried out interviews and as part of this children were given drawing materials and asked 'to draw something about their life'. This can be seen as AHRC utilising the Convention's Article 12 to gain the views of children about key matters that are affecting them.

In doing this, 327 drawings were created and published online on a Flickr page. The AHRC linked the collection of drawings to a guiding principle in the Convention of the Rights of the Child that children have a right to express their own views freely on matters that affect them. As part of the AHRC inquiry, 239 written submissions were received, and 35 of these were written by children (31 in Nauru and 8 were unaccompanied children). Some of the written submissions have drawings as part of them and while they are publicly available, have not been circulated widely, possibly because writing to an inquiry is not something that fits within dominant understandings of apolitical children.

When I look at the drawings I argue that they can be read for political expression rather than just as emotional productions of victimhood to be circulated to generate sympathy or policy change. These illustrations must be taken seriously in light of article 13: The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

### Children's voices in their drawings

The three features in this collection of 327 drawings that I focus on to reveal the children's political understandings which is:

1. **a focus on people:** many of the people are crying, an emotional state which demonstrates sadness as well as demands for help and changes; it is notable that these observations are within a system that actively works to dehumanise all people and in the context of representational regimes that work to dehumanise people seeking asylum.
2. **images as representations of confinement:** the images demonstrate a clear understanding of their confinement as part of seeking asylum
3. **comparisons made between people detained and those who are not:** children are aware of the distinctions between confinement and freedom based on their conversations with people outside of detention; and making a claim against those who are free to see us, the children and families in detention.

These drawings must be seen as part of the highly political conversation about the rights of all refugees, and particularly the treatment of children in detention centres. We must use a child rights lens to strengthen the argument for freedom for these children and for a life that can meet the Convention's Article 27: States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

## Dr Mary Tomsic



Dr Mary Tomsic is a cultural historian and a Research Fellow in the Centre for Refugees, Migration, and Humanitarian Studies. She is the author of *Beyond the Silver Screen: A History of Women, Filmmaking and Film Culture in Australia 1920-1990* (Melbourne University Press, 2017). Her scholarly research has published in edited collections, including *Gender & Violence in Australia: Historical Perspectives* (Monash University Press, 2019), *Visualising Human Rights* (UWA Publishing, 2018) and *Voices in the Past: New Historical Perspectives* (Palgrave Macmillan, 2019); and in journals including *History Australia*, *The History of the Family*, *Australian Journal of Politics* and *History and History Education Review*.

Her current research project is on visual representations of child refugees and examines how histories of forced migration are presented through visual records created for, by and about children. Her research and scholarship are strongly connected to community-based activities with community arts publisher, Kids' Own Publishing.

Shared activities include researching books published by children, developing teaching materials to support the use of children's stories to teach migration history, and working with young people with a refugee background to create digital stories. She has also worked on primary school-based history projects and collaboratively hosted Wikipedia edit-a-thons.

## Further readings

Tomsic, M. (2019). Children's Art: Histories and Cultural Meanings of Creative Expression by Displaced Children in K. Moruzi et al. (eds.), *Children's Voices from the Past*, Palgrave Studies in the History of Childhood.

[https://doi.org/10.1007/978-3-030-11896-9\\_6](https://doi.org/10.1007/978-3-030-11896-9_6)



Malika - 10 ten years old in Manus Island. 2013. *This is me. Thar is sun and that one is coconut tree. It is so hot. I'm in prison. These circles are the days that I have been to Manus.* From: Drawings by children currently locked up in the Manus Island detention centre. [Greens MPs Flickr page](#).