

Project SafeCom News and Updates

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1. Netflix fail proves copper NBN leaves Australia utterly 4Ked

The rest of the world is accelerating, while we hesitate and are lost

The Register, UK
8 Apr 2015 at 22:14
Mark Pesce

I ran into my friend Tom the other day. He's worked at the intersection of media and technology pretty much from the beginning. When there's a launch of a new media tech that promises to change the world, Tom's always in the front row, taking notes.

At the end of last year, Tom received an invite to Netflix's Australian launch. Tom had been hearing about the content licensing deals (protracted and expensive) for years, so the eventual announcement became an almost anticlimactic affair - except for one thing.

Netflix, eager to show off their future-proof status, demoed some streaming content shot in the Ultra High-def 4K format. UHD-capable monitors and televisions have recently dropped in price - today they're only modestly more expensive than HD kit, but for all their popularity in the shops, there's precious little content to drive sales. And if you can't enjoy all those extra pixels, why pay for them?

This same chicken-and-egg dilemma hamstrung the recent and even-more-recently failed efforts to make 3DTV the Next Big Thing. No content means no audience means no sales.

Broadcast TV isn't about to leap into the Ultra HD era. With audiences in slow decline, and revenues from advertising migrating to online and mobile channels, the economic incentive simply isn't there. Costs to retrofit all of the broadcast infrastructure, globally, to accommodate UHD, would run into the tens of billions.

The Japanese, proud to be hosting the 2020 Olympics in Tokyo, have been using that event to opportunistically drive UHD broadcasting and adoption in their home market. But that argument won't carry the same weight anywhere else.

Moore's Law means technology advances in video now vastly outpace changes to the broadcast distribution infrastructure. Broadcast has begun to fall behind, and it's unlikely it will ever catch up.

Enter Netflix. Where the broadcasters have to conform to slow-to-develop and expensive-to-implement international standards for UHD, Netflix can simply treble or quadruple the number of bits they blast to customers from their banks of servers. That's precisely what they wanted to show to the Australian media and media analysts - including my friend Tom.

Trouble is, the demo didn't work. They hit play, then waited for the spinning animation to clear, and the content to play. They waited. And waited some more. No UHD content ever made it to the screen.

Those Netflix folks did their fastest tap dance, telling the audience Netflix could detect bandwidth insufficiency and invisibly drop to HD or even SD resolutions, on-the-fly. That's a great example of making a silk purse from a sow's ear, but not exactly the point they wanted to make.

Instead of proving Netflix could leapfrog Australia into the future of media, Netflix demonstrated Australia is not future-proofed.

That's not surprising. An UHD stream requires anywhere from 15 to 25 Mbps. Although many ADSL2 connections throughout Australia can theoretically provide such bandwidth, in practice they nearly always deliver significantly less. Hundred year-old copper networks with decaying insulation can not be relied upon to perform at the upper ranges of their capacity.

Even the 50 Mbps promised as the cheap-and-cheerful alternative to Australia's fibre-to-the-home National Broadband Network won't accommodate two UHD streams into a home simultaneously - never mind the kinds of stresses they'll put on a neighbourhood node when every home in the suburb tunes into two UHD content streams every night of the week.

That's the immediate future for the United States, where Google Fibre's rollout across several American cities has produced a change-of-heart in America's not-exactly-beloved cable-and-broadband providers. Comcast - possibly the most hated company in North America - recently announced that by the end of this year, eighteen million customers would have access to 2 Gbps service.

That's twenty times faster than the best we're advised Australians can expect. It means the Americans will be able to stream UHD content to their heart's content, while Australians will barely be able to make a single stream work - and only if your neighbours allow you to be a bit greedy with the bandwidth.

Just as global TV broadcasting has been left behind by new technologies, Australia has already been left behind, unable to provide its consumers with the latest technologies, because we failed to invest for our future needs.

Everyone who argued in favour of a robust, fibre-based National Broadband Network predicted this day would come. That day - when our political and business failures become painfully and permanently clear - now lies in our past.

We're growing used to the studied ignorance an obvious fact: Australia has already fallen dangerously behind. The longer Australia hesitates, in a stubborn refusal to see the plain truth, the further behind it falls. Eventually, Australia will disappear from the map of Nations That Matter, as the nation stares at a spinning animation, waiting for a future that never finishes loading. ®

http://www.theregister.co.uk/2015/04/08/netflix_fail_proves_copper_nbn_leaves_australia_utterly_4ked/

2. Kimberley Land Council to ask UN forum to condemn Indigenous community closures

Land council says proposed closure of up to 150 Aboriginal communities contravenes UN declaration on the rights of the Indigenous person

The Guardian
Calla Wahlquist
Thursday 9 April 2015 16.02 AEST

A United Nations forum will be asked to condemn the proposed closure of up to 150 remote West Australian Aboriginal communities later this month.

Representatives from the Kimberley Land Council will travel to New York for the 20 April meeting of the permanent forum on Indigenous issues and will propose an intervention condemning both the proposed closures and the changes to the Aboriginal Heritage Act, which they say are contravene the UN declaration on the rights of the Indigenous person.

The land council's chief executive, Nolan Hunter, said the proposed closures contravened article 10 of the declaration, which states that Indigenous people shall not be forcibly removed from their land or relocated without their free, prior and informed consent; and article 26, which states that Indigenous peoples have the right to the ownership, use, development and control of their traditional lands.

"Basically we are saying that, contrary to the popular belief, Aboriginal people do have rights," Hunter said.

Hunter said the land council decided to raise the resources to travel to New York because its members felt they had not been listened to by either the West Australian or the federal government.

But he said he was realistic about the impact a UN intervention might have on domestic policy, particularly given the recent claim by the prime minister, Tony Abbott, that Australians were "sick of being lectured to by the United Nations". That comment referred to criticism of Australia's treatment of asylum seekers, but Australia has also been repeatedly criticised for its treatment of Indigenous people.

"The only thing we are left with is to go to the UN because we know Australia is a party to that declaration," Hunter said.

"We want to ... ignite an international exposure to our plight and motivate the Australian government to comply with its international obligations."

The WA premier, Colin Barnett, has staunchly defended the withdrawal of essential services from between 100 and 150 of the state's 274 remote Aboriginal communities, announced in November after the federal government transferred responsibility for them to the states.

A grassroots campaign against the closures, sparked when Abbott described living on traditional lands as a "lifestyle choice", has organised protests across the country and has spread across the Tasman, with rallies planned for cities in New Zealand on 1 May. More rallies are planned for Melbourne and Sydney on Friday.

The WA cabinet subcommittee on Aboriginal affairs is finalising its criteria for determining which remote communities will lose funding. The Aboriginal affairs minister, Peter Collier, has said the plan would be released "very soon".

The child protection minister, Helen Morton, is on that committee and will visit two remote communities on the Kimberley's Dampier Peninsula, near Broome, on Friday. A spokeswoman for Morton said the visit was part of her "general portfolio duties", not specifically related to the closure of communities, but she expected the future of government investment would be raised.

Writing in the Australian on Tuesday, Morton said each remote community would be considered "on its merit" but "unsafe" communities would not be supported.

“To accept the status quo would mean we turn a blind eye and accept that some West Australians will live lives characterised by chronic lack of personal safety, compromised health, little to no education and economic dependence on others,” she said.

Morton said there was “no plan for the closure of any community”.

“However, this does not mean that government will not do whatever is necessary to protect the wellbeing of children and young people.”

The Kimberley Land Council chairman, Anthony Watson, who is also attending the UN forum, said informal visits such as those of Morton and the regional development minister, Terry Redman, could not take the place of formal consultation. Watson said the government had still not met the council, despite it representing 80% of communities facing closure.

“We are still hoping that they will come and meet with us. We invited them to come here, in our boardroom, and talk to us,” he said.

Watson and Hunter said they were concerned that the deaths of two people at Kalumburu would be used to justify the proposed closures.

A 38-year-old woman died in the East Kimberley community in an alleged brawl on 5 April, and a 24-year-old woman has been charged with her manslaughter. Police are investigating the death of a 48-year-old man who reportedly had a heart attack while sheltering from the brawl in a house.

Hunter said it would be unfair to use the incident, which he said was violent and troubling, as proof that some communities were dysfunctional.

“Where there are issues of a criminal nature, we expect that the law will apply no differently,” he said. “What we don’t agree with is when you punish the whole community for the actions of one or a few.

“Do you remember Cronulla, the riots that happened there? Did they close down Cronulla, or no?”

<http://www.theguardian.com/australia-news/2015/apr/09/kimberley-land-council-to-ask-un-forum-to-condemn-indigenous-community-closures>

3. The human cost of ending money transfers to war-torn countries

High school fees, food, housing – Australian Somalis tell of despair that payments to family have stopped with Westpac’s decision to exit industry

The Guardian
Michael Safi
Thursday 9 April 2015 13.29 AEST

Each month, Ahmed Ismail makes his ritual trip to a money-transfer agent. Like a lot of Somalis living in Australia, he sends money home to his relatives in Bosaso, north-eastern Somalia. He knows exactly what it pays for.

“Normally, I’d cover my two cousins’ high school fees,” says Ismail, who owns a travel agency in Melbourne. “And my cousins in the UK and the US cover food, housing, all the other expenses.”

That also means, if he doesn’t send the money – usually meagre sums of \$200 or \$300 – he knows exactly what his cousins cannot afford that month. That pressure has been building since October, when Westpac, the last big bank to facilitate money transfers, suddenly announced it was exiting the industry.

A three-month stay imposed by the federal court in December expired on 31 March. Ismail’s family in Bosaso cannot understand why the lifeline they have depended on for 20 years might not come through this month.

“They don’t understand how it’s not possible. Some of them think it’s a joke, or that I don’t want to send them money,” Ismail told Guardian Australia.

“At the same time they have friends and colleagues who are still receiving money, and they want to know how ... It causes a lot of issues within the family.”

Somalia has no formal banking system, nor international money-transfer companies such as Western Union. Instead Somalis abroad rely on a system called “hawala”, Arabic for transfer, to send \$1.3bn home each year. That includes about \$33m from Australia, more than twice what the country gives to Somalia each year in foreign aid.

Under hawala, Ismail’s money agent in Melbourne corresponds with another in Somalia, confirming that the Melbourne agent has received the \$300 from Ismail. Shortly after, the Somali-side agent makes an equivalent sum available to Ismail’s relatives. The debt between the two agents is settled later, usually by moving money between traditional bank accounts.

High-profile cases of the system being used to fund militant groups have led to regulators around the world cracking down on banks helping to square the accounts of money agents. Westpac persisted with the service long after its rivals had quit, starting with the Commonwealth bank in 2011.

By October the risk calculations had become too high, as had the cost of complying with stringent new domestic and global regulation, much of it aimed at stopping the funding of militia such as al-Shabaab, the group responsible for last week's attack that killed almost 150 people in neighbouring Kenya.

The last US bank to facilitate money transfers to Somalia also ceased doing so in February. Remittances from Britain, too, have been severely constricted by the decision by Barclays in 2013 to close money agents' accounts.

Purely as a cost-benefit proposition, the banks' decision makes sense, said Matt Collin, an economist with the Center for Global Development in Washington DC.

"Transfers are a pretty marginal business for these banks," he said. "Instead of taking a very costly approach of looking at each individual remitter and deciding if they're OK, they're saying: this is too costly, the cost of compliance is too high. It's easier for us to just let these accounts go."

These calculations made in skyscrapers in Sydney or London have a huge impact on the family of Melbourne chaplain Abdiahman Mohamud, in Mogadishu. He says the \$300 he sends his cousins each month literally keeps them from starving.

"I can understand where the banks are coming from. They have an obligation to their shareholders to minimise risk," he said.

"But at what cost? Somalia is an abstract place, but real people's lives are at risk. People are going to go hungry."

His relatives are "in a state of shock", he says. "They've got a little bit of money left from last month, but after that it's done."

To keep their families afloat, Ismail, Mohamud and the 6,000 other Somalis in Australia now have two options. "One to find an alternative legal channel which costs more. Send the money via Dubai for example," Ismail says.

Apart from trusting a Dubai-based broker, that involves converting money from Australian dollars into Emirati dirhams and back into the US dollars used in Somalia, incurring fees that mean his relatives receive substantially less each month.

"And the second option is unregulated or illegal ways to send money. Finding out who's flying to Somalia, families pooling together to give them \$15,000 or \$20,000 in cash," he says.

That's an even bigger gamble, especially for the cash mule. Get caught and the money gets confiscated. "You have let down 10 or 15 families who are depending on you," Ismail says.

He declines to say which option he is taking. "I've got cousins and family that need to survive, and I'll need to find a way to send them money. I have to do it."

Even as means of halting terrorist financing, Collin says, cracking down on money-transfers might be "counter-productive".

Hawala is hard to track. But accounting for cash wired through a maze of different countries and systems, or carried in the pockets of travellers, is impossible. "You've just pushed a large chunk of remittances into informal sectors that by definition cannot be inspected," he said.

The Australian government is not blind to the problem. In December the attorney general's department formed a remittance working group to find an alternative way for the money to keep flowing. But progress is slow, a solution far off.

In the meantime, Mohamud worries for his cousins, particularly the teenage boys no longer able to afford school. "They have to do what they can to survive, and that can be really bad stuff," he says.

<http://www.theguardian.com/business/2015/apr/09/the-human-cost-of-ending-money-transfers-to-war-torn-countries>

4. Jonathan Green: Fantasy Island: Bringing Nauru home

The abuse of children seems to be a common experience at the Nauru detention centre. But what if it was all happening closer to home? Jonathan Green imagines.

ABC The Drum

By ABC's Jonathan Green

Posted Thu 9 Apr 2015, 2:10pm

Calls for a full inquiry into a federal "family resettlement facility" in suburban Melbourne grew this week, after former workers and volunteers revealed a long history of sexual and emotional abuse of children housed at the centre.

One former employee of a children's charity said reports that children had been groomed as sexual targets and serially abused had been ignored by government officials, despite repeated representations from the facility's workers for more than a year.

The resettlement facility, housed in a converted former secondary college and oval in the busy inner-northern suburb of Moonee Ponds, has now been the subject of numerous allegations, one departmental inquiry and a detailed report from the human rights commission.

Despite repeated recommendations against this, and considerable community concern, children are still housed at the facility, which was re-opened in 2012 to house homeless families fleeing trauma and persecution.

According to one worker, a woman removed from the centre on the instructions of the responsible government department:

"When we were concerned children were being groomed for sexual abuse and were allegedly being abused, we reported these issues up the chain of command. We wrote incident reports, we documented harm in case notes and other client documentation, and we raised these issues in meetings ... But all of this was absolutely ignored by [the] department ... [we were] not allowed to remove children who in our professional judgment were unsafe."

She detailed the case of one girl, younger than six, who was repeatedly targeted by men inside the facility.

"She went from trying to squirm out of adults' company and touching, to trying to initiate sexual contact with adult males. She would go into another person's tent and ask them to touch her inside her vagina."

According to the responsible minister: "If people have further information to provide they should provide that to the department or to me so that matters can be properly looked at."

However, workers at the facility say they have been constantly referring matters back to the minister's department for the past 17 months, and that the Government had therefore been fully aware of the extent of abuse, but had failed to act.

Workers had provided various details of abuse to department officials, including the cases of:

- A girl under the age of 11 who said she was sexually assaulted, and later self-harmed.
- A boy about seven years old who was found naked in the middle of the night outside a tent.
- A girl about five years old who exhibited sexualised behaviour, including asking adults to insert items into her anus.

Confronted with the claims of workers from the facility, the government had commissioned its own inquiry, not just into the reports of abuse, but also into the conduct of the workers themselves, claiming that they had facilitated protests among centre residents and fabricated claims of abuse.

Government concern over the conduct of workers at the facility followed an address to the 900 residents, made by the minister responsible via video link.

He told them: "Processing and resettlement ... will never be an option ... There are no exceptions. You will remain ... until you either choose to return or are resettled somewhere else."

Days of protest followed. In the 48 hours immediately after the speech, there were 10 reported incidents of self-harm or attempted suicide, some involving minors.

The minister highlighted allegations that workers at the facility had encouraged children to self-harm, along with the claims that they had fabricated allegations of rape and sexual abuse of detainees. Ten workers were removed from their employment.

The subsequent inquiry found no evidence of misconduct by the facility's workers; but found the testimony of residents was credible and convincing.

Following the release of the independent report the prime minister responded, saying: "Occasionally, I dare say, things happen ... Because in any institution you get things that, occasionally, aren't perfect."

This is the second report into allegations of abuse at the facility, and follows the February report of the human rights commission which, over 315 pages, argued for a royal commission into children in detention, finding that one in three suffered mental health disorders.

Just under 200 children are held in the facility.

Responding to the HRC report, the prime minister attacked its author, saying: "This is a blatantly partisan politicised exercise and the human rights commission out to be ashamed of itself."

According to a leading law professor: "The commission's report on children in immigration detention is a credible, impartial, evidence-based assessment."

Despite only making the report public in February, the Government had in fact received the document in November of last year. In the intervening period the minister responsible had suggested to the report's author that she should consider resigning her position. She declined.

Local welfare sector workers are nonplussed at the Government's attitude to conditions in the centre.

According to one: "I could understand if all this was happening offshore somewhere - out of sight, out of mind - but this is Melbourne."

"We're decent, moral people. We care for our kids. This shouldn't be happening here, not in our name, not in our city."

Jonathan Green hosts Sunday Extra on Radio National and is the former editor of The Drum.

<http://www.abc.net.au/news/2015-04-09/green-bringing-nauru-home/6379490>

5. Olivia Ball: How we've failed as a nation on arbitrary detention

The United Nations is not lecturing us, but doing its job, responding to complaints and defending human rights.

The Age
April 7, 2015
Olivia Ball

The Abbott government has submitted a tardy and disappointing response to the United Nations Human Rights Committee's ruling that 46 refugees subject to secret ASIO assessments are being arbitrarily detained.

The refugees' lawyer, Professor Ben Saul, characterises Australia as having merely "agree[d] with itself that it was right all along. It has wasted the committee's precious time and acted in bad faith, given that it seemingly had no intention of moderating its behaviour" since the joint complaints were first lodged in 2011.

Prime Minister Tony Abbott might think Australians are "sick of being lectured to by the United Nations", but has he wondered how Australians feel about our international reputation being trashed? Harvard law professor Gerald Neuman regards Australia's reception of this latest UN criticism as "somewhat shocking", while Saul laments that Australia has become "a recalcitrant and pariah".

Ours is a country with a proud history of close involvement in the establishment of the UN and the Universal Declaration of Human Rights. Australia's H. V. "Doc" Evatt became president of the UN General Assembly and argued unsuccessfully for a world court of human rights. (In a recent collection of essays, Geoffrey Robertson calls Evatt "the Australian who has had the most influence on human progress".)

Instead of a world court of human rights, the UN has committees of independent experts who monitor adherence to human rights treaties. These committees have upheld 36 specific complaints against Australia over the past 20 years – the fourth-highest number of adverse findings in the world. About half of these have concerned arbitrary detention.

Since the introduction of mandatory immigration detention by the Keating government, Australia has detained thousands of asylum seekers and, since 2009, dozens of recognised refugees who, without being told the grounds for their continued detention, cannot challenge any facts or evidence contributing to ASIO's assessments, nor identify any errors of law. Progressives and conservatives alike recognise such grave injustice as an affront to our hard-won right to liberty.

Do we really want to live in a country that locks people up forever without trial? That denies them any opportunity to demonstrate their innocence? Is that the price we are willing to pay for a chimera of safety? Can we live with the intrinsic xenophobia that allows foreigners to be treated this way, but not Australians?

The Federal Court has observed: "There can be no question that the right to personal liberty is among the most fundamental of all common law rights. It is also among the most fundamental of the universally recognised human rights."

The Universal Declaration of Human Rights prohibits arbitrary detention. The UN Special Rapporteur on reparations deems arbitrary detention a gross violation of human rights, in the same category as torture and genocide. But what is it? In short, detention is arbitrary when it is unjust and/or disproportionate.

The UN Human Rights Committee provides authoritative guidance on the subject in a recent statement known as General Comment No. 35: "Detention for the control of immigration is not per se arbitrary, but the detention must be reasonable,

necessary and proportionate and reassessed as it extends in time. Asylum seekers may be detained for a brief initial period in order to document their entry, record their claims and determine their identity, if it is in doubt. To detain them further while their claims are being resolved would be arbitrary in the absence of particular reasons specific to the individual."

According to this supreme authority, Australia's detention of asylum seekers and refugees is arbitrary if:

- It is mandatory for a broad category of people, such as people arriving by boat.
- Children are detained, except as a last resort.
- Less invasive means of managing irregular migration have not been considered.
- People are detained without regard for its effect on their physical and mental health.
- Its justification is not reassessed periodically by a court or equivalent.
- It is indefinite, due to a person being a refugee, stateless or who otherwise cannot be deported.

By this UN definition, there is no question that Australia's mandatory, indefinite detention of asylum seekers arriving by boat is arbitrary detention. Making this kind of detention part of Australian law does not mean it is no longer arbitrary or a serious human rights violation. It just means our laws are way out of line.

Further, in continuing to detain more than 30 refugees for security reasons, the Australian government must:

- Demonstrate that alternate, less invasive ways of addressing security concerns are inadequate.
- Disclose to each detainee "at least the essence of the evidence" against them.
- Not detain along with them any family members not under suspicion.

The UN Human Rights Committee has determined that the detention of the ASIO refugees is arbitrary and they should be released and offered rehabilitation and compensation. As current, gross violations of human rights causing immense and lasting suffering, theirs is among the most urgent of Australia's unremedied complaints to the UN.

Crucially, the UN emphasises Australia's obligation to "review its migration legislation to ensure its conformity" with the International Covenant on Civil and Political Rights, a legally binding treaty. This is vital to end arbitrary detention once and for all.

Australia's use of arbitrary detention has been condemned by various parts of the UN since at least 1997. The UN is not lecturing us, but doing its job, responding to complaints and defending human rights. Unlike a court, the UN cannot enforce its own decisions, so it falls to us to press our government to do the right thing.

Dr Olivia Ball, is a director of Remedy Australia.

<http://www.theage.com.au/comment/how-weve-failed-as-a-nation-on-arbitrary-detention-20150406-1mf1ac.html>

6. Julian Burnside: Why won't we share our lucky country with asylum seekers?

Only the most courageous and vulnerable people get on rickety boats in search of safety, yet we treat them like criminals.

Sydney Morning Herald
March 31, 2015
Julian Burnside

There is something indecent about the idea that, in order to prevent asylum seekers from drowning at sea in their attempt to reach safety, you punish the ones who don't drown.

Yet, that is precisely what this country is doing. Australia now has the harshest imaginable policies in relation to boat people. Our treatment of asylum seekers is harsher than that of any other country that has signed the Refugees' Convention.

As people's characters are judged by their conduct, so a country's character is judged by its conduct. Although we see ourselves as a generous, welcoming country, we are seen overseas as cruel and selfish. We treat frightened, innocent people as criminals.

What separates "us" and "them" - our good fortune and the hardships asylum seekers face - is a play of chance. Or perhaps, as the British poet William Henley put it in *Invictus*, his celebrated poem of courage in the face of adversity, "the bludgeoning of chance".

When Donald Horne wrote of Australia as "the lucky country", his meaning was ironic. But most Australians are incredibly lucky, compared with the boat people who try to reach safety here. In Australia, most members of the community never have to fear persecution; never have to fear the late-night knock on the door; never have to fear for their human rights.

It is a hard thing to be forced by circumstances to leave one's country of birth in search of a safe place. The play of chance is worse again for those who must seek protection in a country whose language and culture is radically different from their own.

How much worse must it be to find that a bid for freedom ends with punishment as harsh as anything that might have been experienced at home?

In August 2001, Australia's SAS intercepted the Norwegian cargo vessel, the Tampa, and took command of the ship at gunpoint to stop the captain from unloading the asylum seekers he had rescued at our request. Since the Tampa episode, we have seen increasingly brutal treatment of people who had ran out of luck in their home country and tried to reach safety in Australia. Since the Tampa episode, 94 per cent of boat people have been assessed, by us, as refugees genuinely fleeing the fear of persecution.

Let's be clear: boat people are courageous enough to risk their lives to reach safety, and most of them are escaping the same extremists we are fighting in the Middle East. But I have received messages from many refugees from many countries that say, in substance, "In my country they kill you quickly; in Australia they kill you slowly".

I have seen fate bludgeon families beyond endurance, like the Iranian family with an 11-year old daughter who was so deeply traumatised that she tried to hang herself in immigration detention. It was at this point that I started accepting invitations to speak about refugee matters. In my naivety, I thought that if the rest of Australia knew the things I had learnt, the government's refugee policy would not last long. But that was in 2001.

Speaking publicly is not the done thing for members of the bar. I was deeply conscious of this as, one by one, professional colleagues and people I had thought were friends turned their backs on me. At one very glamorous social occasion, the wife of a senior colleague sidled up to me and said, somewhat archly, "Do you think it appropriate that a member of the bar should speak publicly about these matters?" With more wit than preparation I replied, "Do you think it appropriate to know about these matters and remain silent?" The conversation ended there.

Perhaps I should have asked her instead to imagine if the roles were reversed. Imagine for a moment that you are a Hazara from Afghanistan. You have fled your country and you have come down the north-west corridor through Malaysia and Indonesia; countries that give you a one-month visa on arrival. While you are in Indonesia, you can go to the office of the United Nations High Commissioner for Refugees (UNHCR) in Jakarta and apply for refugee status. If you are a Hazara from Afghanistan, you will almost certainly be assessed as a refugee. But when your one-month visa expires, you have to hide, because if you are found by the police, they will jail you. You cannot work or send your children to school, because if you are found, they will jail you. If the UNHCR has assessed you as a refugee, you can wait in the shadows until some country offers to resettle you. That might take 20 or 30 years.

Now, for just one minute, imagine you are that person. Will you wait in the shadows for 20 or 30 years, or will you take your courage in both hands and get on a boat? I have never met an Australian who would not get on the boat.

It is a very strange thing that we criticise, revile and punish those who do precisely what we would do if we were in their shoes. We know how chance has bludgeoned people who flee for safety. Chance never did them any favours: can't we?

This is an edited abstract of a speech made by barrister Julian Burnside at the 2015 Hal Wootten Lecture at UNSW Law last night.

<http://www.smh.com.au/comment/why-wont-we-share-our-lucky-country-with-asylum-seekers-20150330-1martb.html>

7. Reclaim Australia rallies 'hurtful' to new migrants and refugees

Community leaders say nationwide anti-Islam rallies held on Saturday have left new arrivals feeling isolated and vulnerable

The Guardian
Shalailah Medhora
Monday 6 April 2015 15.11 AEST

Refugees and new migrants feel more isolated and vulnerable following last weekend's Reclaim Australia rallies, community leaders said.

The anti-Islam rallies on Saturday attracted hundreds of demonstrators nationwide who were protesting against halal certification, sharia law and increased Muslim migration.

Counterprotests were held in several cities, in some cases eclipsing the original rallies.

Edward Solo, vice president of the Federation of African Communities Councils in Australia, said the anti-Islam rallies are "hurtful".

"It is really a fearful message," he said.

Solo said many new arrivals will worry that they will be the next targets of the rallies. "It is hurtful to your efforts to rebuild your lives [which were] shattered back home," he said.

Kon Karapanagiotidis from the Asylum Seeker Resource Centre said that the protests build on the anti-refugee sentiment that has been stirred up by the government's hardline border protection policies.

"This is a community that feels like it is under attack, a community that feels isolated and unwelcome," he said. "Reclaim Australia makes asylum seekers feel more under threat."

Joe Caputo, chair of the Federation of Ethnic Communities' Council of Australia, was wary of giving the protesters too much publicity, labelling them "a totally isolated fringe group that is insignificant".

He said demonstrators were "ignorant", "misinformed" and "out of this world", pointing to the fact that no mainstream organisations or politicians attended the rallies as evidence that they are in the minority.

But chief executive of the Arab Council, Randa Kattan, warned that even small groups can be dangerous.

"In terms of numbers they might be insignificant, but in terms of damage, it is significant," she said.

Kattan said it "only takes one incident" of racism or hatred to spark simmering tensions. The protesters are "squeaky wheels grabbing attention" in order to exploit existing divisions, she said.

Solo dismissed protesters' concerns that Australia would consider adopting sharia law, saying that "lacks serious grounds for action".

"Nothing of that nature can happen now ... or in the immediate future," he said.

Karapanagiotidis has criticised politicians from both sides for not speaking out against the Reclaim Australia rallies, drawing a contrast with German chancellor Angela Merkel who spoke out against ultra rightwing group Pegida by saying members had "hatred in their hearts".

He said the silence of politicians is "damning", accusing them of exploiting anti-immigrant sentiment.

Executive director of the Australian Multicultural Foundation, Hass Dellal, said that there is a "fear of the unknown" within the community, and that the rallies "shouldn't be dismissed".

He said the best way to overcome that fear is via interfaith initiatives and through open engagement between diverse groups.

<http://www.theguardian.com/world/2015/apr/06/reclaim-australia-rallies-hurtful-new-migrants-refugees>

8. Christmas Island detention centre demolition freeze ordered by Victorian Supreme Court

ABC News Online

By Peta Carlyon

Posted Sat 11 Apr 2015, 4:44am

A freeze has been ordered on the demolition of a Christmas Island detention facility, as lawyers for a young asylum seeker claim it may contain important evidence in a class action against the Federal Government.

The girl, known only as AS, is suing the Minister for Immigration and Border Protection and his department, alleging they failed to provide adequate health care and schooling opportunities for children.

At the time the class action was launched last year, the girl was six years old and Scott Morrison was the minister. He has since moved to the Ministry of Social Services and been replaced by Peter Dutton.

Lawyers representing the child said she had been in detention for more than a year and had suffered physical and mental health issues, including separation anxiety after her mother was transferred to the Australian mainland. They said she also suffered bed-wetting, a stammer, post-traumatic stress disorder and major depression, and an ongoing dental infection.

The Government moved children off the island in December.

The class action also covers pregnant and other asylum seekers held in detention who have claimed physical or psychological injuries, and is seeking compensation as well as court orders.

Government planned 'imminent' demolition of compounds

At a directions hearing in the Victorian Supreme Court this week, lawyers for AS said they had discovered that the Government planned to demolish the Aqua and Lilac compounds on Christmas Island.

The compounds were built by the Rudd Labor government as an extension to the island's North West immigration detention centre.

The court heard its demolition was "imminent", and lawyers for the Government said a contract had been signed and entered into to demolish the compound on April 17.

But lawyers for AS want access to the compound, among other facilities on the island, to assist their case in determining if it had a bearing on the psychological state of their client.

They told the court "the battlelines were drawn" by a letter from authorities "indicating inspection would only be allowed with a number of conditions".

Lawyers for the plaintiff said the conditions were "unacceptable" and included that they not take any photographs of Christmas Island detention facilities, and give authorities at least two weeks' notice of any intention to visit.

Justice Stephen Kaye said he was persuaded the compound had "sufficient relevance" to the case to order a hold on its destruction. "My concern is the compound should not be demolished," Justice Stephen Kaye said. "There is a degree of urgency attached to it. "I will make an order restraining the defendant from demolishing the Aqua and Lilac compounds, pending the hearing and determination of the application."

The parties will return to court next week.

<http://www.abc.net.au/news/2015-04-11/freeze-ordered-on-christmas-island-detention-centre-demolition/6385294>

9. Baby born to detainee in Wickham Point detention centre raises questions about cuts to medical services

Jill Poulsen
NT News
April 09, 2015 3:55PM

A DETAINEE in the Wickham Point detention centre gave birth in the facility on Tuesday, renewing criticism of the cuts made to medical services at the centre.

Late last month the Sunday Territorian reported that there would no longer be 24 hour medical care provided to the 700 odd detainees at the Wickham Point Immigration Detention Facility.

Medical staff are now only rostered at the facility on Monday to Friday from 9am to 5pm.

The woman gave birth during business hours on Tuesday so medical staff were on hand to assist.

It usually takes around 45 minutes for an ambulance to arrive at Wickham Point and another 30 minutes to get to Royal Darwin Hospital

Darwin Asylum Seeker Support Advocacy Network spokesman Ben Pynt said having pregnant women and children in detention was "completely inappropriate".

"If one of the dozen pregnant women at Wickham Point goes into labour during the middle of the night it could certainly pose a problem," he said.

"They're really upset with their new medical service, they it's completely inadequate to cope with the amount of medical emergencies that arise in the centre."

Mr Pynt said normal practice at the facility was that when a woman went into labour an ambulance was called.

When asked if Immigration Minister peter Dutton was happy with the medical services available at Wickham Point a spokesman for the Australian Government said "all detainees in immigration detention have access to health care at a standard at least comparable to the health care available to the Australian community generally".

However, Mt Pynt said it was ridiculous to compare the population of detainees at Wickham Point with the general population.

"A lot of people in Wickham Point have been moved there form offshore detention facilities because they have complex medical needs," he said.

"They are not a microcosm of Australian society, their mental health and physical health needs are not representative of wider Australia and that should be reflected in their care."

Paramedics have also voiced their concern regarding the cuts and the pressure it will place on an already strained ambulance service.

The Sunday Territorian reported, last month, that the number of self harm incidences and attempted suicides at the detention centre was rising.

Mr Pynt said that issue had not been resolved.

“Just yesterday I met with two more people who had attempted suicide last week,” he said.

“The level of distress out there is insurmountable.

With medical staff not available 24 hours Mr Pynt said some detainees were stockpiling medication so they could use it when needed but it heightened the risk of medication being used to overdose.

<http://www.ntnews.com.au/news/northern-territory/baby-born-to-detainee-in-wickham-point-detention-centre-raises-questions-about-cuts-to-medical-services/story-fnk0b1zt-1227297499222>

10. Tony Abbott declares only the Coalition strong enough to stop the boats

The prime minister says other governments ‘would succumb to the cries of the human rights lawyers’ over asylum seekers

The Guardian
Shalailah Medhora
Thursday 9 April 2015 14.16 AEST

Tony Abbott has said that only the Coalition could stem the flow of asylum seeker boats because other governments would “succumb to the cries of the human rights lawyers”.

The prime minister admitted that vessels continue to depart for Australia, saying that the government has “largely stopped the boats”, a step back from previous comments indicating they have been stopped altogether.

“I’m also confident that only this government can keep them stopped because any other government, I suspect, would quickly succumb to the cries of the human rights lawyers and others and what that would mean, very quickly, is that the people smugglers would be back in business,” Abbott told reporters in Gympie in Queensland.

“I’m determined to make sure that that doesn’t happen. Full stop.

“My absolutely clear message to the people smugglers is we are more than a match for you. Our determination to save lives at sea is greater than your determination to profit from putting people’s lives at risk.”

Abbott dodged the question of whether the government would consider a royal commission to look at allegations of sexual assault and abuse in offshore detention centres, saying that stopping the boats was the “best thing” the government could do.

Labor’s immigration spokesman, Richard Marles, said: “This idiotic statement shows how desperate this government has become. It is astonishing that human rights has become an enemy of this government.”

Marles said Labor remained committed to the policy of settling new boat arrivals in Papua New Guinea.

The prominent human rights lawyer Julian Burnside said he was “utterly astounded that [Abbott] would say something so foolish”.

“It must flow from that he does not believe in human rights as having any value, or that he doesn’t believe that boat people are human,” Burnside said.

“It seems that Mr Abbott thinks that you have human rights if you’re white or Christian or pleasant or rich, whereas the truth is you have human rights because you’re human.”

The executive director of the Human Rights Law Centre, Hugh de Kretser, said: “There is nothing admirable about ignoring the immense harm being inflicted on vulnerable people by our asylum seeker policies.

“Leadership would be shifting the enormous resources currently being spent on harming people towards developing a sustainable solution that provides safe pathways for people who need Australia’s protection,” he said.

“We can save lives at sea without being cruel to those that survive the boat journey.”

Earlier this year, the immigration minister, Peter Dutton, announced that 15 boats carrying 429 people had been intercepted since the government enacted its Operation Sovereign Borders policy, the cornerstone of which is turning back boats carrying asylum seekers.

<http://www.theguardian.com/world/2015/apr/09/tony-abbott-declares-only-the-coalition-strong-enough-to-stop-the-boats>

11. Government seeks immunity over use of force in immigration detention

Immigration officers – including contractors – would have greater powers to use force against asylum seekers and be exempted from liability under proposed laws

The Guardian
Paul Farrell
Wednesday 8 April 2015 12.07 AEST

The federal government is seeking extraordinary new powers that would make it largely immune from liability for inappropriate uses of force on people in immigration detention centres.

The new powers would allow immigration officers – which may include private contractors – to use “reasonable force against any person” if the officer believes it is necessary to protect the life, health or safety of people in detention or to maintain the good order, peace or security of a detention centre.

Such powers potentially give staff with a low level of training a greater level of immunity than that granted to state and federal police forces.

Officers would be able to use the powers in the migration amendment (maintaining the good order of immigration detention facilities) bill as long as they did not subject “a person to greater indignity than the authorised officer reasonably believes necessary”.

The bill states that grievous bodily harm – which courts have held to mean injuries that lead to serious or permanent disfigurement – could be inflicted on detainees if the officer “reasonably believes that doing the thing is necessary to protect the life of, or to prevent serious injury to, another person (including the authorised officer)”.

The bill also seeks to restrict asylum seekers from bringing personal injury claims against the Commonwealth or private contractors relating to the use of force. They could only do so if it could be demonstrated that the detention officer did not exercise force “in good faith”.

The provision would give the federal government - and private contractors managing the centres - a level of immunity for personal injury claims that is not even available in relation to the actions of police officers.

While officers in the federal, NSW and Queensland police are personally exempt from liability in most injury claims, the state and federal governments can still be named in legal actions according to a Parliamentary Library analysis of the bill.

Claire O'Connor SC, a South Australian barrister who has represented asylum seekers in legal actions, said the bill raised serious concerns.

“In the correctional environment there are regulations which dictate the conditions of a prisoner’s regime including access to exercise, the use of solitary confinement,” she said. “Within detention centres, in spite of the courts repeatedly pointing this out as a problem, there are no regulations. People have been forcibly taken by handcuff, thrown into solitary sections of detention centres and kept there without any reason given, sometimes for weeks on end. That happens under the current system.

“From time to time the courts will criticise the use of this force and the use of solitary confinement as a breach of a duty to provide adequate care. I suspect the amendment is to sanction these cruel practices so that detainees who have been unlawfully injured cannot complain or sue for harm done”.

The parliamentary joint committee on human rights said the bill “appears to lack a number of safeguards that apply to analogous state and territory legislation governing the use of force in prisons”.

It includes no express requirement for force to be used as a last resort, or that inflicting injury should be avoided where possible.

“The bill would allow force to be used to prevent any action that disturbs the good order, peace or security of the facility, which provide an ill-defined and extremely broad authorisation for the use of force by IDSP officer,” the committee report said. “In contrast, analogous state and territory legislation governing the use of force in prisons generally limits the use of force to preventing or quelling a riot or disturbance”.

Currently private contractors are generally able to rely on powers under common law to use reasonable force. Police officers have statutory rules governing in what circumstances they can use force.

Although the bill does not specify what the training requirements are likely to be, the explanatory memorandum of the bill says that "at this time, the qualification and training requirements that are likely to be determined by the minister in writing ... include the certificate level II in security operations."

A certificate level II in security operations is a base level training course for security personnel.

Daniel Webb, the director of legal advocacy at the Human Rights Law Centre, said: "We're the only country in the world that subjects asylum seekers to mandatory and indefinite detention as a first resort. Instead of creating excessive and unchecked powers to suppress unrest we should address its root causes – the length of time we leave innocent people detained in limbo.

"Immigration detention centres are incredibly closed environments. Increasing powers to use force while decreasing checks and balances on the exercise of those powers is a recipe for trouble."

The bill is the subject of a Senate inquiry that is due to report in May.

<http://www.theguardian.com/australia-news/2015/apr/08/government-seeks-immunity-over-use-of-force-in-immigration-detention>

12. Federal Government to spend \$4 million on TV drama to deter would-be asylum seekers

ABC TV - Lateline

By Margot O'Neill

First posted Thu 9 Apr 2015, 5:06pm

Updated Thu 9 Apr 2015, 10:20pm

LATELINE STORY and INTERVIEWS: <http://www.abc.net.au/lateline/content/2015/s4213714.htm>

The Federal Government is spending \$4.1 million to make a telemovie designed to deter asylum seekers from coming to Australia by boat.

Lateline has been told the multi-million dollar drama, commissioned by the Customs and Border Security Agency, is for broadcast in countries like Syria, Iraq and Afghanistan where deteriorating security is contributing to the worst global refugee crisis in more than 60 years.

Sydney-based production house Put It Out There Pictures has been given the contract for the drama, which Lateline understands could include storylines featuring the Australian Navy and asylum seekers drowning at sea.

Scheduled to be broadcast later this year, it will carry strong messages that asylum seekers should not trust people smugglers but instead wait to be processed.

A spokesperson for the Immigration Department told Lateline that "television soap operas and telemovies are proven media to reach the target audience when seeking to deliver complex messages."

While the department did not directly address whether the telemovie would be branded to audiences as being fully funded by the Australian Government, "each broadcast will be accompanied by a major awareness campaign across television and social media," the spokesperson said.

TV producer says 'propaganda' films can improve lives

Trudi-Ann Tierney from Put It Out There Pictures said "the impact this film will have on a person's decision to attempt a journey by boat to Australia cannot be underestimated" because it could help "save people from detention, disappointment and even death".

Ms Tierney is an experienced TV producer who worked in Afghanistan for four years making TV soap operas as well as an anti-terrorist police show called Eagle Four which was largely funded by the US embassy in Kabul and which she described as "propaganda".

She also worked on Afghan programs backed by other embassies as well as UN bodies and aid agencies.

In her 2014 memoir *Making Soapies in Kabul*, Ms Tierney wrote that: "Ostensibly I was head of drama (for a local TV company); but in truth I was nothing more than a propaganda merchant".

"The official term for what I was facilitating was 'psychological operations,' better known as PSYOPS which basically equated to identifying target audiences and influencing their values and behaviour to suit the objectives of, in the case of Afghanistan, NATO and its allies," she said.

Ms Tierney said most of her work was "grey PSYOPS" meaning that the source of the propaganda is not acknowledged and can actually appear to originate from a non-hostile or indigenous source.

However despite early misgivings, she believed the messages were positive and designed to improve Afghan lives through promoting greater gender equality and anti-drug and anti-extremist behaviour.

Ms Tierney said the Government-funded asylum seeker movie "is about people, not politics".

She referred questions about the plot and funding transparency to the Department of Immigration and Border Protection.

TV drama unlikely to deter asylum seekers: Refugee Council

Refugee Council of Australia president Phil Glendenning said the proposed drama was unlikely to deter people fleeing the horrors of Islamic State and a resurgent Taliban.

"We know that more people are on the move out of countries like Afghanistan and Syria than there have been for well over 50 years," Mr Glendenning said.

"A TV show isn't going to stop people who are running from the Taliban."

He said the \$4m should be spent supporting the United Nations High Commission for Refugees to provide asylum seekers with better protection and to speed up lengthy processing times so they are less likely to turn to people smugglers.

"I don't think the Government understands why people are on the move if they think a TV drama will be a deterrent," Mr Glendenning said.

"It may have good intentions but when people are up against the Taliban and Islamic State, it's not going to help them find protection and that's what our concern should be — how to protect people's lives."

Professor William Maley, an international expert on Afghanistan at the Australian National University, said deteriorating security, including increasing attacks on Hazara asylum seekers in Pakistan, meant that "a lot of people don't think they can wait for a year in a dangerous environment for bureaucracy to respond to them".

"This is why people smugglers are more attractive because they can get people moving within five days of making a down payment," he said.

The departmental spokesperson said the "telemovie will realistically portray the journeys of people ... and the challenges they face" including the lies of people smugglers and Australia's detention policies.

Immigration Minister Peter Dutton said the movie was part of an intensive effort by the Federal Government to end the people smuggling trade.

"Operation Sovereign Borders has stopped the boats coming to Australia and in the process saved countless lives," Mr Dutton said.

"But Australia must remain vigilant."

<http://www.abc.net.au/news/2015-04-09/tv-drama-to-deter-asylum-seekers/6381092>

13. Telemovie to deter asylum seekers an abuse of public funds, say Greens

The Guardian

Paul Farrell

Friday 10 April 2015 12.49 AEST

"With the brutal conflicts in Syria and Iraq the only message we are sending refugee families caught up in the violence is, "Bigger off, Australia does not care about your suffering," ' says Sarah Hanson-Young

The federal government's plan to pay \$4m to make a telemovie to deter asylum seekers from coming to Australia by boat is an abuse of public funds, the Greens senator Sarah Hanson-Young says.

On Thursday Lateline reported that a local production company, Put it Out There Pictures, had been contracted by the Australian Customs and Border Protection Service to make a telemovie to be broadcast in countries from which asylum seekers commonly seek refuge, including Syria, Iraq and Afghanistan.

"With the brutal conflicts in Syria and Iraq the only message we are sending refugee families caught up in the violence is, 'Bugger off, Australia does not care about your suffering,'" Hanson-Young said.

"This will do nothing to help improve Australia's standing in the international community. We should be doing more to help address the refugee crisis by offering safe avenues to Australia, not turning our backs on those in need telling people we don't care what happens to them."

Austender records show the contract began on 3 March 2015. In an unusual move, the contract is described as being confidential for public interest reasons. Only 1% of customs contracts have contained this confidentiality provision since 2012.

A spokesman from the immigration department said: "Television soap operas and telemovies are proven media to reach the target audience when seeking to deliver complex messages."

<http://www.theguardian.com/australia-news/2015/apr/10/telemovie-to-deter-asylum-seekers-an-abuse-of-public-funds-say-greens>

14. Australian government spends \$4 million on 'stop-the-boats' telemovie

Brisbane Times
April 10, 2015 - 9:50AM
Kate Aubusson

The federal government has commissioned a \$4.1m telemovie designed to dissuade asylum seekers from coming to Australia by boat.

The telemovie, set to be broadcast in refugee hotspots including Syria, Afghanistan and Iran, would include storylines about asylum seekers drowning at sea and feature the Australian navy, the ABC has reported.

The drama, scheduled for release later this year, will push the Australian government's message to would-be asylum seekers that they should shun people smugglers and wait to be processed.

The program "will realistically portray the journeys of people ... and the challenges they face," a spokesperson for the department of Immigration and Border Protection told Lateline on Thursday night.

But the spokesperson would not be drawn on whether audiences would be told that the film was fully funded by the Australian government.

The project was panned by Senator Nick Xenophon, who compared it with the Labor government's "ridiculous" ad campaigns targeting people smugglers.

"This sounds as though it might be almost as effective as the Rudd government's asylum seekers ads and radio commercials," said Senator Xenophon who supports the government's broader asylum seeker policy.

"I want to know who the stars are. At the very least [Greens senator] Sarah Hanson-Young and [former immigration minister] Scott Morrison should get cameos," he told Fairfax Media.

"Does the budget include popcorn? I guess we'll need to wait and see what it scores on rotten tomatoes," he said.

Sydney production company Put It Out There Pictures has been given the contract to produce the telemovie, with filmmaker Trudi-Ann Tierney at the helm.

Tierney said her initial reservations were quashed by the positive results the project was trying to achieve.

"The impact this film will have on a person's decision to attempt a journey by boat to Australia cannot be underestimated," because it could "save people from detention, disappointment and even death", she told Lateline.

In past interviews Tierney has not shied away from using the term 'propaganda' to describe her previous projects, which include the anti-terrorist police show aired in Afghanistan called Eagle Four largely funded by the US embassy in Kabul.

The self-described "propaganda merchant" told Lateline that her previous pieces of work, known as "grey PSYOPS", were psychological operations that did not acknowledge their funders and could appear to have been created by a local source.

The Refugee Council of Australia has condemned the move, with president Phil Glendenning telling Lateline that it was unlikely to be a deterrent for desperate people fleeing persecution.

"I don't think the government understands why people are on the move if they think a TV drama will be a deterrent," Mr Glendenning said.

Greens immigration spokeswoman Senator Hanson-Young attacked the telemovie on Friday as "a shameless abuse of taxpayer funds".

"With the brutal conflicts in Syria and Iraq the only message we are sending refugee families caught up in the violence is 'bugger off, Australia does not care about your suffering'," she said.

<http://www.brisbanetimes.com.au/federal-politics/political-news/australian-government-spends-4-million-on-stoptheboats-telemovie-20150409-1mhwlb.html>

15. Julie Bishop to lobby Iran government to take back hundreds of failed asylum seekers

ABC News Online

By political reporter Dan Conifer

First posted Sat 11 Apr 2015, 8:18am

Updated Sat 11 Apr 2015, 9:27am

Foreign Minister Julie Bishop will lobby Iran next week to take back hundreds of failed asylum seekers.

Iran has not cooperated with forced returns of its citizens who have been rejected as refugees by Australia.

More than 3,000 Iranians in the community on bridging visas are yet to have their claims assessed, and more than a fifth of people in mainland detention centres are from Iran.

Government MP Paul Fletcher said there are many Iranians in detention whose claims have been refused.

"The key point is we have a significant number of people in immigration detention at the moment from Iran," Mr Fletcher told Sky News.

"Where there are people from Iran and indeed other countries who are found not to have refugee status, then ultimately what we seek to do is have those people returned.

"It inevitably can raise difficulties and challenges, and that is an important reason why it does make sense to be having discussions with the countries from which significant numbers of asylum seekers have come."

Mr Fletcher said the countries would discuss the treatment of people returned.

Greens 'extremely concerned about any agreement'

The Greens raised the prospect of Iranians being killed if they are forced back after having asylum claims rejected.

"If Australia strikes a deal with Iran to deport vulnerable asylum seekers, families, children, men and women, I fear mistakes will be made, and these are life and death decisions for many of them," Greens Senator Sarah Hanson-Young said.

"We know there are hundreds of Iranian asylum seeker families here in Australia as well as on Nauru and many others on Manus Island who are fearful of what will happen to them if they are returned to Iran.

"I am extremely concerned about any agreement Julie Bishop may strike with the Iranian Government to deport vulnerable asylum seekers back to that country.

"Julie Bishop and the Foreign Affairs department need to be crystal clear with the Australian public before they go — what conditions will they set down in terms of this negotiation?"

Ms Bishop's trip is a rare high-level visit from Australia to Iran.

Mr Fletcher said it is a significant trip and a range of other issues would also be discussed.

Ms Bishop is visiting Tehran as international nuclear talks with the country continue.

Iran is also playing a role fighting Islamic State.

<http://www.abc.net.au/news/2015-04-11/julie-bishop-to-lobby-iran-government-asylum-seekers/6385616>

16. Julie Bishop to lobby to return failed asylum seekers to Iran

The Age
April 11, 2015 - 1:39AM
Daniel Flitton

Foreign Affairs Minister Julie Bishop will lobby Iran to take back hundreds of failed asylum seekers held in Australian immigration detention when she makes a rare visit to Tehran next week.

Iran has so far refused to accept any forced return from Australia of thousands of Iranians who arrived by boat during the Rudd and Gillard years and have been denied refugee protection.

Winning agreement with Iran to deport failed asylum seekers is seen as a potential breakthrough for the government to relieve the strife-prone Manus Island detention centre, where many Iranians are held.

But the Greens warn people forced to return to Iran could be in danger and have called for the government to explain any potential arrangement with Tehran.

More than 20 per cent of people held in mainland immigration detention centres are from Iran.

There are also almost 7000 Iranians who arrived by boat living on bridging visas in the Australian community, according to figures provided on Friday by the Immigration department. Most have yet to have their refugee claim assessed - but 228 have been refused and 37 determined "not to engage Australia's protection obligations".

Detained Iranian asylum seeker Saeed Hassanloo this week ended an extended hunger strike in protest at having his refugee claim refused.

A diplomatic source confirmed the question of returning failed asylum seekers has been an ongoing discussion between Ms Bishop and her Iranian counterpart, Javad Zarif.

"One of the biggest challenges that we are facing with failed asylum seekers is those refusing to return home," the source said.

Ms Bishop will travel to Tehran amid a diplomatic frenzy over the latest progress in nuclear talks with major world powers.

US President Barack Obama has made a nuclear deal the centrepiece of US foreign policy, saying it offers Iran a chance of "rejoining with the international community", but the talks are viewed warily across the Middle East.

Iran is also a crucial player in neighbouring Iraq and the fight against Islamic State, where Australian troops are being deployed.

But Australia's pressing concern with Iran is the fate of thousands of Iranians who claimed asylum after paying people smugglers to travel by boat from Indonesia.

Former foreign minister Bob Carr had controversially branded Iranians as economic migrants who were not facing persecution but were seeking to escape the squeeze of international sanctions.

Many Iranians had flown directly to Indonesia to be granted a visa on arrival until 2013, before travelling by boat to Australia.

Mr Carr told Fairfax Media this week returning failed asylum seekers to Iran would be "desirable" and it could be that the opening to the West following the nuclear deal has made an agreement possible.

Australia's effort to stop boats carrying asylum seekers already extends to arrangements with Nauru, Papua New Guinea, Sri Lanka and Cambodia.

Greens senator Sarah Hanson-Young said on Friday she was fearful mistakes could be made if asylum seekers were forcibly deported to Iran, especially after recent changes to rules for refugee assessments.

She said many Iranian asylum seekers had endured up to four years of "harsh conditions" in detention – including the death last year of Iranian Reza Barati on Manus Island and alleged abuse on Nauru.

"If you haven't opted to voluntarily return yet, it means you can't," Senator Hanson-Young said.

Official figures released this week reveal 177 people on Manus Island have had their refugee claim refused.

As of February, almost 1300 Iranians were being held in immigration centres and community detention in Australia.

Approximately 430 Iranian asylum seekers have agreed to return home since August 2012, with cash assistance from Australia and help from the International Organisation for Migration.

An Immigration department spokesman said involuntary removals from Australia can be conducted to Iran provided a person has valid Iranian travel documents.

But it is understood new documents have not been issued for those without.

<http://www.theage.com.au/federal-politics/political-news/julie-bishop-to-lobby-to-return-failed-asylum-seekers-to-iran-20150410-1mieaw.html>

17. Tony Abbott says Iran should accept forcibly returned asylum seekers

Australia is trying to persuade Iran to take back hundreds people who have been denied refugee status as part of a visit to Tehran

The Guardian
Guardian staff and agencies
Saturday 11 April 2015 10.11 AEST

Australia's prime minister, Tony Abbott, has said that Iran should take back its citizens who failed in their bids for refugee status, confirming his government will lobby Tehran on the issue.

The foreign minister, Julie Bishop, is expected to raise the deportation of Iranian nationals when she visits Tehran next week, a move which could ease pressure on Australian immigration detention centres on the Pacific islands of Nauru and Papua New Guinea.

"It's important that those who are found not to be refugees go home," Abbott told reporters in Sydney. "And this is where we will be talking to the Iranian government about taking back people who are ... Iranian citizens, because they deserve to be in Iran. They belong in Iran."

Refugee advocates say Iran refuses to take back failed asylum seekers returned against their will, and have raised questions about their safety if they are returned to their homeland.

"Obviously we are looking after those who are found to be refugees," Abbott said when asked about the possible persecution of Iranians sent home.

"But those who are not found to be refugees should go back to their home country, and if their home country is Iran, that's where they belong."

Iranians make up about 20% of the 1,848 people held in immigration detention centres in Australia, according to official figures from late March, and account for many of the 1,707 held on Nauru and Papua New Guinea's Manus Island, where Iranian Reza Barati was killed in February 2014.

Several thousand more are understood to be living in the community on bridging visas but still awaiting the final assessment of their claims for refugee status.

Bishop will travel to Tehran next week aiming to build closer ties with Iran in a bid to help with the fight against Islamic State extremists, against the backdrop of the recent international agreement to lift sanctions in exchange for Iran abandoning its nuclear program.

The opposition leader, Bill Shorten, backed the principle of repatriating those found not be refugees.

"We will wait and see what Julie Bishop produces in her talks with Iran. We want to see the detail," he told reporters in Melbourne.

Shorten said any arrangement needed to be consistent with international obligations, with asylum seekers afforded due process and their claims properly assessed.

"But in the event they are found not to be refugees, then they should be supported to go home as soon as possible."

The Australian Greens' immigration spokeswoman, Sarah Hanson-Young, said this would place the lives of men, women and children at high risk.

"What kind of guarantees will the Australian government get to ensure that people sent back to Iran are looked after and kept safe?" she said to reporters in Adelaide.

"I fear there's really no guarantees that could be made, and even so you have got to question whether the Australian government cares that much about them."

One Iranian asylum seeker went on a hunger strike in Perth for 44 days after attempts to appeal against the government's rejection of his refugee status were also rejected.

Victoria Martin from the Refugee Rights Action Network of WA told Guardian Australia the man had received a number of offers of legal assistance, and would continue to fight to be able to stay in Australia.

The immigration minister, Peter Dutton, has said his department is still offering to repatriate the man back to Iran, where his supporters say he will face persecution.

But because Iran will not accept forced repatriations, he could remain in detention indefinitely.

Since December more than 15 Iranian men at Darwin's Wickham Point immigration detention facility have embarked on hunger strikes.

One man, known as Martin, began his strike in November, stopping shortly before Christmas under urging from advocates, before restarting again until February when a court appeal of his case was heard. He remains in extremely poor health as a result, and is classified "high risk" in the centre.

<http://www.theguardian.com/australia-news/2015/apr/11/julie-bishop-to-lobby-iran-to-take-back-unwilling-asylum-seekers-report>

18. Tony Abbott confirms bid to return Iranian asylum seekers to Iran

The Age
April 11, 2015 - 9:46PM
Matthew Knott

Prime Minister Tony Abbott has confirmed that Australia will try to strike a deal with Iran to take back Iranian asylum seekers who are not found to be genuine refugees.

Fairfax Media revealed on Saturday that Foreign Affairs Minister Julie Bishop will use a trip to Tehran next week to lobby the Iranian government to end its long-standing practice of not accepting failed asylum seekers.

Many Iranian refugees are held at the Manus Island detention centre, where about 40 per cent of those assessed have been given "negative refugee status" initial assessments. Thousands more are held on bridging visas on the Australian mainland.

"People who arrived illegally by boat - some will be found to be refugees and some won't," Mr Abbott said on Saturday. "It's important that those found not to be refugees go home. This is where we'll be talking to the Iranian government about taking back people who are Iranian citizens because they deserve to be in Iran, they belong in Iran, if they are found not to be genuine refugees."

Opposition Leader Bill Shorten said he supported returning failed asylum seekers to their home country as long as Australia meets its international obligations.

But Greens senator Sarah Hanson-Young said that returning asylum seekers to Iran would "put the lives of men, women and children at higher risk".

Ms Hanson-Young said: "What kind of guarantees will the Australian government get to ensure that people who are sent back to Iran are looked after and kept safe?"

"Julie Bishop and the Foreign Affairs department need to be crystal clear with the Australian public before they go - what conditions will they set down in terms of this negotiation?"

The United Nations Convention on Torture states that countries must not return a person to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

<http://www.theage.com.au/federal-politics/political-news/tony-abbott-confirms-bid-to-return-iranian-asylum-seekers-to-iran-20150411-1miz3f.html>

19. Nauru staff call for closure of asylum centre and royal commission into abuse

Open letter from detention centre employees alleges Australian government knew of physical and sexual abuse of asylum seekers on Nauru more than a year before it acted

Read the open letter from current and former Nauru staff:

<http://static.guim.co.uk/ni/1428385386778/Nauru-staff-letter-of-conce.pdf>

The Guardian

Paul Farrell and Ben Doherty

Tuesday 7 April 2015 15.54 AEST

The federal government has been aware of physical and sexual abuse of asylum seekers on Nauru for more than a year but failed to take appropriate action, workers from the detention centre have alleged.

In an unprecedented move, 23 current and former medical staff, teachers, social workers and child protection staff have signed an open letter calling for the removal of all asylum seekers from Nauru to Australia. They have also called for a royal commission into sexual abuse on Nauru and into the government's response.

The three-page letter says comments by immigration minister Peter Dutton that there was a "zero tolerance" attitude to sexual abuse "do not reflect the attitude or actual response" on Nauru.

It says Dutton's request for asylum seekers to come forward and report sexual assaults could put them in further danger because of the close-knit nature of the detention environment.

The recent review led by former integrity commissioner Philip Moss found some allegations of sexual assault at the centre were substantiated. The review has now sparked a federal Senate inquiry to further investigate allegations of abuse at the centre.

Some of the workers were also due to appear on ABC's Lateline on Tuesday evening.

The letter says: "We are a group of current and former employees from the Nauru detention centre who have first-hand knowledge of the conditions in which children and adults are detained.

"We would like to inform the Australian public that the government and the Department of Immigration and Border Protection [DIBP] has been aware of the [allegations of] sexual and physical assault of women and children on Nauru for at least 17 months, long before the Moss review was ever commissioned.

"[DIBP] and all service providers were informed, in writing, of several of the assaults detailed in the Moss review in addition to many other assaults not mentioned in the report."

The letter was signed by former and current staff and workers from Save the Children and International Health and Medical Services.

Former Save the Children workers named on the letter include Jesse-James Clements, Viktoria Vibhakar, Tobias Gunn, Jarrod Kenney, Hamish Tacey and E Maree.

Named former staff from International Health and Medical Services include Dr Peter Young, Dr Rodney Juratowitch and Dr Michael Gordon.

A number of other current and former staff from Save the Children and the Salvation Army have signed the letter, but chose to remain anonymous.

The incidents it highlights include one from November 2013 in which a boy was sexually assaulted by a detention centre employee. Guardian Australia has previously reported on the case, and obtained documents that show the service provider Transfield filed an incident report at the time.

The letter says that on this and other occasions, the immigration department was made aware of the allegations through incident reports, meetings and minutes from Save the Children meetings, but that it chose not to act.

"Despite this knowledge, the DIBP chose to keep this child in the detention centre where he was assaulted and remained at risk of further abuse and retaliation. Indeed, this child was subjected to further incidents of abuse while he was in detention."

The letter says Dutton's comments encouraging asylum seekers to report abuse when the Moss report was released posed further risks as they continue to live in close proximity to the alleged perpetrators. The signatories allege this will place them at future risk of assaults.

"It is not safe to expect women and children to report abuse to authorities and then require them to live in close proximity to the [alleged] perpetrators," it said.

"To do so places them at risk for repeated assault, retaliation for reporting the abuse, and exposure to repeated reminders of the assaults that they suffered which further delays their recovery from trauma."

The letter says the sexual exploitation of vulnerable women by detention centre staff – another allegation raised by Moss – was reported to the Department of Immigration 16 months before the Moss review.

"However, DIBP refused to remove these women from the unsafe detention environment."

The letter calls for the closure of the Nauru detention centre.

"In order to protect asylum seekers, and in particular women and children from further abuse, we immediately ask for the transfer of all asylum seekers in the Nauru detention camp to Australia. We also request the Australian people support a royal commission into abuse allegations in the Nauru detention centre."

The Senate inquiry into events on Nauru is now accepting submissions, and is likely to hold public hearings in April and May. Some former detention centre staff are preparing submissions, which will be protected by parliamentary privilege.

<http://www.theguardian.com/world/2015/apr/07/nauru-staff-call-for-closure-of-asylum-centre-and-royal-commission-into-abuse>

20. Nauru Letter of Concern demands Royal Commission

Immigration Department aware of sexual abuse allegations against children for 17 months but failed to act, say former Nauru workers

ABC-TV - Lateline

By Jason Om

First posted Tue 7 Apr 2015, 1:02pm

Updated Tue 7 Apr 2015, 10:16pm

Former psychiatrists and social workers employed on Nauru are demanding a Royal Commission into sexual abuse at the Australian-funded detention centre, accusing the Government of putting asylum seeker children at risk.

The former Nauru workers have signed an open letter to the public, which says the Immigration Department was aware of abuse allegations for 17 months and did not respond adequately.

One of the signatories, Viktoria Vibhakar, a former child protection worker with the charity Save The Children, has broken her silence in an exclusive interview on Lateline tonight.

Ms Vibhakar pointed to some of the worst examples from Nauru to highlight the need for a Royal Commission:

- A girl under the age of 11 who said she was sexually assaulted, and later self-harmed.
- A boy about seven years old who was found naked in the middle of the night outside a tent.
- A girl about five years old who exhibited sexualised behaviour, including asking adults to insert items into her anus.

Ms Vibhakar did not specify the children's exact ages to help protect their identities.

Children 'mimicked sexual intercourse with each other'

Two other former Save The Children workers who have spoken to Lateline on the condition of anonymity say they were alarmed by the extent of sexualised behaviour among asylum seeker children.

In one example, one of the former workers said children as young as six would mimic sexual intercourse with each other.

"We're talking about kids saying what they refer to as jiggy jiggy and they would pretend to hump another child," he said.

He also said a group of boys had learnt an insult describing an explicit sex act from Nauruan security officers.

"There was children under the age of 10 that would joke around with a graphic description of an act of a man coming inside a woman," he said.

Some of the offenders identified by the Moss inquiry were locally hired Nauruans.

A third former worker said a number of Nauruans had continued to threaten a teenage boy and his family, after he reported being sexually assaulted by a Nauruan employee, who was sacked as a result.

The Moss inquiry noted Nauru had no compulsory working with children checks and no mandatory requirement for reporting child abuse.

"There is no way of actually doing checks on all local staff. Children remain at risk (and) potentially there could be further sex offenders in the centre," the former worker said.

Other signatories to the open letter include psychiatrists Dr Peter Young, Dr Michael Gordon and Dr Rodney Juratowitch, who worked for the immigration medical contractor, IHMS (International Health and Medical Services).

Dr Young, the former head of mental health services in the detention system, said a Royal Commission was needed despite the previous findings of an Australian Human Rights inquiry, the Moss inquiry and now a current Senate inquiry into Nauru.

"I think what we've seen with these other inquiries is that they get accused of being biased or accused of being politicised," he said.

Immigration Minister Peter Dutton said the recent Moss review examined what knowledge the department had of the allegations.

He told Sky News he was seeking further advice on the matter.

"The understanding in terms of the sequence of events that I'm aware of is that the former minister [Scott] Morrison was made aware of allegations late last year. He referred the matter to the then acting secretary of the department, the acting secretary then commissioned Mr Moss to undertake the review," he said.

<http://www.abc.net.au/news/2015-04-07/nauru-letter-of-concern-demands-royal-commission/6374680>

21. Perpetrators 'have easy access' to victims on Nauru: letter

Sydney Morning Herald
April 8, 2015 - 3:43PM
Michael Gordon and Fergus Hunter

Several perpetrators of sexual assaults on asylum seekers within the Nauru detention centre continue to have "easy access" to those they abused, according to a group of current and former workers at the centre.

The workers have written an open letter accusing the Abbott government of being aware of the sexual and physical assault of women and children on Nauru "long before" it commissioned an inquiry into allegations.

The letter challenges Immigration Minister Peter Dutton's commitment to "zero tolerance" of sexual abuse, insisting it does not reflect the reality on Nauru or the response to reports of assault and harassment.

But Mr Dutton rejected the claims in the letter, insisting his predecessor Scott Morrison had referred allegations to his department and commissioned the inquiry when he became aware of them. "If people have further information to provide, they should provide it to the department or to me," he told Sky News.

The letter alleges a number of the victims of assault and harassment now live outside the centre, having been recognised as refugees, where the perpetrators "have easy access to the same women and children whom they assaulted".

One of the signatories, Dr Peter Young, described those who had written the letter as "very credible" and said the government had responded to their repeated concerns with hostility. Sixteen signatories chose not to disclose their identities. Among those who were prepared to be named were former Save The Children staff, Jarrod Kenney, Hamish Tacey and Viktoria Vibhakar.

Dr Young, the former medical director of International Health and Medical Services, said secrecy and an "intolerance of opposing views" contributed to the unsafe situation on Nauru. "You couldn't design a system that is more likely to result in abuse occurring," he told Fairfax Media.

Several of those who signed the letter intend to appear before a Senate inquiry called after the initial investigation, by former integrity commissioner Philip Moss, found evidence of rape, sexual assault of minors and guards trading marijuana for sexual favours from female detainees.

They claim the government and the Department of Immigration and Border Protection were aware of the sexual and physical assault of women and children on Nauru for at least 17 months.

Mr Moss was commissioned in October to investigate allegations of abuse and to examine whether the allegations had been fabricated in a staff employed by Save The Children on Nauru in order to undermine the government's policy. He found no evidence that staff had fabricated evidence, encouraged self-harm or facilitated protests.

The letter claims that the department consistently failed to act to protect children from harm, despite incident reports from the health provider, International Health and Medical Services, and Save the Children staff.

It asks why children who had been allegedly sexually assaulted were not removed from Nauru and why women and children continued to be left in an unsafe environment.

The letter calls for the transfer of all asylum seekers on Nauru to Australia and a royal commission to be established into the abuse allegations and the government's response.

The government has accepted Mr Moss' recommendations to improve protections against assaults and remains committed to detention on Nauru and Manus Island as critical elements of its policy to stop asylum seekers coming to Australia by boat.

Mr Dutton refused to indicate on Tuesday whether the government would delay the return of women and children in Australia to Nauru until all of Mr Moss' recommendations were implemented.

<http://www.smh.com.au/federal-politics/political-opinion/perpetrators-have-easy-access-to-victims-on-nauru-letter-20150408-1mg63j.html>

22. Nauru child protection worker: we felt a duty to tell Australia about abuse

Viktoria Vibhakar is the first Save the Children worker to speak out publicly about conditions on the island and what she says is the government's inadequate response

The Guardian
Paul Farrell and Ben Doherty
Wednesday 8 April 2015 10.20 AEST

Australia's immigration department ignored concerns about children being groomed for sexual abuse at the Nauru detention centre, a former Save the Children worker has alleged.

Viktoria Vibhakar was a child protection worker with Save the Children on Nauru until October 2014. She is one of 23 former and current Nauru detention teachers, social workers and child protection staff who have signed an open letter calling for the removal of all asylum seekers from the island to Australia.

Vibhakar is the first Save the Children worker to speak out publicly about her time on Nauru. She and the 22 staff members who joined her as parties to the letter said they felt a duty to disclose conditions there, despite confidentiality clauses in their contracts and pressure from managers to remain silent.

"We felt a moral, ethical and professional obligation to ensure that the Australian people know [that allegations of] abuse occurring on Nauru, revealed by the Moss review, had been going on with the government's full knowledge for 17 months."

She said the government's claims in response to Moss, that it had acted immediately to stamp out "abhorrent" alleged child sexual abuse, was not matched by its actions.

"They allowed this to happen; they knew and they allowed it to happen. This is the broader issue: why did the government not appropriately respond to the allegations of child abuse, the sexual assault of women, and the exploitation of women in a timely manner. Why was that simply allowed to happen? And what makes them trustworthy now?"

Vibhakar said children were still not safe on Nauru without adequate child protection laws, a reliable criminal justice system or checks on those working with children.

She said she was constantly frustrated in her efforts to protect children there better or to remove them from harmful situations.

"When we were concerned children were being groomed for sexual abuse and were allegedly being abused, we reported these issues up the chain of command, we wrote incident reports, we documented harm in case notes and other client documentation, and we raised these issues in meetings," she said.

"But all of this was absolutely ignored by department of immigration. Save the Children was not allowed to remove children who in our professional judgment were unsafe."

She said one asylum seeker girl, aged younger than six, was constantly targeted by men inside the camp.

"She went from trying to squirm out of adults' company and touching, to trying to initiate sexual contact with adult males. She would go into another person's tent and ask them to touch her inside her vagina.

“The government was aware of this behaviour, because it was detailed in her case notes, but allowed her to stay in Nauru for months and months and months.”

She had already resigned from Save the Children when her name was put forward as one of 10 Save the Children workers the government wanted removed from the island for allegedly encouraging self-harm and protests among asylum seekers.

The staff identified, and Save the Children management, strongly denied the allegations, and the Moss review found “no information which substantiates” the claims.

Vibhakar said part of the motivation in singling out and sacking 10 staff was to keep others from speaking out.

“I believe it was done, in part, to make other people frightened for their jobs, and their careers. And it succeeded to a certain extent. People were fearful of reporting things they knew they needed to report, they were fearful of being written up for doing something wrong when they were just doing their jobs.”

The immigration department referred questions about the allegations to the immigration minister, Peter Dutton.

Dutton told Sky News on Wednesday that “If people have further information to provide they should provide that to the department or to me so that matters can be properly looked at.”

A federal Senate inquiry is to examine allegations of sexual assault on Nauru.

The Greens senator Sarah Hanson-Young called for women and children to be removed from the island.

“Even since the damning Moss report has been released, minister Dutton has continued to deport more children back to the hellhole of the Nauru detention camp,” she said.

“There is no moral justification for the government to keep young women and children locked up in Nauru where they are vulnerable to further abuse.”

<http://www.theguardian.com/australia-news/2015/apr/08/child-abuse-allegations-on-nauru-ignored-says-former-protection-worker>

23. Women who come forward about sex abuse on Nauru face threats

‘Shirin’, whose report of sexual assault was included in the Moss review, says perpetrators threaten those who go public

The Guardian
Paul Farrell
Friday 10 April 2015 12.54 AEST

An asylum seeker who reported being sexually assaulted on Nauru says those who have made allegations of assaults have faced threats of harm from the alleged perpetrators.

Shirin’s allegations were reported in Philip Moss’s review into sexual assault at the detention centre and appeared in that review into the centre in a heavily redacted form.

It is the first time Shirin – who is an asylum seeker from Iran – has spoken out about the allegations she made outside of the Moss review. She said she has decided to speak out to encourage other asylum seekers to come forward, but asked that her real name not be used.

The allegation she reported involved an IHMS nurse who she said assaulted her.

“The major problem is the safety of the people. There is no security for the people, especially for the babies and single mums,” she said.

In another instance, she said a female asylum seeker who had allegedly been assaulted feared being released into the community because the man who allegedly assaulted her made threats against her.

“That man is living in the community and he said, ‘I will kill you if you come outside the camps.’ ”

She described other inappropriate incidents during her time on Nauru, and fears being returned to the island with her five-year-old daughter because of the conditions.

“One other problem that happened for me. I went to buy some chocolate and I ask a guard to bring me chocolate and after two days the guard he brought back the plastic of the lollies with a USB – and he put a porno film inside on a USB,” she said.

"Because they know I was single in that area and maybe something happened. They didn't care if you were married or single, if they get positive feedback."

She also described how some asylum seekers deliberately avoided going to the toilet during the night, because they felt unsafe around the male Nauru guards.

"The Nauruan guards are all men. They can walk around the camp at night, and at front of the camp and bathroom and they put security officers there who are male, and there is no suitable area. We were not relaxed to go to the toilet during the night time.

"Because we were too scared to go to the toilet we would wet the bed."

She said conditions on the island remain poor for the asylum seekers: "Most of the people have kidney stones due to lack of enough water in that situation, and also the phosphate in the water."

On Monday an open letter signed by 23 former and current staff at the Nauru detention centre said the government failed to act appropriately to mitigate the risks of sexual assault at the centre, and called for the removal of all asylum seekers to Australia.

An Australian Lawyers Alliance spokesman, Greg Barns, said the letter could open the government up to personal injury claims arising from the allegations.

"This letter is a stunning development because it constitutes the first direct evidence that the commonwealth, with knowledge of the physical and mental harm being caused, did not take the appropriate steps to protect individuals from that harm," he said.

"There is the distinct possibility that the courts could view this as a clear breach of the non-delegable duty of care owed by the commonwealth to detainees.

"We also call on Comcare, which has a responsibility to ensure commonwealth workplaces are safe for workers and detainees, to immediately investigate the matter."

The government said it agreed to implement all the recommendations of the Moss review, and the immigration minister, Peter Dutton, has encouraged asylum seekers to report any allegations of assault.

<http://www.theguardian.com/australia-news/2015/apr/10/women-who-come-forward-about-sex-abuse-on-nauru-face-threats>

24. MEDIA RELEASE: Nauru refugees defy savage new anti-protest law

Wednesday April 8, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Hundreds of refugees on Nauru have staged a protest (photo attached) against offshore processing in defiance of a new law (attached) that requires protesters to give seven days notice of any protest and gives the police commissioner sole power to allow a protest, or not.

A representative of the Nauruan government has toured refugee camps on the island declaring that protests even in refugee camps is now banned. Astonishingly the penalty for taking part in an unauthorised assembly is a fine of \$3000 or two year's jail or both !

The law also seems to require every participant in a protest (if one was allowed) to have a permit or risk being arrested.

"The law is a breath-taking attack on the democratic rights of refugees and Nauruans in general," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "While clearly directed at refugees, the laws could just as easily be used against Nauruan protesting against corrupt politicians as they have had to do in the past."

The ban is the latest move by the Nauruan government to crack down on the non-cooperation campaign of Nauruan refugees, and a further step on the road to Nauru becoming a police state.

The new laws come less than a month since the arrests of almost 200 refugees, including children on 4 March. Eleven of those arrested are due to appear in court on Wednesday 8 April.

The protest ban was first announced last Saturday (4 April) following a Good Friday protest in solidarity with Saeed Hansonloo, the Iranian hunger striker, then close to death in a Perth hospital.

On Tuesday (7 April), afternoon, police even came to the Anibare family camp to declare the ban over a loudspeaker system.

"Nobody is interested in their new law; nobody is listening to them," one refugee told the Refugee Action Coalition yesterday (Tuesday, 7 April).

Later on Tuesday, hundreds of refugee gathered a protesting at the Anibare camp.

"The Nauru government is making a big mistake believing that increasing repression can stifle the refugees' non-cooperation campaign. The protests are driven by the stark reality for refugees on Nauru; stranded by the Australian government, they have no future. And refugees will soon amount to a quarter of the adult population on Nauru," said Rintoul.

"As Nauru is turned into a prison island, no amount of Australian money can cover the social cost of offshore processing. With more revelations of abuse in the detention centre and louder calls for a royal commission, the offshore processing regime on Nauru grows more doubtful by the day."

For more information contact Ian Rintoul 0417 275 713 (More photos available on request)

25. Transfield immigration staff told they can be fired for using Facebook

Exclusive: Detention centre operator Transfield Services warns workers on Nauru and Manus Island they can be sacked for who follows them on Twitter or being part of a church or political party opposed to Australia's asylum policy

The Guardian
Ben Doherty
Tuesday 7 April 2015 07.28 AEST

The company that runs Australia's offshore immigration detention centres has warned staff they can be fired as a result of who their friends are on Facebook or who follows them on Twitter and has forbidden them from joining political parties or churches that oppose offshore processing.

It has also cautioned them not to "embarrass" the company or the government or reveal how asylum seekers are treated.

Transfield Services has issued an addendum to its social media policy for staff on Nauru and Manus Island that workers said severely limited their civil liberties, as well as political and personal freedoms.

The policy says workers must not reveal any information about Transfield's operations, or any information that "relates to the treatment of transferees in relation to the operations".

"Due to the nature of [offshore processing] operations, there is a heightened risk that the publication of information or comments about the operations may pose a risk to the operations, transferees and/or workers, or damage the business or reputation of Transfield Services," it says.

Transfield specifically bans revealing publicly any "material which may damage the business or reputation of Transfield Services, embarrass Transfield Services, or injure its relationship with the department [of immigration]".

Transfield limits with whom its staff can communicate on social media, specifically on Facebook, Twitter, Instagram and YouTube.

A worker cannot communicate with an asylum seeker via social media, unless given express permission, or give out their email or postal address.

According to the policy, a Transfield worker could be fired if an asylum seeker followed them on Twitter, even if the worker did not know, and the asylum seeker has left Manus or Nauru.

"A worker must use his/her best endeavours to check that any person who seeks access to the worker's social media is not a transferee or ex-transferee."

The new policy, issued in February, also limited staff members' political freedoms.

Workers cannot join a political party that does not agree with Transfield's actions, or attend a political rally in opposition to offshore processing.

"In his/her capacity as a Transfield Services employee or contractor, a worker must not engage in any activity which may result in a conflict of interest with the conduct of the operations on behalf of the department. This includes the following types of conduct:

- promoting, showing support for, or maintaining a membership with an incompatible organisation, and

- showing support for the closure of offshore processing centres by engaging in activities such as public rallies or demonstrations.”

An “incompatible organisation” is defined as any group critical of offshore processing of asylum seekers.

Senior Transfield staff have told Guardian Australia the term would include political parties or churches publicly opposed to the policy, or refugee advocacy and welfare groups.

It is likely, too, to include the United Nations, Amnesty International, and the Australian Human Rights Commission, all of which have been critical of offshore processing.

Transfield Services told Guardian Australia: “Under our political involvement and support policy and equality and diversity in the workplace policy, we respect the right of our people to engage in the political process in personal capacities, and work to prevent workplace discrimination based on personal political views.”

Staff have told Guardian Australia they resented the restrictions.

One Nauru worker said: “The purpose of this policy is to crush any dissent about offshore processing and to keep the things that are going on in the centre secret.”

“It is designed to scare staff with the threat of losing their jobs.”

The worker said restricting contact with an “incompatible organisation” was an extreme infringement of civil liberties.

“An incompatible organisation is any organisation opposed to offshore processing. Some churches are opposed to offshore processing. Is Transfield seriously telling somebody they can’t be a member of a particular church, that they can’t practise their religion or be a member of a professional body that opposes the policy?”

A worker from Manus Island said: “I am amazed they think they can actually get away with this.”

The director of legal advocacy with the Human Rights Law Centre, Daniel Webb, said the secrecy surrounding offshore detention was “excessive, self-serving and undemocratic”.

“While steps do need to be taken to protect the identities of people in detention so that relatives in their home countries aren’t endangered, the government’s crackdown on workers and whistleblowers is about hiding from view what it knows would offend most people’s sense of decency and fairness,” he said.

Despite Transfield restrictions, conditions on Manus Island and Nauru have been exposed recently by pictures, video and testimony sent by workers and asylum seekers on the island.

As well, the government-initiated Moss review found credible allegations of sexual and physical abuse of asylum seekers, including children, on Nauru.

In the aftermath of that report, the Senate voted to establish a committee to inquire into the conditions on Nauru.

Up to a dozen workers on Nauru and Manus have said they are preparing submissions and are prepared to give evidence to the inquiry, under parliamentary privilege.

Several are preparing to testify, and to provide documents that show the government knew abuse was occurring for months but did not act to stop it, or to move vulnerable people.

Regardless of the steady flow of information out of Nauru and Manus – from asylum seekers and concerned staff – detention centre managers have remained vigilant about preventing the conditions in which asylum seekers are held being revealed publicly. They are especially worried about journalists, who are forbidden from the detention centres, visiting.

At least one Guardian journalist has been put on a misspelt “wanted” poster on Manus Island that warned staff and asylum seekers not to speak to him, and to report his presence to guards. The journalist was not in the country at the time.

The poster was made and put up by Transfield staff, acting on information provided by the department of immigration, Guardian Australia was told by a senior staff member on the island.

A spokesman for the department said: “The management and operations of the Manus regional processing centre are the responsibility of the PNG government. This notice was not made, requested to be made, authorised or posted by the Department of Immigration and Border Protection.”

Transfield declined to comment on the poster. It is not known if other journalists have been similarly treated.

<http://www.theguardian.com/australia-news/2015/apr/07/transfield-immigration-staff-told-they-can-be-fired-for-using-facebook>

26. Saeed Hassanloo improves after accepting medical assistance

Asylum seeker Saeed Hassanloo, near death from hunger strike, improves after accepting medical assistance

ABC News Online

By political reporter Andrew Greene

First posted Tue 7 Apr 2015, 6:41am

Updated Tue 7 Apr 2015, 7:44am

An asylum seeker who was close to death from a hunger strike lasting more than 40 days is improving after he accepted medical assistance.

Iranian Saeed Hassanloo, 25, was admitted to Royal Perth Hospital last month, and it is understood his protest began after learning his refugee case had been rejected.

Immigration Minister Peter Dutton said this morning the asylum seeker's condition had improved.

"I'm advised overnight that Saeed has accepted medical assistance and is on some path to recovery," Mr Dutton told Radio National Breakfast.

"Obviously he's got a long way to go but the advice that I have is that he has decided to take fluids or food and he's speaking to his case manager and his medical team."

The Immigration Minister says while he is pleased the asylum seeker's condition has improved, his actions will not change his circumstances.

"If I was to succumb to that pressure, the strong advice from my department is that I would have hundreds if not thousands of people on hunger strikes tomorrow," he said.

A spokesman for the Refugee Action Coalition, Ian Rintoul, says there are up to 40 Iranian asylum seekers in indefinite detention and Mr Dutton should release them into the community.

"Peter Dutton has pushed Saeed to the brink as he has pushed other people to the brink," Mr Rintoul said.

"They have been held in indefinite detention even though the Minister knows he cannot return them to Iran, and it's now beholden on Peter Dutton to do the sensible thing and release those people on bridging visas."

Refugee advocate Victoria Martin-Iverson told the ABC Saeed Hassanloo yesterday thanked advocates and supporters for their prayers, messages and flowers, and agreed to go off his hunger strike and accept medical intervention.

Mr Hassanloo has been fighting for a visa to stay in Australia since he fled Iran in 2009.

He has been held in detention for the past four-and-a-half years, first in a community detention centre in Melbourne and then at Yongah Hill.

<http://www.abc.net.au/news/2015-04-07/hunger-strike-asylum-seeker27s-condition-improving/6374234>

27. MEDIA RELEASE: Tragedy avoided but Minister must release Saeed

TRAGEDY AVOIDED BUT MINISTER MUST RELEASE SAEED AND ALL THOSE INDEFINITELY DETAINED

Tuesday April 7, 2015

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

The Refugee Action Coalition has welcomed the news that Iranian hunger striker, Saeed Hansonloo, has ended his hunger strike.

Now the Minister must release Saeed, his brother and the 40-odd other Iranians being held in indefinite detention.

Despite the Minister's public comments, Saeed's case has not been finalized. The Department initiated a "International Treaty Obligations Assessment" process in January this year.

Hundreds of others in a similar situation are living in the community on bridging visas.

"The Minister has to explain why Saeed and his brother were not released on bridging visas," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Peter Dutton has assiduously avoided explaining why he didn't do the obvious. Saeed and his brother were living in the community on bridging visas until 2012.

"Twice this year, Iranian asylum seekers have come close to dying in detention. The Minister is completely blinkered by domestic politics. Unless Peter Dutton releases Saeed and the others, it is only a matter of time before this happens again. Some of the Iranians in Darwin, in similar situation to Saeed, have now been re-detained for nine months. The government's policy is senseless."

"The responsibility still lies with the Minister. He can do nothing and wait for the next crisis, and waste more lives and money or he can do the sensible and decent thing."

For more information, contact Ian Rintoul 0417 275 713

28. Asylum seeker close to death accepts fluids after 44 days on hunger strike

The 25-year-old man who fled Iran four years ago has been in a critical condition in the Royal Perth hospital for 10 days

The Guardian
Calla Wahlquist
Tuesday 7 April 2015 11.17 AEST

An Iranian asylum seeker who has been on hunger strike for 44 days in Perth has begun accepting fluids.

The 25-year-old man who fled Iran four years ago has been in a critical condition in the Royal Perth hospital for 10 days.

The immigration minister Peter Dutton told ABC Radio National on Tuesday that the man was accepting medical assistance and was on a path to recovery.

"Obviously he has got a long way to go, but the advice that I have is that he has decided to take fluids or food and he is speaking to his case manager and his medical team at Perth hospital on that basis," Dutton said.

"It was obviously a very perilous position, it's a very emotive issue and I'm very confident that the doctors will be able to work with him, as well as case managers from the department."

Refugee advocates say the man began refusing food at Yongah Hill detention centre, near Perth, after attempts to appeal against the government's rejection of his refugee status were also rejected.

Doctors at Royal Perth hospital last week feared the man would not survive more than a few days if he continued to refuse fluids. Guardian Australia understands they described his condition as lucid but extremely weak.

Dutton said he had reviewed the man's case in light of his hunger strike, and remained "thoroughly convinced that the decision that has been made is the right one."

"The difficulty is if we allow people to self-harm or to refuse food or fluid and that somehow that would twist my arm and I would issue a visa with work rights, which is what he's after ... if I was to succumb to that pressure the strong advice from my department – and I have no doubt in accepting that advice at all – is that I would have hundreds if not thousands of people on hunger strikes tomorrow," he said.

Dutton said he looked into the possibility of force-feeding the man before he voluntarily broke his hunger strike on Monday, but said such interventions would be ruled as common assault under Western Australian law.

Victoria Martin from the Refugee Rights Action Network of WA told Guardian Australia the man decided to accept fluids on Monday after receiving messages of support from people in the Australian community, and he had thanked everybody for their concern.

Martin said the man had also received a number of offers of legal assistance, and would continue to fight to be able to stay in Australia.

"Hopefully his condition has not already deteriorated beyond the point of recovery," she said.

Dutton said the offer from the immigration department remained just to repatriate the man back to Iran, where his supporters say he will face persecution.

But because Iran will not accept forced repatriations, he could remain in detention indefinitely.

Greens senator Sarah Hanson-Young said the government should urgently review the man's case.

"I welcome the news that [he] has begun accepting food, but we must not forget why he was driven to such lengths," Hanson-Young said. "This man chose to end his life in immigration detention rather than return to his homeland.

"Peter Dutton must act compassionately and request that his department review [this man's] case immediately."

<http://www.theguardian.com/australia-news/2015/apr/07/asylum-seeker-close-to-death-accepts-fluids-after-44-days-on-hunger-strike>

29. Bladin Point Immigration Detention facility shuts down near Darwin

ABC News Online

By Avani Dias

Posted Tue 7 Apr 2015, 6:03pm

The Bladin Point Immigration Detention Facility near Darwin has officially shut.

Refugee support groups are pleased about its closure, but Melaleuca Refugee Centre director Caz Coleman said she was also worried about what it meant for asylum seekers who were moved next door to the Wickham Point Detention Centre.

"One of the challenges that we have is that a number of different cohorts are now being detained at Wickham Point," she said.

"That includes people who've committed a crime previously, have been charged, and are now being held at Wickham as they await the resolution of their case."

Bladin Point held low risk detainees, and 230 of them, including 82 children, have been moved to neighbouring Wickham Point where conditions are stricter.

The rest of the asylum seekers were eligible to be moved into the Australian community or to be put on bridging visas.

"Overall we are pleased to see it close, however we do have concerns about the children and families who are now being housed in Wickham," said Ms Coleman.

The Federal Government said it shut down the Bladin Point facility because it had been successful in stopping asylum seeker boats.

It said taxpayers would save \$18 million in yearly rental costs.

But the union which represents all 150 guards and other staff from Bladin Point said it was concerned people had lost their jobs.

"United Voice is very disappointed with service provider Serco Immigration Services," United Voice spokeswoman Erina Early said.

"Serco refused to mitigate the loss of work by offering voluntary departures to those within remaining centres who would have accepted a package."

Ms Early said the closure would be a blow to the local workforce and in turn the economy.

"We call upon the NT Government to recognise the significance of this sector for jobs and businesses in Darwin and assist in pressing the Federal Government to clearly commit or otherwise to retaining the remaining Immigration Detention Centre at Wickham Point," she said.

Three immigration detention centres have been closed in Darwin in the past year and United Voice is worried if Wickham Point also shuts, about 450 staff will lose their jobs.

<http://www.abc.net.au/news/2015-04-07/darwin-immigration-detention-facility-shuts-down/6376158>