

Project SafeCom News and Updates

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1. Child detention report to unveil harrowing findings after months of delay and sniping

Human rights chief Gillian Triggs says writing her report has been a 'life changing experience' – but has attracted heavy fire from the critics

The Guardian
Richard Ackland
Monday 9 February 2015 11.38 AEST

The president of the Human Rights Commission (HRC), Prof Gillian Triggs, says her forthcoming report on children held in immigration detention is both "scientific and credible".

Speaking at an international law conference at the University of Sydney, Triggs said preparation of the report was a "life-changing experience" for her.

She visited 11 detention centres, conducted 1,129 interviews, held five public hearings, received 239 submissions, and took evidence from nine medical experts.

Throughout her investigation she was subject to vituperative criticism from the government and its supporters in the Murdoch press.

It was even suggested that it was improper to commence the inquiry after the Coalition came into government.

Triggs said on Friday that the inquiry is part of a 10-year follow-up review of the HRC's 2004 findings on children in immigration detention. When the new review was being planned there had been limited releases of children and the average time in detention had been 1.3 years.

She said that the report will "tell the stories that moved me ... The findings are important ... Nothing should take away our humanity and the need to respond to these concerns."

The stories she heard and the evidence she received are harrowing. Lives ruined by incarceration, uncertainty and crushed hope. The public submissions can be read [here](#).

Triggs's report has been with the attorney general, George Brandis, since 11 November. He is obliged to table it within 15 parliamentary sitting days of receiving it. If Brandis is true to his form, he will grit his teeth and table it at the last possible moment on Wednesday, or more likely earlier this week when the nation's media is focused on other things.

Triggs cannot reveal the details of her findings before the report is tabled, but from evidence to the HRC and information gleaned from the Department of Immigration and Border protection's website certain conclusions can be drawn:

- Nearly a third of children in detention are diagnosed with serious mental illness, compared with 2% in the Australian community;
- Harsh, cramped conditions result in the spread of illness;
- Many children have been the victims of assaults;
- There are high levels of self-harm and suicide attempts by parents and children (highest among children);
- Indefinite detention, with no access to lawyers, exacerbates the mental illness of parents;
- There has been no access to regular education on Christmas Island for at least a year;
- there were 1,100 children in detention when the HRC started its inquiry – there are now 420.

There has also been evidence that detaining children does not stop asylum seekers or people smugglers, which raises the question – why have the children been held so long?

The president of the HRC said on Friday that attacks on her work published by News Corp were a "furphy and ... inaccurate". She said stories written by the Australian's legal affairs editor had been misleading: "You'd expect accurate reporting from the law pages of the Australian."

Last month the Australian reported Deakin University law professor Prof Mirko Bagaric's claim that Triggs was "legally flawed" in her decision recommending community detention for a West Papuan refugee, John Basikbasik, who has been held at Villawood for seven years.

This was the HRC recommendation that Tony Abbott claimed was “bizarre”.

Bagaric said Basikbasik’s long-term detention without charge or trial should not have been classified as “arbitrary”. Further, it was wrong to apply the International Covenant on Civil and Political Rights to underpin the HRC’s recommendations.

The Australian described Bagaric as “one of the nation’s leading authorities of [sic] human rights”.

Bagaric is also on record as being an advocate for the legalisation of torture. In 2005 he wrote: “The belief that torture is always wrong is, however, misguided and symptomatic of the alarmist and reflexive responses typically emanating from social commentators.”

If he is opposed to the convention against torture and other cruel, inhuman and degrading treatment or punishment, it is little wonder Bagaric is also not in favour of recognising the provisions of the International Covenant on Civil and Political Rights (ICCPR). Australia has agreed to be bound by the terms of both these international obligations. However, they are not enforceable in law unless embedded in Australian legislation.

Another recent story in the Australian reported that the government had written to the Triggs to advise her it “fundamentally disagrees” with the commission’s “expansive reading” of its own jurisdiction that “overlooks its legislative underpinnings”.

This unsourced leaked letter reportedly claims the government is particularly concerned about the commission’s “reliance on jurisprudence from other states’ domestic legal systems and other documents which are not binding on Australia”.

The article suggests that the ICCPR has no place in Australian law.

The Australian Human Rights Commission Act requires the commission to inquire into “any practice that may be insistent with or contrary” to any human rights and the ICCPR is a schedule to the Australian Human Rights Commission Act.

Section 11 of the HRC Act says quite plainly:

“... (k) on its own initiative or when requested by the minister, to report to the minister as to the action (if any) that, in the opinion of the commission, needs to be taken by Australia in order to comply with the provisions of the Covenant [on Civil and Political Rights], of the Declarations [of the rights of the child or the rights of the mentally impaired] or of any relevant international instrument.”

Triggs sees the attacks on her as an attempt to diminish the credibility of the commission’s work.

Brandis has also made public his displeasure with the forthcoming HRC report: “I am very sceptical of the establishment of an inquiry into children in [immigration] detention at a time when the recently elected Abbott government had the problem well and truly solved.”

The criticism of the commission is an echo of the attacks on Sir Ronald Wilson’s 1997 HRC report on the stolen generation.

Triggs was advised by colleagues to “play a straight bat” in the face of the spin and mullygrubbers.

Not being a cricket follower she has had to work out just what they meant.

<http://www.theguardian.com/law/2015/feb/09/gillian-triggs-report-children-in-detention-centres>

2. Children in detention exposed to danger, Human Rights Commission finds

Self-harm, hunger strikes, sexual assault: Gillian Triggs’ The Forgotten Children report finds prolonged detention ‘profoundly negative’

The Guardian
Ben Doherty
Wednesday 11 February 2015 19.30 AEST

More than 300 children committed or threatened self-harm in a 15-month period in Australian immigration detention, 30 reported sexual assault, nearly 30 went on hunger strike and more than 200 were involved in assaults, a damning report from the Australian Human Rights Commission has found.

The long-awaited inquiry into children in immigration detention report, The Forgotten Children, found detention was inherently dangerous for children, and that “prolonged detention is having profoundly negative impacts on the mental and emotional health and development of children”.

“At the time of writing this report, children and adults had been detained for over a year on average.”

There are 257 children in Australian immigration detention, including 119 on Nauru. More than 100 children, previously held on Christmas Island, have been released into the community on the mainland on bridging visas over the past fortnight.

The Forgotten Children report, by the president of the Australian Human Rights Commission, Professor Gillian Triggs, said despite “the best efforts” of immigration department staff and contractors to properly care for children, detention was damaging children’s mental health, making them physically, sometimes chronically, sick, and crueling their educations.

“It is the fact of detention, particularly the the deprivation of liberty and the high numbers of mentally unwell adults, that is causing emotional and developmental disorders amongst children,” the report said.

“Children are exposed to danger by their close confinement with adults who suffer high levels of mental illness. Thirty per cent of adults detained with children have moderate to severe mental illnesses.”

Between January 2013 and March 2014, children in immigration detention were involved in:

- 128 incidents of actual self-harm;
- 171 incidents of threatened self-harm;
- 33 reports of being sexual assaulted;
- 27 cases of voluntarily starvation or hunger strike.

Under international and Australian law, children are supposed to be detained only as a measure of “last resort”.

Australia is the only country in the world that mandatorily detains all unlawful non-citizens, including children.

Australia also holds children in indefinite detention if a parent has an adverse Australian Security Intelligence Organisation (Asio) security finding made against them.

“Some children have been detained for longer than 19 months because at least one of their parents has an adverse security assessment by Asio,” the report said. “The indefinite detention of these children raises special concerns for their physical and mental health, and their future life opportunities.”

The report raised particular concern about children on Nauru.

“Children on Nauru are suffering from extreme levels of physical, emotional, psychological and developmental distress. The commission is concerned that detention on Nauru is mandatory for children and there is no time limit on how long they will be detained.”

Triggs’ report cited evidence to the commission from the then immigration department secretary, Martin Bowles, who told an inquiry hearing the damage caused to children by detention was known to the department.

“There is a reasonably solid literature base which we’re not contesting at all which associates a length of detention with a whole range of adverse health conditions.”

In 2004 the Human Rights Commission launched *A Last Resort?*, a three-year inquiry into children in detention. In the aftermath of that report, the Howard government released all children from immigration detention.

In the current report, Triggs expressed disappointment that Australia had since regressed in its treatment of asylum seeker children.

“At the time of the previous national inquiry, the number of children in detention peaked at 842 children. In July 2013, just before the change of government, a record number of 1,992 children were in detention.”

Triggs condemned both Labor and Coalition governments for ignoring their stated commitments and legal obligations to protect children in their care.

“How had the gains that were so hard-fought at the time, and of which the Howard government were so rightly proud, disappear?”

“How did we move so far away from the explicit guarantee ... that ‘a minor shall only be detained as a measure of last resort’? How had we reached the situation where prime minister Rudd declared that any person (including children) who arrived by boat would enjoy ‘no advantage’ and never be settled in Australia?”

Triggs also said her commission was subject to “intense scrutiny and hostility” for conducting the inquiry: “The government at the time was initially dismissive of its findings.”

Immigration department statistics list 257 children in detention, including 119 on the island of Nauru.

There are also 28 unaccompanied child refugees, who have been released from detention to live in the community on Nauru.

Some children in detention over recent years have turned 18 and are no longer counted among child detention statistics, but are still detained.

More than 100 children, previously held on Christmas Island, have been released from detention in the last fortnight, part of the deal the government struck with Senate crossbenchers in return for their support for temporary protection legislation, passed in December.

ChilOut's campaign coordinator, Claire Hammerton, said the report demonstrated a "dramatic failure" by successive governments to protect children in their care.

"The report confirms so many of our worst fears about the impact of detention on children. Disproportionately high rates of severe mental illness, high rates of self-harm, young children denied access to medical treatment such as hearing aids and glasses for prolonged periods. This is nothing short of state-sanctioned abuse."

Hammerton said she was particularly concerned by children still detained on Nauru and those released to live unaccompanied in the community there.

"These children have been stripped of all hope as a result of their indefinite detention, and the findings of the Australian Human Rights Commission make it very clear that the most basic needs of these children – including access to drinking water and basic hygiene – are not being met. It is unconscionable that any government could allow children to live under these conditions, particularly when both sides of government have acknowledged that detention is not a deterrent."

The Reverend Elenie Poulos, the national director of Uniting Justice Australia, said the findings of the report were a national disgrace.

"The report describes how children are woken every day at 11pm and 5am by guards shining a torch light in their faces as they conduct headcounts. Children are being toilet trained in filthy conditions."

She said the living conditions on Christmas Island – where families were housed in shipping containers – were grossly inadequate.

"Dozens of children with physical disabilities and mental illness have received inadequate care and 100 children on Christmas Island had no education for over one year. Over 30% of children and parents interviewed described themselves as 'always sad and crying'," Poulos said.

"A family in which both parents and their child are profoundly deaf were denied hearing aids for seven months, so the parents couldn't hear the cries of their child."

Unicef Australia said mandatory and indefinite detention of children exposed them to sexual violence and abuse, as well as causing significant mental and physical illness and developmental delays.

"The findings of the Australian Human Rights Commission report are expected to confirm what is already known globally: detention is a dangerous place for children and can cause life-long harm," Unicef's Amy Lamoin said.

<http://www.theguardian.com/australia-news/2015/feb/11/children-in-detention-scathing-criticism-in-human-rights-commission-report>

3. Hundreds of children abused in detention: report

The Age
February 11, 2015 - 7:46PM
Sarah Whyte
with Rachel Browne

A royal commission should be established to examine the impact on hundreds of children of being detained for long periods in immigration detention centres, a report prepared by the Australian Human Rights Commission inquiry has recommended.

The report, *The Forgotten Children*, has also called for all children to be released from mainland detention and from the detention centre on Nauru after examining hundreds cases of assault against children, including and more than 30 incidences of sexual assault.

It was tabled late on Wednesday night - the last possible day it could be tabled - after being handed to the Abbott government on November 11.

The report interviewed 1129 children over a 15-month period from January 2013 to March 2014, spanning both the Labor and Coalition governments. It shows there were 233 recorded assaults involving children and 33 incidents of reported sexual assault.

The damning report is the largest survey of children in detention ever conducted anywhere in the world. It calls for 119 children on Nauru to be removed into the Australian community; for Christmas Island to be shut down; and for an independent guardian for unaccompanied children.

It alleges human rights violations and says children being detained indefinitely on Nauru are "suffering from extreme levels of physical, emotional, psychological and developmental distress".

The reports says that the royal commission would examine "the use of force by the Commonwealth against children in detention and allegations of sexual assault against these children".

It would also consider remedies for a "breach of the Commonwealth's duty of care to detain children".

Greens immigration spokeswoman Sarah Hanson-Young said the abuse had to end.

"No longer can we turn a blind eye to the sexual, physical and psychological abuse that these policies of indefinite detention are inflicting on children," she said.

Child protection groups have called for the immediate release of all children in detention centres, saying it is causing long-term harm.

"Australia's state-sanctioned abuse of children must end," said Uniting Church president the Reverend Professor Andrew Dutney.

"The level of mental distress and long-term harm suffered by children as a direct result of their detention is appalling. These children are losing the most important years for their growth and development and some will be scarred for life by their experiences."

According to the latest immigration figures there are 211 children being held in immigration detention centres, including 119 in the offshore processing centre on Nauru.

Professor of paediatrics at the University of Sydney Elizabeth Elliott was horrified by the conditions for children in detention on Christmas Island.

Many had physical illnesses such as skin and respiratory infections as well as serious mental health problems. She described a 12-year-old girl who refused to eat or drink or leave her cabin. "She summed up her experience by saying, 'my life here is really death'," she said.

Professor Elliott reported high rates of depression, anxiety and self-harm among children. "We were haunted by what we had seen, haunted by the level of desperation," she said.

Child and adolescent psychiatrist Nick Kowalenko said growing up in detention would have a lifelong impact on the children who may develop conditions such as post-traumatic stress syndrome in adulthood.

He said the denial of basic freedoms was unacceptable and had a "toxic influence" on children's development.

A spokesman for the Minister for Immigration said: "It's surprising that the Human Rights Commission began its review - in 2014 - when the number of children in detention was down to 1006 with the coalition government working assiduously to place those children in the community."

The Attorney-General Senator George Brandis blamed the former government for the problem of children in detention saying it had been "largely solved" by the current Abbott government.

Many of the recommendations simply reflected government's policies "and therefore offer little in the way of new insights or initiatives", Senator Brandis said.

The number of children in mainland detention centres has fallen from a peak of nearly 2000 in July 2013 to less than 200.

The Australian Human Rights Commission will front the media on Thursday at 10am.

<http://www.theage.com.au/federal-politics/political-news/hundreds-of-children-abused-in-detention-report-20150211-13b10a.html>

4. Human Rights Commission recommends royal commission into children in immigration detention

ABC News Online

By political reporters Andrew Greene and Eliza Borrello

First posted Wed 11 Feb 2015, 4:35pm

Updated Wed 11 Feb 2015, 5:26pm

A Human Rights Commission inquiry into children in immigration detention has called for a royal commission into the practice, and what can be done to help those who have suffered as a result.

The long-awaited report, which was completed late last year and released by the Federal Government this evening, has found more than a third of children in detention in the first half of 2014 were assessed as having serious mental health disorders.

The report recommends a royal commission be set up to examine "the long-term impacts of detention on the physical and mental health of children in immigration detention."

It would also investigate "reasons for continued use of this policy since 1992, including offshore detention and processing" and "remedies for any breaches of the rights of children that have been detained".

The report also recommends that all children and their families in detention in Australia and on Nauru be released into the Australian community within the next four weeks and that all detention facilities on Christmas Island be closed.

In a statement Attorney-General George Brandis said he was "disappointed and surprised that the Australian Human Rights Commission did not start its inquiry until 2014, considering the problem was at its most acute prior to the 2013 election, when the number of children in detention peaked at 1,992 under the former Labor Government in July 2013."

Senator Brandis also rejected the report's finding that the Commonwealth is in breach of its international obligations under the Convention on the Rights of the Child.

Greens senator Sarah Hanson-Young condemned the report being tabled so late in the day.

"The Government tried their hardest to bury this report today," she said.

"They've waited to the very last moment to table what is a very serious report into what is institutionalised child abuse in this country."

<http://www.abc.net.au/news/2015-02-11/call-for-royal-commission-into-children-in-immigration-detention/6086918>

5. MEDIA RELEASE: Human Rights Commission Inquiry damns Nauru

HUMAN RIGHTS COMMISSION INQUIRY DAMNS NAURU
NOT FIT FOR CHILDREN; NOT FIT FOR ANYONE

Wednesday February 11, 2015

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

The Human Rights Commission inquiry has revealed shocking details of the detention conditions on Nauru.

"The lack of water, the lack of basic clothing and shoes, the lack of proper education facilities; all of this reveals a detention regime in which children are simply pawns of government policy," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"It is absurd for the Attorney-General Senator Brandis to deny the obvious - that the government is in breach of its international obligations under the Convention on the Rights of the Child," said Rintoul. "It seems the government has learned nothing from its 'near death experience' "

"The government's own submission to the inquiry states, 'the Australian Government's view is that in making the decision [to transfer to Nauru], the best interests of such children are outweighed by other primary considerations.'

"The children and their families detained on Nauru are as much the responsibility of Australia as those still detained in mainland detention centres. They are the victims of the deal done with the Palmer United Party Senators who supported the re-introduction of temporary protection visas last year.

"They were arbitrarily selected for transfer to Nauru. The inquiry reveals that the 'pre-transfer assessment process' and the 'best interests assessment' are a farce. Now they are arbitrarily detained in appalling conditions."

The Refugee Action Coalition agrees with the the overarching finding of the Inquiry, "..that the prolonged, mandatory detention of asylum seeker children causes them significant mental and physical illness and developmental delays, in breach of Australia's international obligations."

And, what is true of children detained is true for all those detained.

The Refugee Action Coalition calls for all the immediate closure of Nauru and for all children and their families and for all asylum seekers and refugees to be brought to the mainland, and allowed to live and work in the community.

"The government is spending billions of dollars to maintain the detention centre on Nauru while it tries to drive though budget cuts to health, welfare and services," said Rintoul.

"Instead of cutting Medicare, the billions of dollars spent destroying lives in detention, could be spent supporting services needed by asylum seekers, refugees, pensioners and the whole community."

For more information contact Ian Rintoul 0417 275 713

6. Labor, Greens call for changes to immigration detention network

Labor, Greens call for significant changes to Australia's immigration detention network in wake of Human Rights Commission report

ABC Radio CAF - AM

By political reporter Naomi Woodley

First posted Wed 11 Feb 2015, 10:30pmWed 11 Feb 2015, 10:30pm

Updated Thu 12 Feb 2015, 3:25amThu 12 Feb 2015, 3:25am

The Federal Opposition and the Greens are calling for significant changes to Australia's immigration detention network in the wake of a damning report by the Human Rights Commission.

The report, *The Forgotten Children*, recommends setting up a royal commission to investigate the long-term effects of detention on children's physical and mental health, and "remedies for any breaches of the rights of children that have been detained".

It is one of 16 recommendations in the most comprehensive inquiry in a decade into the policy of detaining asylum seeker children who arrive in Australia by boat.

The Human Rights Commission is also calling for: all children and families currently in detention in Australia and Nauru to be released into the community within four weeks; the closure of the immigration detention facilities on Christmas Island; an end to indefinite detention; and an independent person to replace the Immigration Minister as guardian for unaccompanied children.

From January 2013 to March 2014 it reports there were 233 assaults in detention involving children, 33 incidents of reported sexual assault, with the majority involving children, and 128 children who harmed themselves.

"The overarching finding of the Inquiry is that the prolonged, mandatory detention of asylum seeker children causes them significant mental and physical illness and developmental delays, in breach of Australia's international obligations," the report reads.

'Culture of institutionalised child abuse': Greens

The Greens have backed a call for a royal commission.

"I think this report really unveils an awful culture of institutionalised child abuse," Greens spokeswoman Sarah Hanson-Young told AM.

"We saw, a decade ago, a very similar report, which talked about the damning effects of detention on children and we had politicians blame each other and saying no one wanted to see children in detention, and yet fast forward 10 years on, 15 years on, it's all happening all over again," she said.

"There are 105 children, I note on suicide watch, 10 of those children under the age of 10.

"These statistics come from medical reports, it's all documented. The government knows this has been going on, this government and the previous government.

"A royal commission is absolutely warranted."

Labor's immigration spokesman Richard Marles said the Federal Opposition would not respond to the specific recommendations until it had properly considered the report.

But he said it was clear changes were needed.

"I think what comes from this report is a sense that the system can be improved, it needs to be improved, obviously things need to be done better so that kids can be taken out of this situation as quickly as is practicable," Mr Marles told AM.

"Those stories contained in the report are obviously horrific, and it's important that we understand them as deeply as we possibly can to make sure that nothing like this ever happens again."

Report will not waver Labor policy: Marles

But Mr Marles said the confronting sections in the report, detailing the distress of children sent to immigration detention on Nauru, would not cause Labor to abandon its policy of sending all asylum seekers who arrive by boat offshore.

"Offshore processing is playing a vital role in seeing an end to the deaths at sea, and that is obviously a good thing," he said.

"I think it would be an enormous mistake for this country to walk down a path where you open that up again and you saw the kind of carnage at sea that we've previously witnessed.

"Now in saying that, offshore processing needs to be done in a way which is providing safe, dignified and humane refuge, and we do have concerns about whether the current situation meets that description.

"I'd make the point that in the report itself it says that children should only be processed offshore where their human rights are being respected.

"It is important for the Minister to answer the question about whether it is possible for children on Nauru not to be in that detention facility and to look at ways in which that can occur."

Parties reject suggestion of political motive on part of Triggs

The Human Rights Commission completed the report in November and the Government tabled it in Parliament on Wednesday night. It was the last possible day under law that it could be released.

A statement from Attorney-General George Brandis accompanied the report.

"The Government is disappointed and surprised that the Australian Human Rights Commission did not start this inquiry until 2014, considering the problem was at its most acute prior to the 2013 election, when the number of children in detention peaked at 1,992 under the former Labor government in July 2013."

Both Labor and the Greens reject any suggestion of a political motive on the part of the Human Rights Commission president Gillian Triggs.

"I absolutely, completely reject the idea that the Commissioner and her work has been political, and I think that's a deeply unfair aspersion on Gillian Triggs," Mr Marles said.

Senator Brandis said many of the circumstances described in the report were of "historical interest only" because the Government had made changes since the inquiry began.

The Government said it did not believe the Commission's jurisdiction extended to the detention facility on Nauru, and did not accept the finding that the Commonwealth was in breach of its international obligations under the Convention on the Rights of the Child.

Senator Brandis's statement did not directly respond to the recommendation for a royal commission, but noted that "the best way to eliminate all of the concerns raised by this report is to end the people smuggling trade".

"This Government has achieved that outcome," the statement said.

<http://www.abc.net.au/news/2015-02-12/labor-greens-call-for-changes-to-immigration-detention-network/6087148>

7. Children in detention report: expert says governments failed duty of protection

Successive governments were well aware of widespread abuse and deprivation in 'inherently toxic' system, but did not act, the former head of mental health services for asylum seekers says

The Guardian

Ben Doherty

Thursday 12 February 2015 09.23 AEST

The former head of mental health services for asylum seekers in detention has said successive governments were told over years of the damage being done to children in immigration detention, but refused to act.

The Australian Human Rights Commission report into children in detention, *The Forgotten Children*, released on Wednesday details a litany of abuses and deprivations of children held in immigration detention. But Dr Peter Young, the former medical director for mental health at International Health and Medical Services said medical staff had been campaigning to improve the system for years.

Young revealed to Guardian Australia in August last year "an inherently toxic" environment he said was designed to harm vulnerable people.

"This report now confirms what people have been saying to government, and to the department for a long period of time, that this is deliberately and seriously damaging to children, to anyone in detention."

Australia is the only country in the world that mandatorily detains all unauthorised arrivals, including children.

Among the reports findings for the 14-month period between January 2013 and March 2014 were: more than 300 children committed or threatened self-harm in Australian immigration detention; 30 reported sexual assault; nearly 30 went on hunger strike; and more than 200 were involved in an assaults.

The report also highlighted psychological and physical damage to children: one-third of children suffer from mental health disorders serious enough to require hospital care, while babies have failed to learn to walk because they have no safe place to crawl.

Young told Guardian Australia that the brutality uncovered in the report – the document also details children being woken up at 11pm and 5am with a bright torch shined in their faces for "head-counts", and of a profoundly deaf couple being denied hearing aids for months so they could not hear their baby cry – was not an accidental corollary of Australia's immigration detention system, but a deliberate part of it.

"The system is designed to coerce people to agree to return to whence they came, and it is made unpleasant and harsh - the arbitrary nature, the uncertainty and the unfairness - quite deliberately. It was quite clear from the discussions we had with senior department officials that that is well understood, that it is not an unintended consequence but an integral part of the system."

Young said the government had known of the abuses of children occurring under its care, but had sought to suppress investigation.

"It's very telling that the government and the department have tried so hard to avoid disclosure of this information, that it took an inquiry of the AHRC to bring it into the open. But the evidence is indisputable."

The government tabled the report in parliament late on Wednesday night, almost at the very last minute it was required by legislation to do so. It has had the report since November.

The attorney general, George Brandis, obliquely accused the HRC of politicising the issue, saying the government was "disappointed and surprised" the inquiry did not start until the Coalition was in power, considering the problem was at its most acute prior to the 2013, under Labor.

"The Abbott government has stopped the flow of boats and the flow of large numbers of children entering detention. Importantly, the government has also significantly reduced the Labor government's legacy of nearly 2,000 children in detention from the peak in July 2013 to fewer than 200 today," he told parliament.

Department of immigration statistics show 257 children are currently in Australian immigration detention, including 119 on Nauru. More than 100 children, previously held on Christmas Island, have been released into the community on the mainland on bridging visas over the past fortnight.

The commission was not allowed to visit Nauru. The government regards children in detention on Nauru as a matter "beyond the jurisdiction of the ... commission".

“This government, like the Howard government before it, is committed to removing all children from detention. In short, children in detention is a problem created exclusively by the former Labor government which has been largely solved by the current Abbott government,” Brandis said.

The commission report relies on evidence and statistical data from 1 January 2013 to 30 September 2014, when both Labor and Coalition governments were in power.

Human rights and child welfare advocates have welcomed the report.

Paul Ronalds, chief executive of Save the Children, the NGO which provides care to children in detention in Nauru, said all children should be released immediately.

“The AHRC report confirms what we have been telling the government all along, that the mandatory detention of children in places like Nauru where we work to help vulnerable children, is incredibly harmful to their physical and mental well-being.”

“While considerable efforts are made to minimise that harm, and the transition towards community detention on Nauru is commendable, the only way to guarantee the rights and well-being of asylum seeker children on Nauru is for the Australian government to immediately end the practice of mandatory detention.”

Amnesty International said the report offered valuable insight into Australia’s “secretive detention centre” on Nauru. The children detained there live in sweltering, cramped conditions with no reliable access to a paediatrician, neonatal facilities, infant resuscitation, paediatric life support, or child protection services.

“The Commission has shown clearly why detention was, is and always will be an abusive and incompetent way to treat asylum seeker and refugee children”, said Graeme McGregor, Amnesty’s refugee spokesman.

Pamela Curr from the Asylum Seeker Resource Centre said children should be released from detention immediately.

“The evidence of professional psychologists, health-care and child-welfare workers who appeared before the inquiry or made submissions is unequivocal and damning.”

President of the Royal Australian and New Zealand College of Psychiatrists, Dr Murray Patton, said doctors had spoken publicly before about the deteriorating health and mental health of children and parents detained in centres like Christmas Island.

“Psychiatrists have seen first-hand the mental state of both children and adults, including those harming themselves and expressing suicidal intent. Indefinite detention is a completely unique situation – the harm lies in not just the detention but also the arbitrariness and the unfairness. Children in particular struggle to understand this and it creates a persistent stress and distress that is damaging and that damage can be lasting.”

<http://www.theguardian.com/australia-news/2015/feb/12/children-in-detention-report-expert-says-governments-failed-duty-of-protection>

8. Pamela Curr on the Children in Detention Inquiry Report

ASRC
YouTube video
Feb 11, 2015

See <https://www.youtube.com/watch?v=WPa4buB6kWM>

9. Tony Abbott rejects report on children in detention as 'blatantly political'

The prime minister says Human Rights Commission ‘should be ashamed’ for Forgotten Children report that highlighted profound effects of detention

The Guardian
Shalailah Medhora
Thursday 12 February 2015 10.00 AEST

Tony Abbott has dismissed the findings of the Human Rights Commission’s critical report into children in detention, saying it is a “blatantly political exercise” and the commission “should be ashamed of themselves”.

Asked on Fairfax radio on Thursday morning if he felt any guilt over the findings, the prime minister said “none whatsoever”.

“The most compassionate thing you can do is stop the boats,” Abbott said.

“Where was the Human Rights Commission when hundreds of people were drowning at sea [under Labor]?”

“This is a blatantly partisan political exercise and the Human Rights Commission should be ashamed of themselves.”

The attorney general, George Brandis, tabled the Forgotten Children report on Wednesday night.

It found that prolonged detention had significant negative impacts on the physical and emotional wellbeing of children.

“I think there’s a lot within this report that is either dated or questionable,” immigration minister Peter Dutton told reporters on Thursday. “If there was a need for this report, it really should have been done under Labor’s watch when tens of thousands of people came over our border.”

Dutton’s predecessor Scott Morrison stopped short of calling the report politically motivated, but said the timing was questionable.

“The Australian people aren’t mugs, they can see through that,” Morrison told ABC Radio.

The 15-month span of the report takes in the last nine months of the Labor government and the first six months of the Coalition government.

Dutton admitted the government had “some fundamental differences of opinion with the Human Rights Commissioner [Gillian Triggs]. They are long-standing,” Dutton said.

Labor’s immigration spokesman, Richard Marles, said implying the report was politically motivated was an “aspersion” on Triggs.

“I completely reject the idea that the commissioner and her work has been political,” he told ABC radio.

“This is not a political document. I think this is raising or telling very disturbing stories to begin with but raising a number of proposals about how the system can work better in the future.”

Dutton said the system was already working better.

“The conditions have improved. The conditions were at breaking point under Labor,” Dutton said. “We’ve put significant amounts of money into the way the centres are run.”

Marles said the report showed the “system can be improved [and] it needs to be improved”.

“Obviously things need to be done better so that kids can be taken out of this situation as quickly as is practicable,” Marles said.

But he reiterated Labor’s support for offshore processing.

The Greens want the government to adopt the report’s 16 recommendations, including the release of all children in detention within four weeks, and the implementation of a royal commission.

“No longer can we turn a blind eye to the sexual, physical and psychological abuse that these policies of indefinite detention are inflicting on children,” Greens senator Sarah Hanson-Young said.

“This isn’t about political parties or a particular government, this about us in the Parliament doing what’s right for vulnerable children. MPs must exercise their conscience and bring an end to the indefinite incarceration of children.”.

<http://www.theguardian.com/australia-news/2015/feb/12/tony-abbott-rejects-report-children-detention-blatantly-political>

10. Tony Abbott labels report 'blatantly partisan politicised exercise'

Tony Abbott labels Human Rights Commission report into children in detention 'blatantly partisan politicised exercise'

ABC News Online

By political correspondent Emma Griffiths and Naomi Woodley

First posted Wed 11 Feb 2015, 10:30pm

Updated Thu 12 Feb 2015, 8:42am

Prime Minister Tony Abbott has attacked the Human Rights Commission (HRC) over its damning report into children in immigration detention, saying it should be ashamed of itself for conducting "a blatantly partisan politicised exercise".

The HRC report, titled The Forgotten Children, has found "immigration detention is a "dangerous place for children" and has called for a royal commission into the practice of putting asylum seeker children into mandatory detention.

From January 2013 to March 2014 the HRC found there were 233 assaults in detention involving children, 33 incidents of reported sexual assault, with the majority involving children, and 128 children who harmed themselves.

Some 330 children remain in indefinite detention and more than 167 babies have been born in detention within the last two years.

This morning, the Government all but ruled out holding a royal commission into the long-term effects of detention on children's physical and mental health.

And Mr Abbott has questioned why the HRC did not launch an inquiry when the previous Labor government was in power and the number of children in detention reached a peak of almost 2,000.

"Where was the Human Rights Commission when hundreds of people were drowning at sea?" he said on Macquarie Radio.

"Where was the Human Rights Commission when there were almost 2,000 children in detention?"

"This is a blatantly partisan politicised exercise and the Human Rights Commission ought to be ashamed of itself."

Triggs 'totally' rejects suggestions of bias

HRC president Gillian Triggs "totally" rejected the suggestion the report was biased and said both sides of politics are responsible for breaches of Australia's international obligations.

"The commission is doing its job, we are doing our job under our statute and according to the law that underpins our work," she said this morning.

"This is not a politicised exercise. It is a fair-minded report.

"The evidence on which we rely is evidence which covers the period of the former government as well as the nearly 18 months of the current Government.

"The facts frankly speak for themselves."

In the report, Professor Triggs said she made the decision to hold the inquiry last February because the release of children had slowed down over the first six months of the new Coalition Government.

The report has made 16 recommendations, including calling for all children and families currently in detention in Australia and Nauru to be released into the community within the next four weeks.

It also wants the immigration detention facilities on Christmas Island closed, an end to indefinite detention, and an independent person to replace the Immigration Minister as guardian for unaccompanied children.

Mr Abbott said "of course" he wanted to release the children from detention but said "the only way to ensure we don't have children in immigration detention is not to have any boats".

He said the Commission should be praising former immigration minister Scott Morrison for stopping the boats.

"I reckon that the HRC ought to be sending a note of congratulations to Scott Morrison saying 'well done mate.. because your actions have been very good for the human rights and the human flourishing of thousands of people'," he said.

Mr Morrison, who was immigration minister until last December, cast doubt on some of the report's findings.

"I don't think we should go to the point of calling it evidence," he told the ABC's AM program.

"The report contains many allegations and these allegations particularly in relations to issue of abuse, these are things which are routinely referred to the authorities because they relate to potential crimes."

Current Immigration Minister Peter Dutton indicated this morning that a royal commission was unlikely.

He said the Government had long-standing, fundamental differences with Professor Triggs, but said there was no political witch hunt.

"I'm not going to be lectured to by people who want to misinterpret the current situation," he told Radio National this morning.

"We can release children from the detention centres now and let me tell you, the boats start up again, the detention centres will be reoccupied and that is not something that we are going to tolerate."

'Awful culture of institutionalised child abuse'

The Greens backed the HRC's call for a royal commission, with spokeswoman Sarah Hanson-Young saying the report "unveils an awful culture of institutionalised child abuse".

"We saw, a decade ago, a very similar report, which talked about the damning effects of detention on children and we had politicians blame each other and saying no one wanted to see children in detention, and yet fast forward 10 years on, 15 years on, it's all happening all over again.

"A royal commission is absolutely warranted."

Labor's immigration spokesman Richard Marles said the Federal Opposition would not respond to the specific recommendations until it had properly considered the report, but he said it was clear changes were needed.

"I think what comes from this report is a sense that the system can be improved, it needs to be improved, obviously things need to be done better so that kids can be taken out of this situation as quickly as is practicable," Mr Marles told AM.

But Mr Marles said the confronting sections in the report, detailing the distress of children sent to immigration detention on Nauru, would not cause Labor to abandon its policy of sending all asylum seekers who arrive by boat offshore.

"Offshore processing is playing a vital role in seeing an end to the deaths at sea, and that is obviously a good thing," he said.

<http://www.abc.net.au/news/2015-02-12/human-rights-immigration-report-blatantly-partisan-abbott/6087148>

11. Children in immigration detention living in 'toxic environment'

Children in immigration detention living in 'toxic environment' due to high levels of abuse and self-harm, paediatrics professor says

ABC News Online
Posted Thu 12 Feb 2015, 10:36am

High levels of self-harm and abuse involving children living in immigration detention are adding to what a paediatrics professor has described as a "toxic environment".

The Human Rights Commission (HRC) report, titled *The Forgotten Children*, has found immigration detention is a "dangerous place for children", and has called for a royal commission into the practice of putting asylum seeker children into mandatory detention.

From January 2013 to March 2014 the HRC found there were 233 assaults in detention involving children, 33 incidents of reported sexual assault, with the majority involving children, and 128 children who harmed themselves.

Paediatrics professor Elizabeth Elliot took part in a site visit to children in detention, and said she found "unacceptable conditions".

"They were living in a tropical climate in very cramped conditions in a cabin of three by 2.5 metres with no adequate places to play," she said.

"We found that children weren't able to attend school and that many children were waiting for specialist medical appointments on the mainland for unacceptable long times.

"We also found high levels of mental ill health both in the mothers and fathers in the young children."

She said there were clear signs of stress among the children, with older children showing signs of depression and anxiety, whereas some younger children had become aggressive, regressed developmentally and were not talking.

Backbenchers urged to speak up against policy

A coalition of church leaders believes pressure is building within Government ranks to end the policy that has led to long-term child detentions.

Misha Coleman, from the Australian Churches Refugee Task Force, said there was a significant and growing number of backbenchers that want change.

"Now is the time for those backbenchers to come forward to Tony Abbott as part of the new Tony and the new deal and the new good government that we're supposed to be experiencing as of this week," she said.

Unicef Australia urged the Government to change its asylum seeker policy, with spokeswoman Amy Lamoin saying she believed the rapid shift of children out of detention under Immigration Minister Peter Dutton in past months was significant.

"We actually see this as an acknowledgement by minister Dutton of the very serious harm of detention for children," she said.

"And our question to Government has to be if we acknowledge that serious harm to continue this way, with this policy approach, means that we are choosing harm."

The Australian Coalition to End Immigration Detention of Children has endorsed the HRC report's call to release all children.

But spokesman Oliver White said the recommendation for legal change to stop the detention of children in the future is just as important.

"It's not good enough just to release the children, but that we need to have legislative change which ensures that this can never happen regardless of which party is in power," he said.

HRC report 'blatantly partisan', Abbott says

Prime Minister Tony Abbott this morning attacked the HRC over its report, saying it should be ashamed of itself for conducting "a blatantly partisan politicised exercise".

The Government all but ruled out holding a royal commission, and Mr Abbott questioned why the HRC did not launch an inquiry when the previous Labor government was in power and the number of children in detention reached a peak of almost 2,000.

"Where was the Human Rights Commission when hundreds of people were drowning at sea?" he said on Macquarie Radio.

"Where was the Human Rights Commission when there were almost 2,000 children in detention?"

"This is a blatantly partisan politicised exercise and the Human Rights Commission ought to be ashamed of itself."

HRC president Gillian Triggs "totally" rejected the suggestion the report was biased and said both sides of politics are responsible for breaches of Australia's international obligations.

"The commission is doing its job, we are doing our job under our statute and according to the law that underpins our work," she said this morning.

"This is not a politicised exercise. It is a fair-minded report.

"The evidence on which we rely is evidence which covers the period of the former government as well as the nearly 18 months of the current Government.

"The facts frankly speak for themselves."

<http://www.abc.net.au/news/2015-02-12/children-immigration-detention-toxic-environment-abuse-self-harm/6088254>

12. Children in detention: Tony Abbott takes aim at the messenger

The Age
February 12, 2015 - 1:48PM
Michael Gordon

The first response of the Abbott government to the most comprehensive inquiry conducted into children in immigration detention was to bury it by delaying its release until late on the last possible night it could be tabled in the Parliament.

The second response was to denigrate it, with Tony Abbott accusing the Human Rights Commission of being blatantly partisan and saying it should be ashamed of itself. This is a direct attack on the professionalism, competence and impartiality of the commission president, Gillian Triggs, a lawyer of 46 years experience.

Scott Morrison was almost as contemptuous, dismissing the evidence assembled over eight months by experts as out-of-date "allegations" and asserting that, in any case, "the children are pretty much out".

At best, this is disingenuous. At worst, it is misleading. With more than 330 children still in detention on the mainland or on Nauru, the findings are a timely reminder of the damage done by the policies of this government and the Labor government it replaced.

The response also misunderstands the central purpose of the report. By highlighting the levels of mental illness, self-harm, developmental harm and assault suffered by children in detention, it is a clarion call for a more humane approach.

Yes, people wanted the boats stopped, and there is no question that the Coalition has done that. But many are uncomfortable with an approach that inflicts suffering on one group of asylum seekers in order to deter others from seeking protection in this country – especially when those who are suffering are children.

A more measured reaction would have been to respond in a considered way to the 16 recommendations, while pointing out that the number of children in detention has dropped dramatically from of around 2000 under the former government.

Yes, it would have been better for the inquiry to have begun earlier, but Professor Triggs provides a plausible explanation for it not getting under way until last year.

The inquiry was planned as a 10-year review of children in detention after the commission's first inquiry in 2004, she was wary of embarking on the inquiry during the 2013 election campaign, and the number of children in detention (and the duration of detention) was on the rise in the first half of last year.

Indeed, a strong case can be made that the extraordinary evidence gathered in public hearings last year was a spur for the government moving to reduce the numbers in detention.

As for this all being old news relating to a former government, the sections of the report dealing with those on Nauru and the children of refugees with adverse security assessments deal with damage being done right now.

Four days after the beginning of "good government", the over-the-top reaction is a reminder of this government's tendency to behave like an opposition. Rather than shoot the messenger, the government should heed the message.

<http://www.theage.com.au/federal-politics/political-opinion/children-in-detention-tony-abbott-takes-aim-at-the-messenger-20150212-13csuv.html>

13. Children in detention forgotten by politicians' pointless bickering

Children in detention doubly forgotten, as politicians respond with pointless bickering

A decade after the first Australian Human Rights Commission report into children in immigration detention, more than 120 still face an indefinite future

The Guardian
Ben Doherty
Thursday 12 February 2015 16.30 AEST

Ten years ago the first report into children in immigration detention in Australia, *A Last Resort?*, resulted in every child in that situation being released.

Since then thousands of children have again been detained, as a matter of immutable policy, under the administration of both Labor and Coalition governments.

There are fewer now than before – 257 according to the immigration department's latest figures, down from a peak of 1,992 in July 2013 – but some, like the 119 on Nauru and several on the Australian mainland, face indefinite detention, despite never being charged with a crime.

The introduction to *The Forgotten Children*, the Australian Human Rights Commission's report on children in immigration detention released late on Wednesday, asks a plaintive question: "How have the gains that were so hard-fought ... disappeared?"

If the author of *The Forgotten Children*, Professor Gillian Triggs, seeks an answer to her question, she need only look to the response to her report from the politicians charged with responsibility for those children.

In the aftermath of the report, long-awaited and delayed, most politicians of both stripes have completely ignored the subject at issue – the mandatory detention of children – and instead used the document as a cudgel with which to attack the other side.

Instead of beating each other around the head with the report, Australia – and the children it keeps in detention – would be better served if its politicians read it.

At issue is not whose fault mandatory detention is – the policy has bipartisan support – but the policy itself, and what else might more humanely address the issue of asylum seekers. For that, Australia needs to lift its eyes from its predictable and pointless political bellicosity.

Australia is not some rare butterfly in the problems it faces with people presenting at borders without visas, seeking asylum.

Today there are more displaced people in the world than at any time since world war two – some 50 million, half of them children – and most refugees are hosted in developing countries close to their own homelands.

Even at the peak of boat arrivals during 2012 and 2013, Australia's problem was not significant, both in terms of international comparisons and the country's capacity to deal with it. This fact has little to do with "policy settings", despite Canberra's rhetoric, and everything to do with geography: Australia is an island nation that shares no land borders, and is a long way away from the world's conflicts.

The boats have not stopped.

They are being stopped – 15 turn-backs that are known of in the past 18 months – and the vessels continue their sorry carriage around the region, in various states of seaworthiness. Last year, 63,000 people boarded boats across southeast Asia, seeking sanctuary in another country. Most headed south from the Bay of Bengal. Most ended up in Malaysia and Thailand or Indonesia. Several hundred were turned back from getting to Australia. About 750 died or drowned along the way.

It is amply clear that the issue of asylum is not Australia's problem. It is the world's to deal with and one that will only grow in size and import as populations grow, conflicts emerge or expand, and climate change steadily or dramatically displaces millions.

Meanwhile, no other country – not Pakistan which hosts 1.7 million refugees, not Iran or Turkey which house more than 800,000 each – compulsorily detains children. In fact Australia enjoys the unhappy distinction of being the only country in the world that has a policy of mandatory detention of minors.

If Australia's body politic could agree to a ceasefire on the question of asylum, if it could treat it as a humanitarian issue rather than one of national security, and if it could see it as a global problem to be soberly addressed rather than a domestic battle to be won, this country could lead the region and the world in addressing the issue.

But for a decade politicians of all persuasions have failed Australia on asylum, and the thousands of children they've held in detention. In their continued intransigence they will all but guarantee Australia will be in this situation again, asking again: "Where did it all go wrong?"

<http://www.theguardian.com/australia-news/2015/feb/12/suffer-the-little-children-in-detention-for-they-are-in-political-limbo>

14. EDITORIAL: What if the government locked up your children?

Mr Abbott's vitriol and insensitive comments are unbecoming of a prime minister and belittle the importance of protecting children.

Sydney Morning Herald
February 12, 2015 - 9:00PM

Tony Abbott has made insensitive comments about children in immigration detention and taken cheap political shots at the Human Rights Commission. On a day he also invoked the Holocaust to attack Labor's jobs record (then quickly withdrew it), the Prime Minister's outbursts surely cast further doubt on his judgment.

For Mr Abbott to say he felt no guilt – "none whatsoever" – about children in detention will be seen by many as lacking empathy. Perhaps he should heed the heartfelt plea Foreign Minister Julie Bishop made in relation to the Bali nine pair on death row, and apply it to innocent asylum-seeker children locked up by Australia.

"I ask others to place themselves just for a moment in the shoes of these young men," Ms Bishop said of Andrew Chan and Myuran Sukumaran. "They told me how it was virtually impossible to be strong for each other. How could anyone be failed to be moved?"

Hear hear.

But how, too, could Mr Abbott fail to be moved by the stories of abuse and despair endured by children in detention centres courtesy of successive Labor and Coalition governments?

HRC president Gillian Triggs has implored all Australians to read the commission's report, *The Forgotten Children*.

Sadly, the moral price of deterring boat people has been to turn a blind eye to the harming of children. The Herald believes one child being exposed to danger in Australia's care is one too many.

Yet Mr Abbott's response to the report was to accuse Professor Triggs of "a blatantly partisan politicised exercise and the human rights commission ought to be ashamed of itself". Later, he accused the HRC of a "transparent stitch-up".

Such vitriol is unbecoming of a prime minister and belittles the importance of protecting children.

Given the boat people issue has been divisive for at least 15 years, the HRC report was always going to be politically sensitive.

Nonetheless, the Herald believes Professor Triggs could have been more restrained as well. Her approach and language will hardly help attempts at a bipartisan solution. The number of children in detention has dropped sharply under the Abbott government and it deserves credit for that. What's more, the commission should have acted sooner to investigate fully Labor's policy.

To deflect criticism of his government, Mr Abbott claims the timing of the HRC report was politically motivated. But Professor Triggs noted that children began to be held longer in detention when the Coalition came to power. What's more, the HRC has a legal duty to monitor how Australia meets its international human rights commitments.

The Abbott government politicised the report by waiting three months to table it in any case. The Immigration Department has had the report even longer. The critiques by the department and the government tend to question the reliability of qualified medical professionals who contributed to the HRC investigations.

In addition, the government argues the report is history, given the success of the stop-the-boats policy. The Herald disagrees. Mental health issues remain for years after children are released from detention. And don't forget that 330 children remain locked up. Having suffered so long, their incarceration remains open-ended in appalling conditions.

The Coalition justifies detention of children on the basis that its suite of harsh immigration policies has stopped people dying on boats. True, the policies have worked. The questions are at what cost and whether harming children is required for the policies to keep working. The Herald has seen no evidence to show that intentionally exposing children to harm deters asylum seekers. Professor Triggs' explanation is partly right: "The number of boats have declined because we have used military force and patrols to send boats back." Offshore processing and settlement have helped too.

As such, the Herald believes treating children humanely would hardly reduce deterrence. Rather, it would fulfil Australia's legal and moral obligations.

The Herald believes Australia must release all children in detention as quickly as practicable and not detain any more. Where security and family obstacles arise, there must be a bipartisan pursuit of alternative options to detention. At the same time, the Immigration Minister should cede his conflicted role as guardian of unaccompanied asylum-seeker children to an independent person.

As for the HRC's recommendation for a royal commission, neither the Coalition nor Labor will support one because both share the blame for this sad chapter in Australian history. A workable alternative is to refer abuse allegations to the Royal Commission into Institutional Child Abuse.

In the meantime, Australians should consider this: What if the government locked up your children?

<http://www.smh.com.au/comment/smh-editorial/what-if-the-government-locked-up-your-children-20150212-13cnid.html>

15. EDITORIAL: Tony Abbott fails another leadership test

The Age
February 13, 2015 - 8:22AM

Prime Minister Tony Abbott yesterday attacked the Australian Human Rights Commission over its report into children in immigration detention, saying "the Human Rights Commission should be ashamed of itself". No, Mr Abbott – it is you and your government that should be ashamed. By seeking to politicise the report and its findings, by seeking to demonise commission president Gillian Triggs, the government compounds its own failures and those of preceding governments. It has tried to shift attention to anyone and everyone, while accepting no responsibility, which only magnifies its own shameful behaviour.

There is no rationale for holding children in detention. Mr Abbott should have seen the report as a call to act – indeed, as an opportunity to do the right thing – not an opportunity to obfuscate and point fingers. The only humane response should have been: Children are suffering – what will we do about it?

The Triggs report was delivered to the government in November. Mr Abbott and his colleagues have had months to formulate an effective, dignified response. Instead, they sat on it until the last possible moment and then followed its release on Wednesday night with a remorseless attack – on the report, its author and the former Labor government.

In some respects the report could have been regarded as being supportive of current government policy. It says Operation Sovereign Borders "has prevented asylum seekers from reaching our shores. The consequence is that it has become possible to focus on those ... asylum seekers who are currently detained in Australia and on Nauru and Manus Island."

It also details how the government has succeeded in at least reducing the number of children held in detention.

Mr Abbott's response to this report indicates that, despite his claims to the contrary following Monday's leadership vote in the Liberal party room, nothing has changed in his approach to governing. His instinct is to attack, instead of taking a position based on decency and dignity.

He and his former immigration minister, Scott Morrison, have seen this important inquiry as an opportunity to deliberately and methodically disparage and undermine the Human Rights Commission.

That is shameful.

In May 2013, with Julia Gillard as prime minister, The Age wrote: "For as long as children remain locked up, Australian values remain sullied. This heinous practice is contrary to who we are." There is a continuing humanitarian crisis taking place under the authority of the Australian government – according to its own monthly immigration detention report from January 31, 2015, there were 211 children under some form of mainland detention, plus 119 in offshore detention behind fences in Nauru, with no pathway to protection or settlement.

The Human Rights Commission inquiry that led to its report questioned both the former Labor immigration minister Chris Bowen, and Mr Morrison as the then minister. Both agreed on oath that holding children in detention did not deter asylum seekers or people smugglers.

No satisfactory rationale for the prolonged detention of children seeking asylum in Australia was offered.

The Abbott government has been handed an opportunity to act responsibly and with compassion. On behalf of all Australians, it should support the Human Rights Commission, acknowledge that the actions of successive governments have been shameful, and end the mandatory detention of children.

<http://www.theage.com.au/comment/the-age-editorial/tony-abbott-fails-another-leadership-test-20150212-13d4cx.html>

16. Children in detention report not a political exercise, says AHRC

Children in detention report not a political exercise: Human Rights Commission

The Age
February 12, 2015 - 10:52PM
Rachel Browne, Sarah Whyte

Prime Minister Tony Abbott has rejected a call for a wide-ranging public inquiry into children in detention following the release of a disturbing human rights report saying it is a "transparent stitch-up", but the matter may still be examined by the royal commission into child sexual abuse.

Mr Abbott rejected the Australian Human Rights Commission's recommendation for a royal commission into the treatment of children in mainland and offshore detention.

The commission's report, *The Forgotten Children*, revealed alarming rates of physical and sexual abuse in Australian centres.

It found that of 33 incidents of reported sexual assault, the majority involved children. It also found 207 incidences of "actual self harm". The commission will relay its findings to the royal commission into child sexual abuse.

A spokeswoman for the sex abuse royal commission said it was considering the findings of the report although its jurisdiction was limited to Australia.

But Mr Abbott quashed a proposal into a royal commission into children in detention in question time in federal parliament on Thursday.

"There won't be a Royal Commission into children in detention, because if there were . . . it would condemn [Labor]," he said.

He used question time to also continue his sustained attack on the Human Rights Commission, saying the inquiry was part of a "transparent stitch-up".

"I say to the Human Rights Commission if you are concerned about real human rights, real human decency, real compassion, real compassion for people, you should be writing congratulating letters to the former minister for Immigration and Border Protection."

Australian Human Rights Commission president Gillian Triggs repeated the call for a royal commission, while angrily responding to Mr Abbott's claim that the report was an attack on the government.

Professor Triggs said the report, which has also exposed high rates of physical and mental illness in child detainees, was even-handed.

"The commission is doing its job," she said.

"We are doing our job under our statute and under the law. I can assure the Australian public that this is not a politicised exercise. It is a fair-minded report.

"I totally reject any suggestions that this report is a politicised exercise."

The 15-month inquiry involved interviews with more than 1000 children and their families.

Children in detention were also invited to tell their story. One Iranian girl from a family with six children wrote from the Sydney Detention Centre: "We are suffocating like a fish that is kept out of water. Our two younger brothers are detainees since birth and we have spent most of our life in detention."

"Only to make things worse for us, the immigration department has separated us from our dad within the same detention centre for almost one and a half year. We have been threatened, mentally tortured, discriminated and provoked against all the time we have been in this dark cage."

In another statement tendered to the inquiry, an former HSC student at Holroyd High, Bashir Yousufi, said his memories continue to haunt him.

"If you're in Afghanistan [and] the Taliban want to kill, they just shoot at you and you will die easily. But in Australia, they will kill you slowly with your mind."

Solicitor Sarah Dale who works with unaccompanied minors in both detention and the community said: "We are seeing children who have fled torture and trauma in war torn areas, children who have lost family members and some who witnessed the death of their family members. Some children have been in detention for 17 months."

"They have really arrived in Australia to face a life of instability and uncertainty."

In releasing the report, which was tabled late on Wednesday night, Professor Triggs said both Labor and Coalition policies had failed the children.

"Both sides of politics are responsible for breaches of our international obligations," she said.

"Alternatives to indefinite detention, such as community detention, have not been properly considered by government decision makers."

Professor Triggs also rejected an assertion by federal Attorney-General that the problem of children in detention has been "largely solved" by the Abbott government.

There are 211 children in detention in centres in Australia and 119 being held indefinitely on Nauru.

"The facts speak for themselves – 330 children and their families remain in indefinite detention," she said.

"The most compassionate response is that those children be released as soon as it is reasonably safe to do so."

She said she hoped the government would accept the Human Rights Commission's recommendations to release the children and amend legislation to reduce time in detention to a limited period.

The proposed Royal Commission would examine the long term physical and mental impacts of detention; the reasons for using this policy since 1992; and remedies for any breaches of the rights of children that have been detained.

"The Australian people are behind this," she said.

"What the public wants is for the children to be treated in a more humane way. Governments do respond to public concerns. Australia is ashamed of this policy."

Former Liberal prime minister Malcolm Fraser condemned the government. "The government's response is a disgrace. It is based on a lie. They claim to have saved lives by stopping the boats and that the trauma inflicted on children by detaining them, is a small price to pay. They deliberately chose an inhumane way of stopping the boats."

Some recommendations from The Forgotten Children report:

- All children and families in detention in Australia and Nauru should be released
- Limit length of detention for children and parents
- Fast-track processing of refugees claims
- Close Christmas Island detention centre

- Appoint independent guardians for unaccompanied children seeking asylum
- Children currently in detention should continue to be assessed at regular periods
- Children detained at any time since 1992 should have access to government-funded mental health services
- Families and unaccompanied children in detention should receive information about free legal advice
- A royal commission should be established

<http://www.theage.com.au/federal-politics/political-news/children-in-detention-report-not-a-political-exercise-human-rights-commission-20150212-13cnnd.html>

17. Gillian Triggs: Never again use children for political gain

The Age
February 12, 2015 - 10:06PM
Gillian Triggs

All asylum-seeker children and their families should be released into the community.

Australia holds hundreds of children in mandatory closed immigration detention for indefinite periods, with no pathway to protection or settlement. This includes more than 100 children detained on Nauru.

Children and their families have been held on the mainland and on Christmas Island for, on average, one year and two months. More than 167 babies have been born in detention in the last 24 months. The *The Forgotten Children: National Inquiry into Children in Immigration Detention* (2014) report gives a voice to these children.

It provides compelling firsthand evidence of the negative impact that prolonged immigration detention is having on their mental and physical health. The evidence given by the children and their families is fully supported by psychiatrists, paediatricians and academic research. The evidence shows that immigration detention is a dangerous place for children. Data from the Department of Immigration and Border Protection describes numerous incidents of assault, sexual assault and self-harm in detention environments.

Importantly, the government recognises that the fact of detention contributes significantly to mental illness among detainees.

There is nothing new in the finding that mandatory immigration detention is contrary to Australia's international obligations. The Australian Human Rights Commission and respective presidents and commissioners over the last 25 years have been unanimous in reporting that such detention, especially of children, breaches the right not to be detained arbitrarily. As the medical evidence has mounted over the last eight months of the inquiry, it has become increasingly difficult to understand the policy of both Labor and Coalition governments. Two former immigration ministers, MP Chris Bowen and Social Services Minister Scott Morrison, agreed on oath before the inquiry that holding children in detention does not deter either asylum seekers or people smugglers. No satisfactory rationale for the prolonged detention of children seeking asylum in Australia has been offered.

Australia is unique in its treatment of asylum-seeker children. No other country mandates the closed and indefinite detention of children when they arrive on our shores. Unlike all other common law countries, Australia has no constitutional or legislative bill of rights to enable our courts to protect children. The Convention on the Rights of the Child is not part of Australian law, although Australia is a party. The convention is, however, part of the mandate of the Australian Human Rights Commission to hold the government to account for compliance with human rights.

The evidence documented in this report demonstrates unequivocally that prolonged detention of children leads to serious negative impacts on their mental and emotional health and development. This is supported by robust academic literature.

It is also clear that the laws, policies and practices of Labor and Coalition governments are in serious breach of the rights guaranteed by the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. The United Nations High Commissioner for Human Rights also suggests in his opening address to the Human Rights Council that Australia's policy of offshore processing and turning back boats is "leading to a chain of human rights violations, including arbitrary detention and possible torture following return to home countries".

By July 2013, the number of children detained reached 1992. As the federal election was imminent, I decided to await the outcome of the election, and any government changes in asylum-seeker policy, before considering launching an Inquiry. By February this year, it became apparent that there had been a slowing down of the release of children. Over the first six months of the new Coalition government the numbers of children in detention remained relatively constant. Not only were more than 1000 children held in detention by February 2014, but also they were being held for longer periods than in the past, with no pathway to resettlement.

In these circumstances, I decided to exercise the commission's powers under the Australian Human Rights Commission Act 1986 (Cth) to hold a national inquiry into children in immigration detention.

The evidence collected in this report is powerful. The overarching finding of the Inquiry is that the prolonged, mandatory detention of asylum-seeker children causes them significant mental and physical illness and developmental delays, in breach of Australia's international obligations.

The findings include the following:

- The Minister for Immigration and Border Protection, as the guardian of unaccompanied children, has failed in his responsibility to act in their best interests.
- The Commonwealth's decision to use force to transfer children on Christmas Island to a different centre breached their human rights.
- The numerous reported incidents of assaults, sexual assaults and self-harm involving children indicate the danger of the detention environment.

Since the inquiry was announced, changes have been made in government policy and practice, along with decisions of the High Court, that affect asylum-seeker children in detention. The commission is pleased to recognise these as being in the best interests of many asylum-seeker children.

It is recommended, among other things, that:

- All children and their families be released into community detention or the community on bridging visas with a right to work.
- Legislation be enacted to ensure that children may be detained under the Migration Act for only so long as is necessary for health, identity and security checks.
- An independent guardian be appointed for unaccompanied children seeking asylum in Australia.
- Legislation be enacted to give direct effect to the Convention on the Rights of the Child under Australian law.
- A royal commission be set up to examine the continued use of the 1992 policy of mandatory detention, the use of force by the Commonwealth against children in detention and allegations of sexual assault against these children and to consider remedies for breach of the Commonwealth's duty of care to detained children.

It is troubling that members of the government and Parliament and departmental officials are either uninformed, or choose to ignore, the human rights treaties to which Australia is a party. The High Court of Australia in *Teoh* has confirmed that, when making decisions that affect children, government officials should take account of the rights guaranteed by the Convention on the Rights of the Child.

My hope is that the evidence detailed in this report will prompt fair-minded Australians, members of parliament and the federal government to reconsider our asylum-seeker policies and to release all children and their families immediately, or as soon as practical.

It is of profound concern that the government has recently introduced amendments to the Migration Act to redefine the definition of "refugee" to meet government policy rather than international law. It is also proposed that people may be removed from Australia under the act even if this does not comply with Australia's international non-refoulement obligations. If passed, this will be a rare and internationally embarrassing instance in which Australia has explicitly declared that its laws remain valid, even if they violate international law.

It is imperative that Australian governments never again use the lives of children to achieve political or strategic advantage. The aims of stopping people smugglers and deaths at sea do not justify the cruel and illegal means adopted.

Australia is better than this.

As the arrival of asylum-seeker children by sea without visas has ended for the moment, it is time to refocus on the plight of the children who remain in Australian detention centres and on Nauru.

Australia should return to its historical generosity of spirit by welcoming to our shores those who seek our protection from conflict and persecution.

Gillian Triggs is the president of the Australian Human Rights Commission. This is an edited version of the foreword to *The Forgotten Children: National Inquiry into Children in Immigration Detention*, delivered to the government in November and tabled on Wednesday.

<http://www.theage.com.au/comment/never-again-use-children-for-political-gain-20150211-13cgfd.html>

18. Brandis asked Gillian Triggs to resign before critical child detention report

The attorney general sent the request to the human rights commission head in a move Labor called a 'disgraceful attack' on a statutory agency

The Guardian
Lenore Taylor and Shalailah Medhora
Friday 13 February 2015 16.18 AEST

The Abbott government asked the president of the Australian Human Rights Commission, Professor Gillian Triggs, to resign ahead of the publication of the commission's critical report into children in detention.

Guardian Australia can confirm the resignation request, reported in the Age on Friday, and understands it was relayed to Triggs on behalf of the attorney general, George Brandis, by the secretary of his department.

Government backbenchers have also ramped up their public calls for her resignation and threatened a parliamentary inquiry into "bias" in her organisation.

Triggs is understood to have refused to resign from her position. She was appointed the president in July 2012 for a five-year term and can be removed for bankruptcy or serious misconduct only. She is understood to have the support of her fellow commissioners.

"I have more confidence in getting impartial advice from Green Left Weekly than from Gillian Triggs," the Queensland backbencher George Christensen told the Australian on Friday.

Christensen chairs the House of Representatives social policy and legal affairs committee which has had early discussions about terms of reference for an inquiry into allegations of "systemic bias" in the commission.

"She has effectively sidelined herself and the HRC from having any credibility with the Abbott government. If she wants to do the right thing by the commission and have their views listened to by the government again, she needs to tender her resignation," he said.

Another committee member, Queensland LNP senator Barry O'Sullivan, told the 7.30 Report: "It's no doubt a question that she is asking herself at the moment as to whether she has the confidence of the government, the confidence of the nation."

The Tasmanian backbencher Andrew Nikolic said her position was "absolutely untenable".

The shadow attorney general, Mark Dreyfus, said the government's move was "a disgraceful attack by the attorney general on a statutory agency in his own portfolio".

"The first law officer should be defending the independence of the national guardian of human rights," he said.

A Greens spokeswoman, Sarah Hanson-Young, said the "bullying and intimidation from the Abbott government is all about trying to shut down dissent".

"The government thought it could scare Gillian Triggs out of her job, but it turns out they picked on the wrong person. Good government shouldn't have to resort to brutish, bully-boy tactics like this."

After the government released the Forgotten Children report on Wednesday night – having received it in November – Tony Abbott described it as a "transparent stitch-up" and a "blatantly partisan exercise".

Launching the report, Triggs said: "I totally reject any suggestion that this report is a politicised exercise. The facts, frankly, speak for themselves and this report speaks for itself."

The report is critical of both Coalition and Labor policy on immigration detention and records the decline in the number of children in detention after the 2013 election, but the government is angry the commission did not launch the investigation during Labor's administration.

The report found that more than 300 children committed or threatened self-harm in a 15-month period in Australian immigration detention, 30 reported sexual assault, nearly 30 went on hunger strike and more than 200 were involved in assaults.

<http://www.theguardian.com/australia-news/2015/feb/13/brandis-asked-gillian-triggs-to-resign-before-critical-child-detention-report>

19. Abbott government tried to remove Gillian Triggs as AHRC head

Revealed: Abbott government tried to remove Gillian Triggs as head of the Australian Human Rights Commission

The Age
February 13, 2015 - 1:32PM
Michael Gordon

The Abbott government sought the resignation of the president of the Australian Human Rights Commission Gillian Triggs two weeks before it launched an extraordinary attack on the commission over its report on children in immigration detention.

The request was conveyed orally by an official on behalf of Attorney-General senator George Brandis. It was rejected outright by Professor Triggs, who saw it as an attack on the independence and integrity of the commission and herself.

Fairfax Media understands that no grounds were given for seeking Professor Triggs' resignation and that she was told "some other opportunity" would be available to her if she resigned.

Professor Triggs, a former barrister and academic, was appointed president of the commission in July 2012 for a fixed five-year term that is intended to protect the president from political interference.

She can be sacked for bankruptcy or serious misconduct.

The approach came a fortnight before the government tabled late on Wednesday the commission's The Forgotten Children report calling for a royal commission into the detention of children under Labor and Coalition governments since 1992.

The report found that detention had caused significant mental and physical illness to children and was in breach on Australia's international obligations. It called for the release into the community of more than 300 children in detention on the mainland and on Nauru.

The government was handed the report in November and tabled it late on the last possible day available under convention.

Mr Abbott has branded the report a "transparent stitch-up", saying the commission would have been better advised to write former immigration minister Scott Morrison a congratulatory letter for stopping the boats.

His attacks were echoed by ministers including Senator Brandis, Mr Morrison, and Immigration Minister Peter Dutton.

A spokesman for Senator Brandis declined to offer any comment or answer questions submitted by Fairfax Media, but the Attorney-General and his department secretary, Chris Moraitis, will face questions on the issue when they appear before a Senate committee on February 24.

Professor Triggs, who will appear before the committee on the same day, refused to comment on the push to remove her when contacted by Fairfax Media on Friday.

But she mounted a strong defence of the commission's impartiality, saying it had tabled numerous reports critical of the impact of mandatory immigration detention to the former Labor government and had intervened in the High Court to oppose its so-called "Malaysian solution".

"I am very disappointed that the substance of the report is being ignored for an inaccurate allegation of bias," she said.

The inquiry had been planned to coincide with the 10th anniversary of the commission's first investigation of children in detention and was called "when the government was not releasing children and their period of detention had reached unacceptable levels", she said.

Reports raising concerns about the impact of detention on children had been tabled in 2012 and 2013 during the period of Labor rule, she said.

"To suggest that, all of a sudden, the commission concentrated on the issue because there was a new government is a serious misrepresentation of the facts."

Government criticism of the report has focused on the timing and the fact that it has dramatically reduced the number of children in detention from the peak of almost 2000 under the former government.

But Professor Triggs has said she welcomed the fall in the number of children in detention under the Abbott government from around 1100 to 211 on the mainland and 119 on Nauru. "I totally reject any suggestion that this report is a politicised exercise."

She has also rejected the government's claim that the report is out-of-date, saying more than 300 children are still in detention.

"This is a document of record, but it's a document of a continuing position in relation to these children."

The shadow attorney-general, Mark Dreyfus, said it was shameful that the government had questioned the integrity the Human Rights Commission's leadership.

"Good governments don't attack independent institutions, they respect them," he said. "This allegation is deeply concerning. Senator Brandis must urgently explain his actions."

Greens senator Sarah Hanson-Young, described the move as "bullying and intimidation" and an attempt to shut down dissent.

"The government thought it could scare Gillian Triggs out of her job, but it turns out they picked on the wrong person," she said.

Ben Saul, professor of international law at The University of Sydney, defended Professor Triggs and the commission, saying they had performed their roles faithfully.

"The commission's report on children in immigration detention is a credible, impartial, evidence-based assessment of Australia's compliance with its international legal obligations.

<http://www.theage.com.au/federal-politics/political-news/revealed-abbott-government-tried-to-remove-gillian-triggs-as-head-of-the-australian-human-rights-commission-20150213-13du7s.html>

20. Elizabeth Elliott: Forgotten children: I was shocked by what I saw

Imprinted on my mind is the vision of a 12-year old girl on Christmas Island who rationalised that one way to escape detention was to starve herself to death, writes Elizabeth Elliott.

ABC The Drum

By Elizabeth Elliott

Posted Fri 13 Feb 2015, 2:02pm

After returning from a trip to Christmas Island with the Australian Human Rights Commission in July 2014, I felt ashamed to be Australian.

I had witnessed first-hand the conditions in which asylum-seeking families with young children and unaccompanied minors were living under our care. I witnessed the tropical heat, the fenced compounds and small metal cabins, 3 by 2.5 metres, accommodating up to four people and providing inadequate space for children to learn to crawl or walk, or to play. I saw the phosphate dust, giant crabs and centipedes that frighten children who are already traumatised by having endured harrowing journeys by boat and having witnessed violence and self-harm.

I saw also the harms that arbitrary, prolonged detention had caused. I met children who had regressed in their development, developed bed-wetting, or lost bowel control and speech. Children who ate poorly, slept poorly, had become moody, or had developed aggressive behaviour.

We conducted interviews with nearly 200 parents and children, and could not help but be moved by their plight. Parents, themselves depressed and despondent, felt guilty for being unable to adequately provide for their kids. During our visit 10 women with young children, deemed at risk of self-harm or suicide, remained on 24-hour surveillance. A common refrain from parents was their lack of understanding of why their processing was so delayed, their insecurity at living in limbo. If they had committed a crime and were in jail, they said, at least they would know their sentence.

Imprinted on my mind is the vision of a 12-year old girl who had withdrawn to her cabin, refusing to eat and drink for three days and threatening self-harm. When Professor Gillian Triggs and I visited her, we were confronted with the site of a small body in a fetal position lying under a blanket on the floor. In a letter she gave us, she rationalised that one way to escape detention was to starve herself to death. "My life," she said, "is really deth (sic)."

I was particularly distressed by the stories from unaccompanied minors (aged 14 to 17 years), by their sadness, anxiety and loss of hope. They told me of assaults, abductions and killings witnessed in their home lands; frightening boat trips to Australia; and their fear of being sent to Manus Island when they turned 18. They lamented the lack of schooling provided on Christmas Island and the limited facilities for recreation and sport. As layer upon layer of trauma was laid down, these young men in the prime of their lives faced the intolerable realisation that any hope of a better life had almost evaporated.

The Forgotten Children - the report of the National Inquiry into Children in Immigration Detention 2014 - was finally tabled this week in Parliament. It provides strong evidence to support the observations of clinicians, including me, and others who have visited and worked at detention centres and the many who gave evidence to the inquiry.

Startling figures provided by the Department of Immigration suggest that 34 per cent of children surveyed by the mental health teams working in the centres had moderate to severe levels of mental ill-health, sufficient to require outpatient mental health care. This figure is in stark contrast to the 2 per cent so affected in the general child population.

Survey data confirms that 30 per cent of the children are always sad, 25 per cent always worried, 12 per cent are not eating or losing weight and 9 per cent have nightmares. Children were described as being frightened to be alone, clingy and anxious.

Immigration Department figures also confirm that in one 15 month period there were 233 assaults and 183 incidents of self-harm involving children. Of the parents, 33 per cent reported feeling depressed all of the time and 30 per cent most of the time. Of parents and children, 21 per cent described their home as a jail and 19 per cent said they felt unsafe.

This report paints a vivid picture of the toxic environment in detention centres. It gives a voice to the voiceless and it gives visibility to these forgotten children.

I was shocked to hear the Prime Minister describe the report as a "blatantly partisan politicised exercise", saying the AHRC "ought to be ashamed of itself" and that he felt no guilt whatsoever about the findings.

The current detention policy was introduced by the previous government and perpetuated by the current government. The AHRC have merely done their job by speaking for those unable to do so and by providing credible data to inform future policy.

I urge Australians to read the report and decide for themselves. Whatever your politics, please consider our need to treat children who are already in our care with the humanity and dignity they deserve, and to provide them with their right to education and adequate health care.

In line with other developed countries, we should not detain children for longer than is necessary and should release those remaining in Nauru and mainland detention centres into the community as soon as practicable.

---->>> Elizabeth Elliott AM is Professor of Paediatrics and Child Health, Sydney Medical School, University of Sydney.

<http://www.abc.net.au/news/2015-02-13/elliott-forgotten-children-i-was-shocked-by-what-i-saw/6092912>

21. Malcolm Fraser criticises PM over 'bully-boy' response to AHRC report

Malcolm Fraser criticises PM over 'bully-boy' response to Human Rights Commission's Forgotten Children report

ABC Radio CAF - AM

First posted Sat 14 Feb 2015, 8:52am

Updated Sat 14 Feb 2015, 8:58am

Former Liberal prime minister Malcolm Fraser has launched a scathing attack on Tony Abbott and his Government over its treatment of the Human Rights Commission (HRC) and, in particular, its president Gillian Triggs.

The Commission's Forgotten Children report, which called for a royal commission into the detention of children under both Labor and Coalition governments, has been labelled a "transparent stitch-up" by Mr Abbott.

The report found that detention had caused significant mental and physical illness to children and was in breach of Australia's international obligations.

Mr Abbott on Thursday questioned why the HRC did not launch an inquiry when the previous Labor government was in power and the number of children in detention reached a peak of almost 2,000.

"This is a blatantly partisan politicised exercise and the Human Rights Commission ought to be ashamed of itself," he said on Macquarie Radio.

Malcolm Fraser spoke out this morning in support of HRC president Ms Triggs, saying Mr Abbott had handled the report very badly.

"If the Government had wanted to handle the matter sensibly, they would have said they recognise there have been abuses," he told ABC's AM.

"[They would have said] they will examine those abuses and have been, indeed, since they got the report in November - which, obviously, they haven't been - and they would have thanked the Commission for its work and said, 'we've got to get children out of detention as soon as possible'."

"Now, instead of doing that, they've chosen to attack the commission as a body and to attack the chairperson in particular, which I think is outrageous. I know Gillian Triggs. She's a very good, distinguished lawyer," he said.

Mr Fraser denied suggestions Ms Triggs had a political agenda or that the commission had a case to answer.

"Absolutely not. She is fulfilling the charter laid out in the legislation," he said.

"I actually believe that, when this dies over, which it will do, that the people who are going to be damaged by the whole incident are the people in the Government and the Prime Minister in particular, because the Commission's reputation stands high amongst sorts of people.

"The chairperson's reputation stands high. And if criticism is to carry any weight, you've got to have some opinion of the person uttering it."

Mr Fraser said the response from Mr Abbott to the report showed he had not changed his "bully-boy" leadership style since the spill motion last week.

"The Prime Minister has got his back to the wall," Mr Fraser said.

"He's just survived a near rebellion from his own backbench and he has demonstrated, since then that ... he has not changed; he has not learnt; he has behaved in the same bully-boy fashion, which is a reputation that has haunted him since long before he was Prime Minister.

"It is the utmost foolishness because it's going to be one of those things which again are put into the scales against the Government and against the Prime Minister.

"Whether his members suddenly find that they need to show a little more courage - because there is no way, whether the election is this year or next year, there is no way that this Government as presently constituted could possibly survive.

"Even Australians who take a very, very hard line about asylum seekers - and unfortunately there are more than I would like to think - are probably a bit uncomfortable with the kind of treatment that has been meted out to children in detention by the Australian Government in their name."

Mr Fraser said suggestions Ms Triggs should resign were "total absurdity".

"If anyone should resign, the Government should resign," he said.

<http://www.abc.net.au/news/2015-02-14/malcolm-fraser-attacks-abbott-treatment-human-rights-commission/6098920>