

Project SafeCom News and Updates

Monday, 8 February 2016

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1. EDITORIAL: Human rights losing to bad policies

The Age
January 29, 2016 - 12:15AM

By what measures should we judge the strength of a nation? On the basis of the economy, perhaps? The ability to accumulate personal wealth, to participate fully in the workforce, the enhancement of opportunities? Or through sporting achievements? Is it measured by the liveability of its cities or the warmth of its people?

No, there is something far more vital. A nation should be judged, first and foremost, by its adherence to human rights and its respect for personal liberties, for that is what will provide its people with the best opportunities for advancement.

Australia generally has a strong record in that regard. Our institutions are designed to protect our civil and political rights, and this is generally a nation of good people, who respect the rule of law and participate vigorously but fairly in the democratic process.

We like to believe that we are a just people, open and honest, that we uphold the spirit of fairness and that we look out for each other. But some of the policies implemented by federal or state governments in recent years have undermined Australia's reputation as a progressive nation that upholds the highest standards of human rights.

On the treatment of asylum seekers, on the many appalling aspects of social and economic disadvantage affecting Indigenous Australians, on mandatory sentencing and imprisonment of juveniles, on broad and overly restrictive laws that are designed to counter terrorist activities but have compromised personal liberties, on depriving dual nationals of their citizenship if they are suspected (not found guilty, mind you) of terrorism, Australia is going backwards.

Much of this is spelt out in Human Rights Watch's latest global report, which describes Australia's policies on asylum seekers as "abusive". Its checklist of what happened last year in the border control and immigration portfolio would be laughable – fit for a dysfunctional Lilliputian kingdom – if it were not, in fact, so terribly real.

Recall that the government paid the crew of a people-smuggling boat \$US30,000 to turn the vessel back to Indonesia. Last week, an Indonesia court found that action – the payment by Australian officials – proved that the crew was profiting from people-smuggling.

There were multiple reports of sexual abuse and assaults of detainees at Australia's immigration centre on Nauru, but medical practitioners and aid workers were barred from speaking out. And then the government manipulated reports of such abuse by wrongly suggesting Save the Children staff were "coaching" asylum seekers.

Then there was the government's disgraceful, concerted attack on the independent Human Rights Commission president, Gillian Triggs, who released a report highlighting hundreds of reports of assaults on children in detention, including dozens of sexual assaults, self-harm incidents and psychological damage.

There are still 91 children in detention, including 68 on Nauru. Of the 1792 people in immigration detention centres at the end of December, more than half (56.4 per cent) have been held for over a year and almost one-in-four have been detained for more than two years.

Australians prefer to believe they look out for the most disadvantaged members of our community. But there is an increasing disconnection between the high standards the nation professes to pursue and the contemptuous policies implemented by governments that have the effect of eroding human rights or denying our obligations under international law.

Australians cannot afford to lose sight of the values that make us great people. Reports, such as this one by Human Rights Watch, provide a broader and much-needed perspective. They highlight how human rights too often are compromised by elected officials whose eyes are fixed on the short-term political cycle.

<http://www.theage.com.au/comment/the-age-editorial/human-rights-losing-to-bad-policies-20160128-gmg4aa.html>

2. Michael Gordon: Asylum seekers – is there a better way?

Sydney Morning Herald
January 30, 2016 - 1:04AM
Michael Gordon

Call it the exception that proves the rule. When it comes to the big policy challenges facing the nation, from tax reform to combating terrorism, Malcolm Turnbull's mantra is that everything, absolutely everything, is on the table.

But when the task is to find solutions for those in limbo on Manus Island and Nauru, or to afford asylum seekers in mainland detention centres or the Australian community on bridging visas a measure of certainty, there are some ideas that are simply not up for discussion.

Here, the nation's leaders are paralysed by a kind of consensus on suffering, whereby any step towards affording damaged refugees on Manus and Nauru permanent protection in Australia is perceived as giving a green light to the people smugglers to resume their trade.

This much was clear during one of the new prime minister's first interviews, when Turnbull volunteered that he shared the concerns of Australians about the plight of those languishing in Australian-run detention centres and hinted things might change. "Let me be absolutely clear, there will be no resettlement of the people on Manus and Nauru in Australia," Turnbull said in a clarifying statement within a few hours, after blunt warnings from ministerial colleagues and bureaucrats.

"I know it sounds tough, but we cannot take a backward step on this issue ... the people smugglers have to understand ... we will not tolerate people smuggling."

The contradiction in the Prime Minister's response – on the one hand acknowledging the concern and saying policies are always under review and, on the other, refusing to bend – amounts to a challenge to those who crave a better way: to craft a policy that ends the nightmare of those on Manus and Nauru but eliminates, or at least minimises, the risk of desperate people boarding leaky boats.

So far, it is being taken up on three levels, though the prospect of relief any time soon for those who exist on a diet of sleeping tablets and painkillers, cannot distinguish one day from another and regularly resort to self-harm is as remote as the two distant islands.

The first, by academic Robert Manne, is deliberately narrow. It would see the Nauru and Manus caseloads gradually and quietly settled in Australia, roughly according to how desperate their situations have become, with the other blunt edges of Australia's policy, like turnbacks to Indonesia, remaining.

Once the centres were empty, they would be mothballed, but retained as a weapon to deter future arrivals.

"Essentially, the PM has two choices," Manne explains. "One is to accept that these 1500 people will be really destroyed in body and spirit. The other is to take what I think is an extremely small risk: that by gradually bringing them into Australia, boats will start to return."

This, after all, is the approach the Howard government took a decade ago, without reigniting the people-smuggling trade.

The second group responding to the challenge is a small group of Coalition MPs, quietly urging Turnbull to act and focusing their attention on the potential to collaborate more closely with Indonesia, with turnbacks on the table.

The reformers are acutely aware of the dynamics within the Turnbull government, knowing that supporters of the deposed Tony Abbott will exploit any perceived policy retreats. As a consequence, they are opting for discretion and caution.

The third response is the most ambitious and the most important in the long term, with the aim of developing a regional approach to mass people movements that would render unnecessary dangerous boats trips and the cruel policies Australia has developed to deter them.

It has brought more than 30 experts, advocates, academics and government and non-government officials from Australia, New Zealand, Indonesia, Malaysia, Thailand and Myanmar together in Bangkok this weekend for the second of six planned meetings over three years.

"To my knowledge, it's the first time that government and non-government players are coming together and talking about these issues from a number of countries in the region," says Arja Keski-Nummi, a former senior bureaucrat in Australia's immigration department who is taking part.

Full story at <http://www.smh.com.au/federal-politics/political-news/saturday-feature-asylum-seekers--is-there-a-better-way-20160126-gme9fb.html>

3. Ranjana Srivastava: Children are not little adults. The trauma of living in detention could last forever

In the aftermath of the Boxing Day tsunami, I saw how children struggle with trauma. Australia now must answer how we will treat the children who are traumatised by living in detention

The Guardian
Ranjana Srivastava
Monday 8 February 2016 11.35 AEDT

At the time the 2005 Boxing Day tsunami struck, a little boy and his sister were playing on a pristine beach in the Maldives. They were engulfed by a huge wave and when the little boy came to his senses his sister had vanished. His parents searched in vain before realising that their daughter had perished. I am unsure if her body was ever found.

I met the little boy, barely six, when I arrived on his island as a Commonwealth volunteer physician. The neighbouring island had been decimated, hence evacuated. I worked amid a swollen population due to the relocation of residents from the other island.

There was the anticipated break of gastroenteritis that required door-to-door visits, skin infections arising from water-logged homes, exacerbations of asthma and hypertension, and blood sugars gone astray because food supply became unpredictable for a while. Two young nurses and I, working out of a basic facility, constituted all the medical expertise but the islanders were largely young and healthy so our care mostly didn't seem onerous.

Except in the case of the little boy. Some days after I had settled in, the parents brought him in.

"Our son doesn't talk since the day of the tsunami." It was now many weeks later.

"Can't talk or won't talk?" I probed.

"Just doesn't talk." Tears clouded their eyes.

"Was he previously well?"

"He was the happiest boy."

"Did he say anything after the tsunami?"

"Never."

The other islanders corroborated the history that the child had been developmentally normal until the disaster. But after the tsunami he had never been heard to speak, inside or outside his home. My tentative efforts to engage him were in vain; I possessed neither the knowledge nor the amicability of paediatricians.

He refused to leave his father's side, sitting quietly in his lap for entire days. His expression was placid, his eyes always lost in thought. What crossed his mind as he stared out at the vast ocean that gleamed like an emerald?

Did he wonder, like I did, how that calm, inviting surface could froth in rage, take lives and then resume being beautiful? Or did he just think of the last game he played with his sister? What did death mean to him? Did he understand that she would now only exist in his memory, or did his eyes stay peeled on the ocean in case she returned? The island elders tried to help, offering him treats, speaking gently and sometimes teasingly but all they got was a resolute silence.

Full story at <http://www.theguardian.com/commentisfree/2016/feb/08/children-are-not-little-adults-the-trauma-of-living-in-detention-could-last-forever>

4. Miriam Cosic: Offshore detention and the new face of civil disobedience

In the wake of the High Court ruling on offshore detention, we have seen the rise of a new civil disobedience movement - not fronted by dreadlocked youths, but by the middle-class establishment of doctors and clergy, writes Miriam Cosic.

ABC The Drum

By Miriam Cosic

First posted Fri 5 Feb 2016, 5:09am

Updated Fri 5 Feb 2016, 7:26am

It's not the usual suspects, dreadlocked youth chanting in the streets and waving placards. It's the middle-class establishment - doctors and clergy - who are now engaging, not merely in protest, but in active civil disobedience.

Civil disobedience is reasoned refusal to comply with state laws on moral grounds. This is not America in the segregated '50s. Or a Latin American police state in the '70s. Or the USSR pre-glasnost. This is Australia in 2016.

Think about it. It has been illegal for Australian doctors to speak up about child abuse in certain places since the Australian Border Force Act, passed last May, made it a criminal offence for anyone working directly or indirectly for the Department of Immigration and Border Protection to reveal anything at all about conditions in detention centres, including Nauru and Manus Island.

Every doctor in the last eight months who has warned about gross harm being done on our watch to children, women and men, many already suffering post-traumatic stress disorders, has risked prosecution and a two-year jail sentence.

Lawyers' appeals to international law, to the right to claim asylum, to the illegality of refoulement, to the terms of international conventions to which we are signatory, to the moral basis of their opposition, have had no effect on the Federal Government - or on the Opposition, which shares bipartisan policy on offshore detention. Nor have protests from the United Nations, Amnesty International and other human rights organisations.

Nor have private activists' tweets, posts, demonstrations and sit-ins at ministers' electoral offices had any effect. Pictures of elderly and well-known protestors being dragged away by police may have galvanised the left, but probably just caused the majority of Australians who support both boat turn-backs and offshore detention to roll their eyes.

Two days ago, the High Court raised the stakes when it affirmed the Australian Government's right to operate offshore detention centres. Under Australia law, the government can detain people in foreign locations. That Kafkaesque scenario evokes Guantanamo Bay, with the modification that our high-security detention centres are reserved, not for people believed to be plotting war and engaged in terrorism, but for people fleeing war and persecution and coming to us to beg for help.

That ruling - with Justice Michelle Gordon dissenting, it must be recorded - paved the way for 267 people, including 37 babies whose pictures have been all over the media since, several children already in school here, and women who have suffered sexual abuse, to be returned to Nauru. It also includes a five-year-old boy who was allegedly raped there.

On Thursday, 10 Anglican and Uniting Churches across the country joined the ranks of civil disobedience, following the lead of the Anglican Dean of Brisbane, Dr Peter Catt, who has declared St John's Anglican Cathedral a place of sanctuary.

Historically, as Dr Catt pointed out, churches have offered sanctuary to those fleeing violence and persecution. Traditionally, the forces of the state would respect church autonomy - which is why we react with heightened shock to the regular news that terrorists kill worshippers in their mosques. And here in Australia today? Immigration Minister Peter Dutton has put the churches on notice that everyone is expected to obey the law.

Dr Catt spoke calmly yet eloquently on Radio National's breakfast programme. He said it had become imperative that the Government separate the issue of boat turn-backs from offshore detention. He also said that he would obstruct any police action to remove an asylum seeker who accepted sanctuary - a synonym for asylum - in his church, even if he risked arrest.

Asked whether it was appropriate that churches should become politicised in this way, he replied simply: "The Gospel is political." It was a brilliant riposte, in advance, to those members of Cabinet who vaunt their Christianity and support aggressive policies towards asylum seekers at the same time. Later in the day, he responded to Government warnings by saying he hoped that authorities removing asylum seekers from a church would at least leave their weapons at the door.

There is a long tradition of moral concern for distant others in the Western philosophical tradition. Kant wrote that it "has developed to the point where a violation of rights in one part of the world is felt everywhere." That was in 1795, fully 200 years before "political correctness" became a jibe against respect and compassion.

The flight of Jews from occupied Europe and the massive international effort of settling many millions of displaced persons after WWII, redefined international obligations, which were then codified in the 1951 Refugee Convention. That cosmopolitan impulse is being stifled today in the panic caused by mass flight from war in the Middle East.

Some will always resist. Abolitionists helped black slaves escape America to Canada via the Underground Railroad in the 19th century. Conscientious objectors followed that route when they resisted the draft in the 1960s. Blacks and whites joined the ANC - then considered a terrorist group - in South Africa during apartheid. Danes managed to ferry most of its Jewish citizens to neutral Sweden during WWII. More controversially now, activists from the Red Brigades in Italy to the Black Panthers in the US broke the law in pursuit of political aims.

Things have quietened since neo-liberalism became the dominant paradigm, however, and the radical action movement has been defeated, not with repression, but with a strategic campaign of derision and shrugs all round.

The rise of Bernie Sanders in the US, of Syriza in Greece, and others challenging the paradigm suggests that people are beginning to see through it. In Australia, the paediatricians and reverends standing up to laws they consider immoral suggest that there is a line that people with formal ethical responsibilities to society will not cross.

Dr Catt said yesterday that those first churches' action was only the beginning, and he expected many more to join them. "This is a fledgling movement," he said. When ministers of religion call for civil disobedience in a liberal democracy, you know something is seriously morally amiss.

--->>>> *Miriam Cosic is a journalist and vice-president of Sydney PEN.*

<http://www.abc.net.au/news/2016-02-05/cosic-civil-disobedience-in-australia/7142316>

5. Australia's 'abusive refugee policies' criticised in damning international report

Human Rights Watch report also finds governments across south-east Asia and the Pacific are stifling free speech, imprisoning dissenters and suppressing social media

The Guardian
Helen Davidson and Ben Doherty
Wednesday 27 January 2016 20.03 AEDT

Australia's failure to meet international standards for protecting asylum seekers had had a devastating human toll and damaged the country's international reputation, according to the Human Rights Watch 2016 World Report.

The report also found governments across south-east Asia and the Pacific have stifled free speech, imprisoned dissenters and suppressed social media over the past year, as human rights abuses remain a major issues in the region. Even where some governments, such as Indonesia and Papua New Guinea, had pledged to address abuses, they had largely failed to act on the rhetoric, the report found.

Released in Istanbul on Wednesday, the HRW report argued the global spread of terrorist attacks and large flows of refugees across borders led many governments "to curtail rights in misguided efforts to protect ... security".

"These backward steps threaten the rights of all without any demonstrated effectiveness in protecting ordinary people," HRW executive director, Kenneth Roth, wrote.

At the same time, Roth said, authoritarian governments, fearful of peaceful dissent fanned and magnified by social media, embarked on the most intense crackdown on independent groups in recent times.

Australia

HRW found Australia had a "solid" record of protecting civil and political rights, robust institutions and a free press, but the government's sustained failure to meet international standards for protecting asylum seekers had had a devastating human toll and damaged Australia's international reputation.

Australia's policies of mandatory detention, offshore processing and regional resettlement were criticised in 2015 by United Nations experts, foreign governments, Australian government-funded inquiries and the federal parliament.

An independent review of conditions in the Australian-run detention centre in Nauru found evidence that children and adults were sexually and physically assaulted. Thirty-three asylum seekers allege they have been raped or sexually assaulted there, and a parliamentary inquiry found conditions on the island were "not adequate, appropriate or safe".

"Despite the international outcry over its refugee policies, Australia did little to redeem its reputation in 2015," said Brad Adams, HRW's Asia director. "Australia needs to seriously rethink its abusive refugee policies and take steps to restore its international standing as a rights-respecting country."

HRW also highlighted the secrecy around Australia's immigration detention regime. Nauru and Manus Island detention centres are both off-limits to journalists and rights groups, and under the Border Force Act, whistleblowers who expose abuse or criminal behaviour face jail terms of up to two years.

The UN special rapporteur on human rights of migrants cancelled a visit to Australia in September out of fear that the people he spoke to could face imprisonment.

Papua New Guinea

Australia's immigration policies were also linked to human rights abuses in Papua New Guinea.

In January 2015, police detained a large group of asylum seekers from the Manus Island detention centre following a hunger strike in January, holding them for several weeks in crowded local police cells.

HRW said the "protracted and indefinite nature" of detention on the island was causing significant mental health problems.

Full story at <http://www.theguardian.com/law/2016/jan/27/australias-abusive-refugee-policies-criticised-in-damning-international-report>

6. Human Rights Watch blasts Australia's asylum-seeker policies, terrorism laws

Sydney Morning Herald
January 27, 2016 - 8:46PM
David Wroe

A leading international human rights group has blasted Australia's asylum-seeker policy as "abusive" and says a serious rethink is needed to restore the country's standing globally.

Human Rights Watch, one of the world's most prominent rights campaign organisations, has said in its yearly report that Australia, while having a solid record on civil and political rights, was failing to respect international standards for asylum seekers and this was taking "a heavy human toll".

The report also blasts new counter-terrorism laws, which had bipartisan backing from the major parties, as "overly broad and vague" – though that broadside was also aimed at a range of other Western nations.

In a statement accompanying the report, the organisation's Asia director, Brad Adams, said that Australia had done "little to redeem its reputation" regarding asylum-seeker policy in 2015 despite international criticism.

"Australia needs to seriously rethink its abusive refugee policies and take steps to restore its international standing as a rights-respecting country."

The report highlights a number of developments it says merit criticism, including the Coalition government's "personal and unsubstantiated attacks" on Australian Human Rights Commission president Gillian Triggs.

It also singles out continued boat turn-backs, the gagging of Immigration Department contractors, the payment of cash to people-smugglers, the failure to resettle asylum seekers on Papua New Guinea, and evidence of sexual assaults on Nauru.

Mr Adams said Australia's new counter-terrorism laws raised human rights concerns, particularly with the lack of legal safeguards in the new legislation that strips citizenship from dual national terrorists.

"Measures such as stripping citizenship from dual nationals without basic legal safeguards are major steps backwards for Australia," he said.

The wider report, scrutinising human rights practices in more than 90 countries, said the "politics of fear" led many countries to wind back civil and political rights.

"Fear of terrorist attacks and mass refugee flows are driving many Western governments to roll back human rights protections," said Kenneth Roth, the organisation's executive director. "These backward steps threaten the rights of all without any demonstrated effectiveness in protecting ordinary people."

Mr Adams said Australia's own shortcomings undermined its own ability to call for stronger rights protections abroad including through its lobbying for a seat on the United Nations Human Rights Council in 2018.

And he added that Australia rarely tackled other countries on human rights abuses, particularly nations with whom it cooperates on border protection or has a significant trade relationship.

<http://www.smh.com.au/federal-politics/political-news/human-rights-watch-blasts-australias-asylumseeker-policies-terrorism-laws-20160127-gmfabs.html>

7. Greg Barns: Child abuse is child abuse ... here or offshore

February 7, 2016 9:00pm
Greg Barns
The Hobart Mercury

AUSTRALIA is a rogue state when it comes to human rights. It is a nation with a government and major opposition party that see nothing morally and legally reprehensible in sending children, some only a few months old, to immigration detention centres.

So when the sanctimonious politicians of the Coalition parties and the ALP condemn Russian President Vladimir Putin or Syria's Bashar Assad remember this — these are the same politicians who devised and preside over appalling centres of institutional cruelty and violence on Nauru and Manus Island.

The High Court ruling last week telling the Commonwealth it is lawful to detain people in offshore facilities does not make what is happening OK.

The court's majority ruling is an exemplar of the idea that a society's legal framework and the morality of that framework can be separate beasts. The Migration Act allows for detention of persons not charged with an offence; it allows them to be detained any length of time; it allows for children to be detained; and as the High Court found, it lawfully enables our government to keep detainees in hellish conditions on barren Nauru and disease-ridden Manus Island.

The hypocrisy of the Immigration Department and its mean-spirited ministers like Scott Morrison and now the ex-Queensland police officer Peter Dutton is sickening.

If you view the department website it trumpets an "Australian Values statement" that apparently, if you want a visa, you have to learn and parrot like a good little soldier in a dictatorship. Here is what it says: "Australian society values respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, Parliamentary democracy, equality of men and women and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good. Australian society values equality of opportunity for individuals, regardless of their race, religion or ethnic background."

Immigration detention, particularly the offshore kind, breaches the values set out in the statement. We know, and there is no evidence to the contrary, children who are forced by the Australian Government to exist on Nauru and Manus Island are having their mental and physical health damaged, in some cases possibly permanently. We know women are subjected to harassment and sexual abuse. We are aware of psychological harm men and women endure because they do not have any idea when their case will be resolved. The physical conditions on Nauru and Manus Island are harsh.

There is no "fair play", no "compassion for those in need" and no "mutual respect" in offshore detention policies. It is a morally bankrupt policy that remains without peer for cruelty in Australia.

There is a serious moral issue that emerges from last week's High Court ruling. If the Turnbull Government orders those who might be returned to Nauru as a result of the decision — 33 children born in Australia and 54 other children and families — then what are the doctors and other health professionals who care for these vulnerable people to do? Are they to comply with a government edict that will subject children and families to an extreme risk of physical and mental abuse or do they defy the technically lawful order? It is truly evil of any government to force citizens to set aside their personal and professional ethics and the human obligation to protect others from harm.

Given the overwhelming consensus of medical professionals and others who have studied the conditions for children in detention centres, onshore and offshore, it can be seen as nothing more than child abuse to deport them simply because the High Court says the system is legal.

The Royal Commission into abuse of children sitting in Hobart last week must extend its reach into detention centres. It should not be deterred by petty black letter law arguments about whether it has jurisdiction. It cannot only worry about abuse if it happens in a school or church.

---->>>> *Lawyer Greg Barns was an adviser to NSW Liberal premier Nick Greiner and the Howard government. Disendorsed as the Liberal candidate for Denison in 2002, he joined the Democrats. In 2013, he was Wikileaks Party adviser.*

<http://www.themercury.com.au/news/opinion/child-abuse-is-child-abuse--here-or-offshore/news-story/9163dfd781dce6baff5c356972031058>

8. Asylum seekers to be returned to Nauru suffering from cancer and terminal illnesses

Sydney Morning Herald
February 8, 2016 - 10:52AM
Nicole Hasham

Some of the 267 asylum seekers waiting to be flown back to Nauru are suffering from cancer and terminal illnesses, and the first returns could potentially be made "within days", Immigration Department chief Michael Pezzullo says.

Department officials also denied that one of the people awaiting return was a 5-year-old child that had been raped, saying the child involved in the incident was more than twice that age and suffered only "skin to skin contact" with another detainee child.

The Turnbull government is under intense pressure to allow the group, including 37 babies, to remain in Australia.

Mr Pezzullo told a Senate estimates hearing his department would take advice from doctors over when to return the group, which largely comprises those who came to Australia for medical treatment and their families. They included people with illnesses such as cancer, and some conditions that were "terminal".

"Depending on how their care is going ... we will work through those in a staged fashion," he said, adding decisions would not be made in a "bulk determination".

Medical advice indicated some people would require more than six months treatment while others would be fit to travel "soon ... it's possible that some people are ready to go within days".

A High Court ruling last week that found the offshore detention regime was legal meant the department was "on very clear legal footing" that returns could take place, but saying "you all have to leave in one planeload" was not appropriate or sensible, he said.

Mr Pezzullo said as medical facilities at Nauru improved "there will be less and less requirement to repatriate people to Australia" for treatment.

Cabinet leak referred to police

Meantime, it emerged that immigration officials have called in the Australian Federal Police over an internal leaked document that suggested Australia's humanitarian program could face much greater scrutiny and be denied direct access to permanent residency.

As reported by the ABC and Fairfax Media last week, a sensitive draft cabinet document revealed a raft of dramatic measures being considered by the Turnbull government, including subjecting the 12,000 refugees to be taken from Syria and Iraq to more stringent character, identity and security checks than European countries and changing the make-up of the intake to minimise the risk of "extremist infiltration".

The document, prepared by Immigration Minister Peter Dutton's department, said the minister will bring forward the proposals in the first half of this year to "mitigate radicalisation risks" of new humanitarian arrivals.

Mr Pezzullo confirmed the leak had been referred to the AFP as "potential criminal breach", that could result in a jail term.

He said the document "was internal to the bureaucracy, it had not been sent to ministers and their staff" including Prime Minister Malcolm Turnbull.

Following the leak, a spokesperson for Mr Dutton would not say if he supported the proposals, telling Fairfax Media "this is a draft document which has not been seen by the minister or his staff - nothing more."

On Monday Mr Pezzullo said he "can't rule out ... discussions over the telephone or other oral discussions" between departmental officers and the minister's office over the document.

Asked if his staff engaged with the minister's office he said "I certainly couldn't rule that out".

Department official Rachel Noble said her staff had conversations with the minister's advisers over the "process" for the preparation of the document, including when it should be prepared.

Child rape claim denied

Mr Pezzullo also denied reports that first emerged on the ABC, alleging that a five-year-old child who had been raped at Nauru was among those awaiting return.

"There is no five-year-old child – it's a figment," he said, adding the pediatrician who took part in the broadcast, Karen Zwi, "has conveyed to the department she doesn't understand how the reference to a five-year-old child emerged".

He said some media reporting of the asylum seeker issue was "advocacy parading as journalism" and "pamphleteering of an almost political nature" which bent the facts.

Department official Cheryl-anne Moy said the incident involved "physical skin-to-skin contact" and the child was "more than double the age of five".

She said the attacker was another child transferee. The allegations were raised by the child's parent, the family was supported with medical, welfare and counselling assistance and the child was moved to Australia for treatment. The boy is living in the community with family in NSW, she said.

People smuggling cost falls

Australian Border Force commissioner Roman Quaedvlieg also revealed the price of a people smuggling voyage from Indonesia to Australia has dropped to about \$US \$2000, down from about \$US10,000 in mid-2013.

He said since Operation Sovereign Borders began cracking down on the illegal trade "that price has dropped significantly" and people smugglers were "struggling to find ... customers". The hearing continues.

<http://www.smh.com.au/federal-politics/political-news/asylum-seekers-to-be-returned-to-nauru-suffering-from-cancer-and-terminal-illnesses-20160207-gmo0wj.html>

9. #LetThemStay: Thousands gather around Australia to protest against asylum seekers being sent back to Nauru

ABC News Online / AAP

First posted Thu 4 Feb 2016, 5:03pm

Updated Thu 4 Feb 2016, 10:42pm

Protesters have gathered in cities around the country calling on the Federal Government not to deport almost 270 asylum seekers to Nauru.

The biggest protest on Thursday was in Melbourne, where more than 2,000 people gathered outside the State Library before staging a sit-in outside the nearby Department of Immigration office.

The gatherings were in response to Wednesday's High Court ruling Australia's offshore detention at Nauru and Manus Island is legal.

It cleared the way for 267 asylum seekers, including more than 30 babies, who were brought to Australia for medical treatment, to be returned to Nauru.

"Say it loud, say it clear, refugees are welcome here," the crowd in Melbourne chanted.

Demonstrators also gathered in Sydney, Adelaide and Perth, while smaller rallies were held in Canberra, Newcastle and the Victorian city of Bendigo.

Protesters were expected to meet in Brisbane and Hobart on Friday.

In Canberra, several hundred people gathered in the centre of the city on Northbourne Avenue, to express their dissatisfaction with the Government's asylum seeker policies.

Former ACT Chief Minister and one-time administrator of Christmas Island, Jon Stanhope, was among the speakers at the rally.

Mr Stanhope, who is a member of the Labor Party, has been openly critical of both his own party's policies on offshore detention and of the Liberal Party's policies.

Protesters also gathered at the Immigration Residential Housing centre near the Perth airport to voice their displeasure.

Organisers said families detained in Perth would be directly affected by the High Court decision, including a Syrian family with a young baby and several married couples who were brought to Australia from Nauru to receive medical treatment.

Earlier in Sydney, protester Kay Ashton said she was ashamed of the Government's treatment of asylum seekers.

"They're just destroying people's lives," she said.

"We are just calling on them to reverse it, show some gumption, show some leadership for goodness sake."

Former immigrant Angelika Treichler said she was shocked at the Government's policy.

"I'm very, very upset that this country I've chosen to live in is now carrying out such a cruel, cruel policy. I can't believe it in fact," Ms Treichler said.

The High Court case was launched by a Bangladeshi detainee on Nauru who was brought to Australia for treatment and later gave birth to her daughter in Brisbane.

Lawyers for the woman argued it was illegal for the Australian Government to fund and operate detention centres in a third country.

During the High Court case the Government changed the law to close a loophole in the funding arrangements, which it feared could be undermined by the challenge.

On Wednesday, a majority of the court's bench found the current government arrangements were valid under the constitution.

One of the children facing return to Nauru is a five-year-old boy allegedly raped at the detention centre, but Mr Dutton said he would take concerns from doctors about the boy's welfare into consideration.

More than 50 of the 70 children who are at risk of being forcibly sent to Nauru are being held at Wickham Point Detention Centre in Darwin.

Then on Thursday Australian Human Rights Commissioner Professor Gillian Triggs released a report on the findings of two doctors who interviewed 69 families with children at Wickham Point.

The report found children were being seriously damaged by being held in detention, and the doctors treating them described the children as the most traumatised they have seen in 50 years.

The Government of Nauru hit back at what it described as "inflammatory language" during the asylum seeker debate.

Justice Minister David Adeang said refugee families were safe and treated with great respect, and claims otherwise were an insult to every Nauruan citizen.

<http://www.abc.net.au/news/2016-02-04/crowds-protest-against-asylum-seekers-being-sent-to-nauru/7141778>

10. Thousands rally Australia-wide against offshore detention of asylum seekers

Thousands protest against high court decision allowing asylum seekers, including children, to be sent back to offshore detention

The Guardian
Paul Karp and staff
Thursday 4 February 2016 20.14 AEDT

Thousands of protesters gathered in capital cities across Australia on Thursday to protest a high court decision which allows the deportation of 267 people, including 72 children, from Australia to Nauru.

On Wednesday, the high court upheld the constitutionality of Australia detaining asylum seekers in foreign countries, rejecting a challenge to the offshore processing system.

The decision spurred a number of churches to offer sanctuary to asylum seekers facing deportation to Nauru and sparked protests in eight Australian cities which rallied around cries of "let them stay" and "close the camps".

The protests began in Bendigo, followed by a lunchtime demonstration in Sydney, which drew thousands of people, and rallies in Newcastle, Canberra, Melbourne and Adelaide in the early evening, with a 6.30pm protest scheduled for Perth.

About 80 people joined the rally in Canberra. Husnia Hushang, who moved to Canberra on a student visa three years ago to study at the Australian National University from Afghanistan, said she knew first hand why people chose to flee their home countries.

"Just last week, close to my home town, there was a suicide attack. Nine people died," she said.

She said many members of her family left behind in Afghanistan were considering making the treacherous journey to Europe by boat.

"They say to me, if we go by boat it is one time that we face the risk of dying, but every day in Afghanistan we face danger."

The opportunities to come to Australia the right way, through official channels, were few and far between, Hushang said.

She attended the Canberra rally out of compassion for the families, particularly the young children, who face the "prison-like" conditions of indefinite detention.

At least 5,000 people attended a #LetThemStay rally in Melbourne and staged a sit-in outside the Liberal party headquarters at the corner of Collins and Exhibition Streets.

The Victorian Trades Hall followed the lead of many Australian churches and offered to open its doors as a refuge to refugees.

Protesters in Sydney gathered outside Malcolm Turnbull's Wentworth electoral office in the eastern suburbs of Sydney for a planned sit-in.

Joyce Fu from the group, People Just Like Us, said the group would stay until Malcolm Turnbull announced that 267 asylum seekers would be allowed to stay.

Pakistani-born NSW Greens MP Mehreen Faruqi, who attended the sit-in, said: "People are here today to give a loud and clear message to Malcolm Turnbull that if he has any vestige of decency and compassion in him he must rule out sending people – women, men, children, babies – back to the prison jails of Nauru."

A earlier rally in Sydney at lunchtime drew several thousand protesters.

Iraqi-born refugee activist Mohammad Baqiri, who arrived with his family by boat and was detained in Nauru for three years, told the rally Australia had turned Nauru and Manus Island into “prison islands” and must let the asylum seekers stay.

“My message is clear. We have so many support services for those 267 asylum seekers that are being sent back, and 37 of them are babies. How could they?” he said.

Mohsen Soltani, an Iranian refugee and former Villawood detainee, spent four years in detention told the crowd: “I have witnessed how the kids are going to be affected. They desperately need hope. But the bloody [political] parties use them for their own propaganda. It’s a tragedy for Australia, it’s totally shameful,” he said.

Julie Macken of Women Supporting Women on Nauru seized on immigration minister Peter Dutton’s claim he would not send children into harm’s way, and said that returning them to Nauru would do just that.

Dutton has said the federal government will not drag asylum seekers out of churches to take them back to Nauru but, when asked about the possibility of deportation in question time, prime minister Malcolm Turnbull said he would not rule out sending the 267 asylum seekers back to Nauru.

Hundreds more people attended rallies in Adelaide, Bendigo and Newcastle, where they demanded the government allow the asylum seekers to stay in Australia.

Protests in Perth were scheduled for 6.30pm local time outside the Perth Immigration Residential Housing in East Redcliffe.

According to the Refugee Rights Action Network, Perth is home to a number of families who could be among those deported following the high court decision, including a Syrian family with young children. All were brought to Perth for medical treatment.

Further protests are planned for Friday in Brisbane, Hobart, Launceston and again in Adelaide.

A report released after the high court decision, based on interviews by paediatricians of asylum seekers with children inside Wickham Point and Christmas Island detention centres, found children suffered mental trauma, including instances of attempted suicide and an overwhelming fear of being returned to Nauru.

<http://www.theguardian.com/australia-news/2016/feb/04/thousands-rally-australia-wide-against-offshore-detention-of-asylum-seekers>

11. 'Nauru is the end of our life': asylum seeker describes despair after high court decision

Durga* says she collapsed in tears and her son threatened suicide at the news they can now be removed to Nauru on 72 hours’ notice

The Guardian
Ben Doherty
Thursday 4 February 2016 15.31 AEDT

An asylum seeker brought to Australia after an alleged rape on Nauru says she collapsed in tears, and her son threatened suicide, when they were told of the high court’s decision affirming the government’s right to send them back to the Pacific island.

Speaking via an interpreter from an Australian mainland detention centre, Durga* said she and her son were terrified at the prospect of being returned to the island where they had spent five months in detention.

A high court judgment on Wednesday affirmed the power of the Australian government to establish, fund and control detention centres in foreign countries.

The decision most directly impacts 267 asylum seekers – including 37 babies born in Australia to asylum seeker mothers – who were party to the court case and can now be removed to Nauru on 72 hours’ notice. Durga and her son are two of those.

“An immigration officer took me into an office to tell me about the high court decision,” Durga said. “Straight away, I am very fearful, very scared. I started crying and asking what they will do to me.”

News of the court’s ruling spread quickly through the detention centre.

“Everywhere here is chaos. I saw one woman fainting when she was told the news. So many people are crying it is as if it were a funeral. We feel like Nauru is the end of our life.”

Durga says she collapsed, sobbing, on the ground when she left the immigration office.

“Another asylum seeker and her daughter came to me, they picked me up and took me to my room.”

Durga, a Sri Lankan Tamil, was the victim of rape and torture by military and security officials during her country’s civil war.

“The military officers would come to my house,” she told Guardian Australia in an earlier interview. “Every time they would come, two or three men, they would grab me and force me to have sex with them. They expected me to cooperate but I never did. I would resist. So they would tear my clothes from me, they would tie my hands and they would push clothes in my mouth so I could not scream. Then they would rape me.

“After they left, I would sit with my child and cry. They came back many times.”

She fled Sri Lanka in 2007 and, facing further persecution in southern India, boarded a boat from Tamil Nadu in 2014, bound for Australia.

She and her son were two of the 157 Tamil asylum seekers intercepted at sea by an Australian customs vessel in June 2014 and held at sea for nearly a month while Australia worked out where they could be taken. Ultimately, they were detained on Nauru.

On Nauru, Durga was prescribed sleeping tablets to help with her anxiety and pain from physical injuries. She told her case workers she believes she was raped while she slept, affected by the tablets.

“I was taking sleeping tablets because with my injuries from Sri Lanka and my fear of being assaulted. I could not sleep,” she said. “In the morning I woke up and my clothes were taken off me and things in my room had been moved. I felt like I had been raped.”

Following the sexual assault allegation, Durga was brought to the Australian mainland for mental health treatment in January 2015, along with her son, now aged 19.

She said on Thursday she feared being returned to Nauru. “I am very scared to go back. How can I go back to that place? What I escaped from in Sri Lanka has happened to me on Nauru.

“I really don’t know who has the power to help me. I hope the doctors can say I should not go back but I don’t know who has the power to stop it.” Her son did not find out about the court’s judgements until after he returned to the detention centre from the suburban school he attends in Australia.

“The immigration officer took him to a room to tell him. He asked them, ‘Do I have to go back to Nauru?’. He kept asking but they did not say. Then he came to me and said, ‘If they try to send us back there, we should commit suicide here’.”

The immigration minister, Peter Dutton, told the ABC’s 7.30 program that the Australian government was committed to its current compassionate arrangements for people requiring medical attention but that offshore processing was a fundamental policy in controlling Australia’s borders.

“There’s obviously a lot of emotion around this issue at the moment ... but the situation on Nauru is quite different than the way in which people are painting it,” he said. “For example, nobody is held in detention on Nauru.

“There is the ability for people to come and go freely in the community and I think it’s quite a different picture than that which has been painted by some of the advocates, but, as I say, that’s understandable because it is a very emotional space.”

The minister said each case for removal to Nauru would be assessed individually, taking note of the advice of medical experts. “We aren’t going to put people in harm’s way,” he said.

The United Nations high commissioner for human rights, Rupert Colville, urged Australia not to return any asylum seekers or refugees to Nauru.

“Most of these people were reportedly brought to Australia from Nauru to receive medical treatment and are in a fragile physical and mental state,” he said. “The group includes more than 12 women and at least one child who have allegedly suffered sexual assault or harassment while in Nauru. The group also includes 37 children born in Australia.”

Colville said sending any of the 267 to Nauru “could further damage their physical and mental health and would put Australia at risk of breaching its obligation not to return any person to cruel, inhuman or degrading treatment under the Convention against Torture”.

** Name has been changed to protect her identity and those of her family members*

<http://www.theguardian.com/australia-news/2016/feb/04/nauru-is-the-end-of-our-life-asylum-seeker-describes-despair-after-high-court-decision>

12. Nauru conditions 'cruel' and 'inhumane', children traumatised: former teacher

ABC Radio CAF - PM

By David Mark

Posted Thu 4 Feb 2016, 3:45pm

An Australian teacher has described conditions on Nauru as "cruel" and "inhumane", raising concerns that children would be traumatised if forced to return to the detention centre.

Yesterday the High Court threw out a challenge to offshore detention, ruling that asylum seekers now in Australia may have to return to Nauru.

Evan Davis was contracted to teach the children of asylum seekers at an Australian-funded school on the island from 2014 until the school was closed in the middle of last year.

"Ever since I came back, and I've been back in Australia since July, I don't think a day goes past where I don't think about these students," Mr Davis told PM.

"But I also just constantly think about the damage that we're doing to them by detaining them on the island, and also the damage that we'll be doing to these people if we return them.

"So I just can't live with myself with the thought that I've witnessed this.

"I'm probably one of the few people that has actually had the privilege of teaching these students and getting to know them and I just think that the Australian public should realise what's happening to these people."

Mr Davis said the students he taught on Nauru were some of the best he had come across in his career.

"I mean our attendance rate was excellent, the kids would always been waiting for us at the bus stop in the morning where we picked them up from the camp," he said.

"I look at those kids and you could see the next generation of doctors and teachers and nurses and any opportunity that they have has been robbed of them.

"So I find it really hard to reconcile that imposing that type of abuse and creating that type of trauma on these students is justified under the fact that it has stopped the boats."

Mr Davis spoke to PM on the day the Australian Human Rights Commission released a report into the condition of children at Wickham Point Detention Centre in Darwin.

'We have no hope, we have no future'

The report's authors found the children, most of whom had spent months in Nauru, were among the most traumatised they had ever seen.

Mr Davis agreed that the detention system on Nauru was inhumane.

"It was quite obvious abuse," he said.

"The kids, towards the end of my tenure there, I found that the kids were becoming very, very depressed.

"I mean, we could still motivate them to do work but essentially once they left school, they went back to camp and they sat around, they said that they were depressed, they quite often talked about thoughts of suicide, of self-harm."

He said when the school was closed in the middle of last year it was a real blow to the asylum seekers.

"I remember when it was announced that the school was closing, the parents were in absolute tears because ... they said in their own words, 'this is the last good thing that we have on this island'.

"This is the only good thing that we have on this island, this is the only thing that we look forward to, and as a consequence, taking that away from us means that we have nothing now, we have no hope, we have no future, we don't know what's happening."

"I mean, some of these people have been in detention close to two years now.

"Even if they are released, they're still stuck on the island, which is only a very, very small island, and there's nothing for them to do."

Mr Davis said he felt compelled to speak out, even though he was risking a two-year jail term.

"It's a cruel. It's an inhumane way of treating people, and there's no question about it that these young people, and also the parents as well, are suffering greatly as a result of the policies and the way they're being treated," he said.

"And I just think that it's irresponsible for someone who knows about this not to speak up about it."

<http://www.abc.net.au/news/2016-02-04/nauru-conditions-'cruel'-and-'inhumane'-former-teacher-says/7140484>

13. Children who fear return to Nauru have attempted suicide, say paediatricians

Children in detention in Australia interviewed by doctors for report released following high court ruling that Australia's offshore detention is legal

The Guardian

Ben Doherty

Thursday 4 February 2016 15.02 AEDT

A seven-year-old girl attempted suicide by cutting her face and chest with razor blades, children have jumped from buildings in attempts to kill themselves, and a two-year-old boy on Nauru played with cockroaches because "he has no other toys", a report from the Australian Human Rights Commission says.

A series of interviews conducted by paediatricians with asylum seekers inside Wickham Point and Christmas Island detention centres paints a bleak picture of mental trauma suffered by children in detention, and an overwhelming fear of being returned to Nauru.

The high court Wednesday upheld the legality of Australia's offshore detention regime, and the Australian government's power to pay for, control, and direct detention of people in foreign countries.

The ruling directly affects 267 asylum seekers currently in Australia, including 37 babies born in Australia, who could now be removed to Nauru on 72 hours notice.

Paediatricians accompanied a team from the Australian Human Rights Commission visiting immigration detention centres at Wickham Point outside Darwin, and on Christmas Island.

Their report, published by the AHRC, details the comments of children and their parents in detention.

"She has no friends. She cries all the time and says I want to go from here. She has cut herself with a razor on her chin, face, chest. She eats poorly, has daily headache and tummy pain and poor weight gain. Every night she wakes up and screams that someone is coming to take her back to Nauru. (Mother of girl, aged 7)

"Two of her friends jumped off the building and got broken hips and legs. They were sent to the community. She is talking about doing the same thing. She has been seen (by a counsellor in Darwin) and mental health here but says 'talking to them doesn't change anything for me.' She has no medication, no psychiatrist. (Mother of girl, aged 15)

"When interviewed independently the girl reported: "I am at the end of the line. I'm really negative. I'm at the end. I feel maybe I should kill myself to end it all." (Girl, aged 15)

"My child was playing with cockroaches – he had no other toys. (Father of boy, aged 2)

The president of the Australian Human Rights Commission, Gillian Triggs, said the findings of the report were disturbing.

"Detention, whether on Christmas Island, Nauru or centres on the Australian mainland, is dangerous and unsafe for children. Thirty-four per cent of the hundreds of children we visited had severe to moderate mental illness, compared to 2% of children in the Australian community. Their health and wellbeing, and that of their parents, was at risk from cramped conditions in tents and remodelled containers, inadequate healthcare, even sexual and other assaults."

The paediatricians who interviewed the children and their families – Prof Elizabeth Elliott and Dr Hasantha Gunasekera – said the children at Wickham Point who had spent time on Nauru were among the most traumatised they had ever treated.

"We were deeply disturbed by the numbers of young children who expressed intent to self-harm and talked openly about suicide and by those who had already self-harmed. The only appropriate management of this situation is removal of children from the toxic detention environment which is causing and/or exacerbating mental ill-health."

The report said many children were being placed in detention already traumatised, and that the fact of detention, along with inadequate mental healthcare, was compounding their harm.

“Some children had witnessed atrocities at home, survived a traumatic boat trip, had been moved between several onshore to offshore detention centres, were traumatised by the presence of uniformed guards and actions such as head counts and had palpable anticipatory trauma at mention of return to Nauru.”

Children reported nightmares about being returned to Nauru, bed-wetting, vomiting and heart palpitations.

Elliot said the mental health of children was further damaged by being cared for by traumatised parents.

“It’s effectively neglect when you have a very depressed mother who can’t engage and bond with her baby. That baby may well suffer developmentally, fail to develop speech, fail to develop physically, and, in fact, fail to thrive, despite an adequate diet, because of that emotional deprivation,” Elliot said.

On Christmas Island, there were 15 women with babies under a year old who had attempted suicide and were on 24-hour suicide watch.

“Many of them just couldn’t engage with their babies.”

The immigration minister, Peter Dutton, told the ABC’s 7.30 that the Australian government was committed to its current compassionate arrangements for people requiring medical attention, but that offshore processing was a fundamental policy in controlling Australia’s borders.

“There’s obviously a lot of emotion around this issue at the moment ... but the situation on Nauru is quite different than the way in which people are painting it. For example, nobody is held in detention on Nauru. There is the ability for people to come and go freely in the community and I think it’s quite a different picture than that which has been painted by some of the advocates, but, as I say, that’s understandable because it is a very emotional space.”

The Human Rights Commission has written to the government highlighting 50 “cases of concern” of children in detention. These are the most seriously traumatised children in the detention system. The government, the AHRC says, has committed to responding individually to these cases.

Dutton has said in several interviews each case for removal to Nauru would be assessed individually.

“I’ve given an assurance I’m not going to send children back into harm’s way.”

Triggs said she welcomed the government’s commitment to individual assessment, rather than a “blanket approach”.

“You would have thought, on any rational analysis, and in light of the medical evidence, that you would have to conclude that the best interests of every one of those children is to remain in Australia.”

<http://www.theguardian.com/australia-news/2016/feb/04/children-who-fear-return-to-nauru-have-attempted-suicide-say-paediatricians>

14. Asylum seeker amnesty motion proposed by Greens votes down by Coalition and Labor

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 4 Feb 2016, 1:51pm

Updated Thu 4 Feb 2016, 1:52pm

The Coalition and Labor have joined forces to vote down a motion to grant amnesty to almost 270 asylum seekers currently in Australia.

The 267 people, including 37 babies, are facing the prospect of being sent to Nauru in the wake of yesterday's High Court judgement which upheld offshore immigration detention.

Greens senator Sarah Hanson-Young today moved a motion in the Senate, asking for the Federal Government to allow the asylum seekers to remain onshore.

In full, the motion read: "the Senate calls on the Turnbull Government to grant amnesty to the 267 men, women and children in Australia as part of the M68 High Court challenge, and allow them to stay."

It was defeated 10-40, with independent senator John Madigan siding with the Greens.

Prime Minister Malcolm Turnbull addressed the issue in Question Time, telling the chamber that the Greens did not have the "monopoly on empathy".

Mr Turnbull said that border security measures undertaken by the Government had curbed the numbers of deaths at sea.

"The Honourable Member can share his empathy with us, he can share all of that, but he has to recognise that the approach that his party has advocated... resulted in deaths at sea," he said.

"Women and children, young men, families, that is the consequence of abandoning responsibility at the border."

His comments come amid increasing pressure on Immigration Minister Peter Dutton to allow the asylum seekers to stay onshore.

Mr Dutton has said that each asylum seeker would be looked at on a case-by-case basis, telling the ABC that "exceptional circumstances" would be looked at.

"We are not going to put children into harm's way," he said.

"We are going to work individually through each of the cases."

Mr Dutton said the Government had to be compassionate, but also realistic in its actions following the verdict.

He said he did not want to encourage actions that would lead to more people drowning en route to Australia.

"We are going to continue our vigilance against people smugglers, while providing compassion to those who have been traded in this evil, people smuggling organised criminal syndicate," Mr Dutton said.

"We are acting in the best interests, not only of these children, but children that would follow them. I don't want to reopen the open border policy."

<http://www.abc.net.au/news/2016-02-04/coalition,-labor-unite-to-vote-down-asylum-seeker-amnesty-motion/7140948>

15. Australia's asylum seeker politics 'toxic' since 2001: Tanya Plibersek

Sydney Morning Herald
February 3, 2016 - 7:19PM
Bianca Hall

Labor's deputy leader Tanya Plibersek has called for children to be released from Nauru and mainland detention centres as soon as possible, describing Australia's asylum seeker politics since 2001 as "nothing less than toxic".

Her strong stance places her at odds with shadow immigration spokesman Richard Marles, who on Wednesday defended offshore processing, including for children.

Responding to a letter from 900 prominent academics calling for children to be released from detention, Ms Plibersek said Australia had a moral obligation to do more to address the global refugee crisis and said the debate domestically had "lost rationality, compassion and respect".

Ms Plibersek told the group Labor would establish an independent children's advocate and "will remove children from detention as quickly as possible". Her spokesman said this would include from Nauru.

Ms Plibersek is the only Labor politician to respond to the group of 900 prominent academics, who wrote to every federal MP before Christmas, and again in January, urging the release of children detained in Australia and on Nauru.

Signatories included experts on child psychology, human rights, public policy and the law, from universities across the country.

"There is no way that children's rights to care, protection, and normal human development can be ensured in detention in Australia or Nauru," the group wrote.

"To the contrary, we have considerable evidence of the psychological and emotional harm to children resulting from detention ... We are concerned that each day is doing incalculable emotional, psychological, neurological, and physical damage to young vulnerable people, at a time when they most need security and care."

Labor reintroduced offshore detention on Nauru and Manus Island in 2012. Two years later, the Australian Human Rights Commission found that the policies and practices pursued by both Labor and Coalition governments had been "in serious breach" of the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

Garfield Prowse, the assistant secretary for the "child protection and wellbeing branch" of Border Force, wrote to the academics on behalf of Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton, saying the refugee determination and settlement of people on Nauru was a matter for the Nauru government.

"The department continues to work closely with the government of Nauru regarding the welfare of children, including transferees living in the regional processing centre and refugees who have moved into the local community."

Mr Prowse said the department "takes steps" to ensure all school-aged children in any form of detention were enrolled in school. Children detained in Australia, he said, received health care equivalent to that of other children in Australia.

There have been repeated reports of sexual assault on Nauru including a five-year-old boy allegedly raped on the island, who is one of 90 children who face being returned to the offshore detention centre after Wednesday's High Court ruling.

A report of a sexual assault among asylum seekers held on Nauru is made every 13 days, most of the alleged victims being children, paediatrician Karen Zwi told the ABC's 7.30 on Tuesday.

<http://www.smh.com.au/federal-politics/political-news/australias-asylum-seeker-politics-toxic-tanya-plibersek-20160203-gmkgp4q.html>

16. Asylum seeker mother voices fears about being returned Nauru immigration detention centre

ABC-TV - 7.30

By Sean Rubinsztein-Dunlop and Alex McDonald

First posted Wed 3 Feb 2016, 4:57pm

Updated Wed 3 Feb 2016, 5:03pm

A woman who was held in detention on Nauru before giving birth to a son in Darwin last year after complications during the pregnancy has described today's High Court decision as a nightmare.

"It's like dying," the woman, who now faces a return to Nauru, told 7.30.

"It's waiting for dying."

Immigration Minister Peter Dutton signalled his intention to send a group of 160 adults, 37 babies and 54 children in Australia back to Nauru, a regime the High Court has ruled is constitutionally valid.

The woman acknowledged she and her husband arrived by boat, but she said the rules were changed after they had left their home country.

"We didn't know the law has changed in between," she said.

"But that has no bearing on our kids."

Her son Samuel is one of the 37 children born to asylum seeker parents in Australia who could be flown offshore because of the ruling.

"Our kids are innocent," she said.

"Like any father and mother we have wishes for our kids and this is my first child.

"I believe, and the mothers in my situation believe, that their kids are Australian."

PM vows 'to keep our borders secure'

Paediatrician Dr Josh Francis, who treats children in detention in Darwin, including many of whom have also been in detention on Nauru, has defied the threat of going to jail to speak out about the treatment of children in detention.

"Some of the kids who we will see are actually babies who are born in Australia and all they know is the security of their parents," he told 7.30.

"If the safeness and security of their parents is taken away, you have a mother who is depressed, you have a father who is absent because he can't cope with the thought of dealing with the family through all this — those sort of things have a massive impact on even the youngest children.

"But it's the older ones, the older ones who have experienced trauma on Nauru, who have seen people trying to starve themselves, have seen people trying to hang themselves, have seen the stress and depression that occurs among the adults they live amongst in Nauru.

"And so for many of them what they're terrified of is what goes on all around them and they know that it's worse in Nauru than it is here in Australia."

Prime Minister Malcolm Turnbull has in the past declared his discomfort with Australia's refugee policies but has maintained the tough line of his predecessors.

"Nobody should ever doubt the resolve of this Government to keep our borders secure, to prevent the people smuggling racket, to break their business model and keep lives safe, to prevent drownings at sea and to protect vulnerable people," he told Parliament.

His Government now faces two big decisions which could risk an outcry either way — whether to send the children to Nauru and whether to pursue the doctors for speaking out.

<http://www.abc.net.au/news/2016-02-03/asylum-seeker-mother-voices-fears-about-nauru/7137924>

17. 'What if it was your wife or daughter'? Doctor pleads with politicians to save mothers and babies from Nauru fate

Sydney Morning Herald
February 3, 2016 - 5:58PM
Nicole Hasham

Australian politicians who support sending children back to Nauru should consider "if their daughter or wife was trying to bring up a baby there", a leading paediatrician says, claiming GPs on the island missed potentially fatal illnesses in children.

David Isaacs, a Sydney-based paediatrician, said asylum seekers and refugees on the remote island faced hot, humid and uncomfortable conditions.

"The families are in desperate straits really," he said.

"I'd love it if the politicians would think about what it would be like if their daughter or wife was trying to bring up a baby there."

He said health care was "substandard" including GPs "of variable quality, in my experience, who when I was there were missing quite important infectious diagnoses that were potentially fatal".

Dr Isaacs said he encountered one child with typhoid and another with tuberculosis who had not been diagnosed.

"This is a disaster waiting to happen ... I couldn't really countenance sending any child back there," he said.

One Iranian asylum seeker at Nauru, who did not wish to be named, told Fairfax Media that following the court verdict he had "no hope for everything".

"Nauru is very small ... and the weather is over 40 degrees. There is nothing for the adults, nothing for the children," he said.

The man and his wife have three children, including a baby.

"[My older children] are very upset, they don't go to school. For how long they can stay in the tent?"

A former worker on Nauru who has remained in close contact with asylum seekers and refugees said they saw the High Court case as their last hope, and reacted to the decision with "disbelief and despair". One asylum seeker had told her "we are all broken now".

The former worker reported receiving messages from children at Nauru before the verdict such as: "I am nearly dead. Only [the] High Court can save me" and "see you in Australia next week".

"I was extremely worried for most of those in contact with me who have developed mental health conditions on Nauru and have a history of self harm there," the source said.

"I have also been distressed for the families in onshore detention after [Mr] Dutton's threat to return them. I don't think he has any idea of the mental grenade his words were for those parents of children still suffering from their experiences on Nauru."

The former worker said many people were "at the end of their tethers after three years" on the island and, with their legal hopes dashed, "I don't know what will help them endure the indignity, uncertainty and arbitrary cruelty of Nauru now."

<http://www.smh.com.au/federal-politics/political-news/what-if-it-was-your-wife-or-daughter-doctor-pleads-with-politicians-to-save-mothers-and-babies-from-nauru-fate-20160203-gmkwi8.html>

18. 'Don't send them back' message to Turnbull after High Court ruling

Sydney Morning Herald
February 4, 2016 - 8:02AM
Nicole Hasham, Michael Gordon

Prime Minister Malcolm Turnbull has vowed the government's hardline border stance is unshakable after the High Court ruled offshore detention was lawful, but stopped short of saying when more than 250 asylum seekers will be flown to Nauru.

In a 6-1 verdict, the court on Wednesday ruled that the federal government has the power under the constitution to detain people in other countries, clearing the way for the return of more than 220 asylum seekers to Nauru, along with as 37 babies born in Australia.

Immigration Minister Peter Dutton had signalled the government's intention to move quickly, declaring last month that the transfer would leave only seven children in mainland detention, but Mr Turnbull is under pressure from church and advocacy groups and some Liberal MPs to be cautious.

Victorian backbencher Russell Broadbent appealed to the Prime Minister to gradually transfer those on Nauru and Manus Island to Australia - while continuing with the policies that have stopped the boats: boat turn-backs and the policy of processing any future arrivals on Nauru and Manus Island.

But Mr Broadbent warned that any move to transfer the children, and women who say they are victims of sexual assault, back to Nauru would prompt a backlash against the government, especially in Melbourne. "I don't think Malcolm wants that," he told Fairfax Media.

The Australian Human Rights Commission will also release a report on Thursday that President Gillian Triggs says will represent a powerful case for the government not to go ahead with the returns. The report is the findings of medical experts who assessed children at the Wickham Point centre near Darwin who face being returned. Professor Triggs says the clinicians had never confronted such traumatised children, and the prospect of return was aggravating their condition.

In question time on Wednesday, Mr Turnbull reiterated the government's resolve to deter asylum seekers and ensure "this pernicious, criminal trade of people smuggling cannot succeed", declaring: "The line has to be drawn somewhere and it is drawn at our border". But Mr Turnbull added that the government would consider the decision "and its implications carefully".

Mr Dutton later affirmed that those brought to Australia for medical treatment would be returned once there was no need for that assistance, hinting that family members of those being treated who accompanied them to Australia would be the first to be returned. But he gave no timetable for returns.

In a statement, Labor's Immigration spokesman, Richard Marles, did not address the key issue of whether asylum seekers should be saved from returning to Nauru, but called on the government to immediately find ways to resettle refugees in third countries. He later signalled his expectation that the group would be returned to Nauru.

"People have been left to languish in processing centres without any certainty for their future ... without an urgent resolution, this government will be doing enormous damage to this refugee population," he said in the statement.

Following the verdict, Human Rights Law Centre legal advocacy director Daniel Webb, whose organisation brought the case to court, said: "Legality is one thing. The morality is another.

"It is fundamentally wrong to condemn these people to a life in limbo on a tiny island," he said.

"The stroke of a pen is all that it would take our Prime Minister or our Immigration Minister to do the decent thing and let these families stay."

The test case was run on behalf of a Bangladeshi woman who was brought to Australia from Nauru in August 2014 for medical treatment. Supporters said the woman, who has a baby daughter, was "terrified" of returning to Nauru, where asylum seekers say they have suffered physical and sexual abuse, poor health care and inadequate living conditions.

The woman argued that the Commonwealth's conduct, including restraining her liberty and entering into contracts to allow her detention, was not authorised by any valid Australian law.

The court ruled that the woman was not entitled to declare that her past detention was unlawful. It said the detention regime was authorised under the constitution and other laws.

Refugee and Immigration Legal Centre executive director David Manne said the court considered the legal aspects of offshore detention, but not whether it was "good and proper policy".

"There now must be urgent consideration of how to end the suffering of the cruel limbo on Nauru. It can't and mustn't go on like this," he said.

"On any measure, whether it be moral, human, financial or practical, or indeed in light of our international law obligations, the policy is cruel, inhuman and unsustainable."

Professor Triggs said the court did not judge whether offshore detention met international obligations to "protect the safety and wellbeing of all people under our jurisdiction, including people seeking asylum."

<http://www.smh.com.au/federal-politics/political-news/dont-send-them-back-message-to-turnbull-after-high-court-ruling-20160203-gmktc9.html>

19. UN warns Australia to consider best interests of asylum seeker children

High court ruling that could pave the way for families to be returned to Nauru 'concerns us greatly', says UN spokesman as churches offer sanctuary

The Guardian
Australian Associated Press
Thursday 4 February 2016 07.59 AEDT

The UN refugee agency has warned Australia must consider the best interests of children after a high court ruling that could pave the way for asylum seeker families to be returned to Nauru.

The immigration minister, Peter Dutton, says the cases of 267 people in Australia whose hopes for resettlement were dashed by the decision will be considered individually, based on medical advice.

"This decision by the high court greatly concerns us as these children and their families face a great risk in being sent to a place that cannot be considered safe nor adequate," said a UN spokesman, Benyam Mezmur.

A UN high commissioner for refugees spokesman, Rupert Colville, said the group of asylum seekers were in a fragile state and could have mental health issues. "Of course being sent back to this situation may just make them worse," he told ABC Radio.

He said returning them to Nauru could be a breach of the convention against torture which covers cruel, inhumane or degrading treatment.

Immigration Minister Peter Dutton hit back at the UN warning, insisting that he has the children's best interests at heart and won't send them back to harm's way.

"We have to be compassionate on one hand but we have to be realistic about the threat from people smugglers," he told ABC Radio on Thursday.

Dutton accused refugee advocates of wanting an open border policy that would put people's lives at risk of drowning at sea.

"We're acting in the best interests not only for these children but children that would follow them," he said.

Meanwhile, churches and cathedrals are offering an ancient means of protection to 267 asylum seekers. More than 10 places of worship in Australia have declared a place of sanctuary for them, a practice used in medieval times to offer refuge from brutal and oppressive forces.

"We offer this refuge because there is irrefutable evidence from health and legal experts that the circumstances asylum seekers, especially children, would face if sent back to Nauru are tantamount to state-sanctioned abuse," said the Anglican Dean of Brisbane, Peter Catt.

<http://www.theguardian.com/australia-news/2016/feb/04/un-urges-australia-to-consider-best-interests-of-asylum-seeker-children>

20. Labor MP calls for Curtin detention centre to reopen

ABC News Online
Posted Thu 4 Feb 2016, 2:00pm

West Australian Labor MP Stephen Dawson is calling for the Curtin immigration detention centre in the Kimberley to be reopened, after the High Court yesterday rejected a challenge to the legality of offshore detention centres.

Mr Dawson said reopening the centre could provide financial benefits to nearby communities, as it had done so previously.

"That [Curtin detention centre] was a big boom for the local economy up in the North West, it created employment, it made sure that Derby had an airline service to Perth," he said.

The High Court case was launched by a Bangladeshi woman who argued it was illegal for the Australian Government to operate and pay for offshore detention in a third country.

But the case was thrown out by the court, opening the door for potentially 270 asylum seekers, including children, to be sent back into offshore detention.

Mr Dawson said the health of individuals, especially children, should be the most important consideration in processing refugees.

"Certainly I don't feel these children should be sent back to Nauru, I think the Federal Government needs to do more to keep these kids out of harm's way," he said.

"As a parent of a 16-month-old it pains me greatly to think that a child the same age as my child is being detained like that.

"I would like to see these refugees and their cases processed onshore ... it's abhorrent to have babies and young children in detention centres," he said.

Reopening Curtin not the answer: advocate

The Curtin immigration detention centre was closed by the Federal Government in September 2014 after a drop in detainee numbers.

But Ian Rintoul from the Refugee Action Coalition warned reopening the facility would not improve living conditions for asylum seekers.

"I think anyone who knows what Curtin was like previously would know why it's not a good idea [to reopen], there's better ways to stimulate the economy in Northern Western Australia," he said.

"Curtin is so remote, it's like an internal Nauru and all the problems associated with access to the community, access to legal help - it would be as bad now as it was when it operated as a detention centre.

"The families who are here from Nauru are in Darwin and Melbourne, they're in places that can be processed immediately and they can have access to the community.

"I would rather see them processed where they are and released into the community, there's no reason at all for them to be sent to Curtin."

<http://www.abc.net.au/news/2016-02-04/labor-mp-calls-for-curtin-detention-centre-to-reopen/7140862>

21. 'You say you are saving our lives, but you are killing us': Young asylum seeker's plea to Malcolm Turnbull

Sydney Morning Herald
February 4, 2016 - 5:24PM
Nicole Hasham

Cockroaches wriggle over one boy's body and spread to his face. Another is grabbed from behind; he runs for his mother but she has disappeared. A young girl sees thieves and another simply watches "my father and mother crying".

These are the nightmares of children locked in Darwin's Wickham Point detention centre, where asylum seekers live in compounds named "Sand", "Surf and "Sun", and children's developmental risks are worse than any in the history of published medical research.

"He is depressed, scratches himself [until] he bleeds," the mother of one 16-year-old boy told a medical team led by the Australian Human Rights Commission.

"He saw the mental health team once and was told he is in need of 'big attention' but he has seen no-one yet. That was two months ago."

Illustrations by the children are stark indicators of their anguish. One by a 7-year-old girl shows a small, bloodied body lying at the base of a building. It is captioned: "I jumped from the house to the ground and I died. My mum and dad are crying."

The daily indignities of detention pile up. Guards reportedly ate ice-cream on an excursion; when children asked if they could have one too, they were told to buy it themselves. Detainees have no access to money.

Families with children are woken for headcounts at 5am and 10pm each day; the playroom with toys is open for just one hour a day.

One Chinese mother and baby were taken to a pool but not supplied with swimming costumes, while adults were taken to a toddler pool. A mother of a two-year-old reported taking just one excursion in eight months.

A single microwave is shared by 400 people, the researchers found. Food offerings are repetitive, and children with growing bodies who like to "graze" are restricted to strict mealtimes.

The chance to attend an Australian school is a relief for some children, but the salve is temporary.

"When I am at school I am happy but back in detention I feel sick," said one boy.

"At school the difference between them and me is more obvious" a teenage girl said, while a young boy reported being invited by his classmates to play after school, telling them "I can't. I'm in detention".

But if life in Australia is difficult, the prospect of returning to Nauru is a waking nightmare.

Asked by the medical team about the stifling hot Pacific island, asylum seekers reported living with "snakes, cockroaches [and] crabs" and tents reaching temperatures of 55 degrees.

Parents and children live in tents with up to five families. Privacy, play space and relief from the heat is virtually non-existent.

"Sometimes we have to walk in heavy rain for food and toilets... there are rocks on the ground – it's very hard to walk," said an asylum seeker.

"Nauru is hell on earth," said another. "Before we die we have seen hell".

One 16-year-old boy had a special message for Prime Minister Malcolm Turnbull, who is contemplating returning 267 asylum seekers in Australia to Nauru, including almost 100 children: "The Prime Minister of Australia says he is saving our lives, but at the same time he is killing us."

<http://www.smh.com.au/federal-politics/political-news/you-say-you-are-saving-our-lives-but-you-are-killing-us-young-asylum-seekers-plea-to-malcolm-turnbull-20160204-gmligj.html>

22. Elderly Iranian asylum seeker could face death in detention, son fears

ABC News Online

By Katherine Gregory

First posted Fri 5 Feb 2016, 6:37pm

Updated Fri 5 Feb 2016, 6:45pm

A young Iranian asylum seeker, who could return to Nauru with his family, is worried his mother will die in immigration detention.

His family is one of hundreds at Darwin's Wickham Point detention centre that face the prospect of being deported to a country they fear, after the High Court on Wednesday ruled offshore detention legal.

The man, who cannot be named for legal reasons, said the news broke his 70-year-old mother, who is the oldest woman in detention.

"We had hope before. People told us, 'don't worry, you have to wait to High Court' and when she heard on TV and news we lost High Court and then she just [started] crying and hitting her head," he said.

"And she's asking me all the time: 'What's happened, what should I do? I'm scared about heading back to Nauru. If I go back to Nauru they'll kill me.'"

"I don't want to lose my mum in detention centre, I don't want my mum to die in detention centre."

The family, which also includes the man's sister, has been held at Wickham Point since February last year, when they were brought to Darwin for the mother's medical treatment.

Doctor Peter Young, a former director of the International Health and Medical Services, who specialises in mental health, has been looking over the family's medical records, which the ABC also has access to.

"They [the records] show people who have been subjected to the detention environment, and the negative effect it has on their mental health," Dr Young said.

"It signifies this person has been placed in a highly distressing situation for a prolonged period of time, which is what that system is designed to do. It's causing her to feel distressed and upset.

"From the records it's clear ... that there have been serious concerns about her mental health."

Dr Young said the elderly were also a vulnerable group in detention.

"There's been a lot of attention to particular concerns about children as a vulnerable group in detention," he said.

"But what is also important to understand that detention harms everybody over time, whether children or other groups.

"A person who is as elderly person as she is, then that would be another type of vulnerability."

Dr Young said it showed the Australian Government was ignoring its own policies around the health of vulnerable people in detention.

"There are policies the Department [of Immigration and Border Protection] implemented some time ago in relation to the other cases where it was recognised there were problems in detention and a detention in health framework was put in place," he said.

"There was another policy about people who were seen to be vulnerable because of torture and trauma histories and those people should be treated in an expeditious manner and be put through the system as quickly as possible and they shouldn't be kept in detention for long periods.

"Those policies are still on the department's books and that's simply not being followed."

The Immigration Department would not comment on the family but said it was reviewing each case on an individual basis.

'She just wants to find community'

Daniel Webb, from the Human Rights Law Centre, represented the family and also led Wednesday's High Court case.

He said the woman should be released into community detention and that he had appealed to both Immigration Minister Peter Dutton and Prime Minister Malcolm Turnbull to authorise the move.

"This is a 70 year-old woman, she's endured a pretty tough life. She's spent the last two-and-a-half years in detention. She told me she just wants to find a community," Mr Webb said.

"She shouldn't be locked up, she particularly shouldn't be warehoused on the tiny island of Nauru.

"The stroke of a pen is all it would take our Prime Minister to do the decent thing, not return these vulnerable people to harm."

Sister 'ate washing powder to kill herself'

The man in detention said his sister was also dealing with trauma from her time on Nauru.

"Some security guards — one of the Nauru officers — he wants to abuse my sister. So she didn't say anything, she was embarrassed and ashamed," he said.

"After a few days, she tried to commit suicide and she ate washing powder."

Mr Webb said the younger woman was terrified of returning to Nauru because she "could come face-to-face with the guards who threatened her".

"It's simply inexcusable to send this woman back to a place where she has already suffered such serious harm in our care," he said.

Family separated by Rudd government policies

The family arrived on Christmas Island in mid July 2013, which coincided with the date the previous Rudd government tightened up policies on boat arrivals and offshore detention.

The son agreed to go to Manus Island, leaving his sister and mother at Christmas Island, because he said he was promised they would join him after two weeks.

"That was an outright lie," he said.

He said he was not allowed contact with his family for several months and negotiated to go to Nauru as a family.

Dr Young said he was not surprised by this description.

"The government was very keen to get people offshore to demonstrate that they'd put this new type of detention in place as quickly as possible ... they needed a group of people to go and they chose at random the group of people," he said.

"That was something which was very difficult for people to understand, 'Why send me when the guy next to me you don't send?'"

"They were told things that weren't true about how they'd be processed. All to help them agree to go quietly. And then once they arrived, they found out things were different to what they were told."

<http://www.abc.net.au/news/2016-02-05/elderly-asylum-seeker-'broken'-over-detention-centre-return/7145484>

23. Peter Dutton under pressure to allow asylum seekers to stay in Australia after former child detainee medical findings

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 4 Feb 2016, 5:03am

Updated Thu 4 Feb 2016, 8:47am

Immigration Minister Peter Dutton is under increased pressure to allow asylum seekers to remain in Australia following claims the overwhelming majority of former child detainees are at risk of serious mental health issues.

A medical team led by the Australian Human Rights Commission examined the mental and physical health of children aged eight years and upheld at the Wickham Point detention facility in Darwin, finding 95 per cent of those assessed showed risks of post-traumatic stress disorder.

The medical team's findings — due to be released in full later today — follow a judgment issued by the High Court yesterday, which ruled detention on Nauru was legal.

The decision has cleared the way for about 260 asylum seekers currently in Australia to be transferred offshore, but Mr Dutton said transfers would be made on a case-by-case basis.

He told the ABC "exceptional circumstances" would be looked at.

"We are not going to put children into harm's way," he said.

"We are going to work individually through each of the cases."

Mr Dutton said the Government had to be compassionate, but also realistic in its actions following the verdict.

He said he did not want to encourage actions that would lead to more people drowning en route to Australia.

"We are going to continue our vigilance against people smugglers, while providing compassion to those who have been traded in this evil, people-smuggling organised criminal syndicate," Mr Dutton said.

"We are acting in the best interests, not only of these children, but children that would follow them. I don't want to reopen the open border policy."

Mr Dutton also responded to churches across the country offering to give sanctuary to the asylum seekers facing deportation, telling 2GB radio even churches were not above the law.

Prime Minister Malcolm Turnbull yesterday told Parliament the Government would consider the judgement, but said it upheld the existing framework as "legally and constitutionally valid".

He said the framework had prevented drownings at sea.

"The people smugglers will not prevail over our sovereignty," Mr Turnbull said.

"Our borders are secure. The line has to be drawn somewhere and it is drawn at our border."

Advocates have called on the Government to allow asylum seekers — including 37 babies — to stay in Australia despite the judgment.

Australian Human Rights Commission president Gillian Triggs has warned moving the children and their families back to Nauru could place Australia at risk of breaching its international obligations.

"Given the risk of harm to these children and their need for ongoing medical care, we strongly urge the Government not to return them to Nauru," she said.

Dr Hasantha Gunasekera said the children were among the most traumatised he and his colleague had seen "in 50 years of combined professional experience".

He said the children should not be sent back to Nauru.

"We were deeply disturbed by the numbers of young children who expressed intent to self-harm and talked openly about suicide and by those who had already self-harmed."

<http://www.abc.net.au/news/2016-02-04/peter-dutton-under-pressure-to-allow-asylum-seekers-to-stay/7138518>

24. MEDIA ALERT: Minister playing loose with Nauru asylum and self-harm figures

Saturday February 6, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

The attempt by the Immigration Minister and The Weekend Australian (February 6-7) to link self-harm on Nauru with family members being brought to Australia is another shameful effort to cover up the real conditions on Nauru.

The people who have been brought to Australia have been brought because there was no adequate medical treatment for their physical and mental damage available on Nauru.

Refugee and asylum seekers have been brought to Australia to give birth, for kidney and heart disease, burns, bullet wounds and other physical injuries suffered in their home countries, back injuries, cancer, sexual assault and rape victims.

"The Minister will not release figures about the any self-harm cases because he knows they would put the lie to any idea that self-harm is a major reason anyone has been brought from Nauru to Australia. Let alone the idea that family members have come with them. It is just not true," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Peter Dutton has also had another 'Scott Morrison' moment, suggesting that children were being coached into self-harm. Just as Scott Morrison had no evidence against Save the Children workers or anybody else, Peter Dutton has no evidence of his coaching allegations."

The Minister's concern that 'self harm was a way of getting to Australia and appealing for residency' is a complete fiction.

Similarly, it is absurd for Minister Dutton to suggest that the alternative to sending people to Nauru is to send them to their home countries.

"The Minister's comments do reveal the motivation behind the government policy; to use confinement on Nauru to create insufferable conditions that could force asylum seekers to consider return to persecution," said Rintoul.

"The Minister knows that refugees cannot be sent to their home country. Most of the 267 presently in Australia are still waiting for their refugee assessment more than two years after being on Nauru."

One Somali refugee on Nauru told the Refugee Action Coalition, "Nauru is Somalia. There is no safety here."

The lack of medical facilities on Nauru still sees a large number of asylum seekers and refugees being taken for treatment in other countries.

"There really is no alternative for the 267 who are in Australia. The Minister should 'let them stay' where they can the care and protection they need."

Meanwhile on Nauru, Friday 5 February, the main supermarket near Anibare refused to serve refugees. Some refugees queued for most of the day, but still were not served, after being told that only Nauruans could buy goods.

For more information contact Ian Rintoul mob 0417 275 713

25. Asylum policies 'brutal and shameful', authors tell Turnbull and Dutton

Thomas Keneally, JM Coetzee and Peter Carey are among the 61 signatories of a letter describing policies as having a 'disregard for human dignity'

The Guardian
Ben Doherty and Ken D'Souza
Saturday 6 February 2016 13.24 AEDT

More than 60 Australian writers – including Nobel laureate JM Coetzee and Booker prize winners Thomas Keneally and Peter Carey – have written to the prime minister and immigration minister condemning the government's offshore detention policies as "brutal" and "shameful".

The Turnbull government has faced intense backlash over its offshore detention policies this week in the wake of a high court ruling paving the way for 267 asylum seekers – including 37 babies born in Australia – to be returned to the remote island of Nauru.

Following Tuesday's high court ruling that it was constitutional for the government to send asylum seekers to the islands of Nauru and Manus in Papua New Guinea for processing, church leaders have openly defied the government, risking jail time by offering sanctuary to asylum seekers, while paediatricians have also risked prosecution by revealing conditions in detention and condemning them as "toxic" for children.

A series of protests, under the banner of Let Them Stay, have been held across the country, including sit-ins at the office of the prime minister.

Both Nauru and Manus detention centres have seen consistent reports of physical and sexual abuse of men, women and children, as well as acts of self-harm and attempted suicide, including by children as young as seven. Two asylum seekers have died in offshore processing since 2014.

The open letter was sent to the prime minister, Malcolm Turnbull, and the immigration minister, Peter Dutton. Its 61 signatories include: Coetzee, a South African-born novelist and naturalised Australian who won the Nobel prize in 2003; Booker prize winners Peter Carey and Thomas Keneally; Helen Garner, Gail Jones, Michelle de Kretser, Alexis Wright, and Frank Moorhouse.

The writers asked the minister and prime minister: "do we wish to live under a government that routinely treats other humans cruelly? Can we be sure of our own immunity to cruel treatment when such practices are, we know, obviously common, no matter how secretive immigration authorities are about the entire detention system."

"Not only does our current system bring shame to Australia, in its demonstration of brutal government power and disregard for human dignity it brings shame on us as a nation. We express our outrage at this in the strongest possible terms."

The letter cited former director of mental health services for IHMS Dr Peter Young, who said conditions on Nauru and Manus meet the threshold for "torture", and Dr David Isaacs, a paediatrician who formerly worked on Nauru and who describes conditions there as "child abuse".

It also quotes Behrouz Bouchani, an Iranian journalist incarcerated on Manus Island, who wrote of his detention: "[H]ow can I describe the pain and suffering? Who can answer our questions and explain what human rights and freedom means? ...nobody can answer my questions and they are treating me like a criminal. We begin the day with pain and we sleep under nightmares."

Author Thomas Keneally, who won the Booker Prize in 1982 for *Schindler's Ark*, told Guardian Australia the lives of children were being used as "pawns" to pursue the government policy's of stopping boat arrivals.

"These children are being forced to endure every pain imaginable short of death, for this stated policy aim of stopping drownings at sea. The best professional advice, and all the medical advice, says that these people, these children in particular, will be damaged by being sent to those places."

"But the proposition that the only way to stop drownings at sea is to run these punitive camps is not only wrong, it is grotesque. There are other policies, they may be difficult, but there are other more constructive, more humanitarian, and less punitive policies Australia could be pursuing."

Keneally said that the group of writers had felt compelled to speak out against the government's secrecy over offshore processing, and had written the open letter in the spirit of Emile Zola's famous 'J'accuse!' letter of 1898.

He said political discourse over refugees in Australia had been debased by political sloganeering and the calculated dehumanisation and demonisation of asylum seekers.

Guardian Australia has approached the minister for immigration and his department for comment.

Dutton told the ABC's 7.30 program this week that the Australian government was committed to its current compassionate arrangements for people requiring medical attention but that offshore processing was a fundamental policy in controlling Australia's borders.

"There's obviously a lot of emotion around this issue at the moment ... but the situation on Nauru is quite different than the way in which people are painting it," he said. "For example, nobody is held in detention on Nauru.

"There is the ability for people to come and go freely in the community and I think it's quite a different picture than that which has been painted by some of the advocates, but, as I say, that's understandable because it is a very emotional space."

The minister said each case for removal to Nauru would be assessed individually, taking note of the advice of medical experts.

"We aren't going to put people in harm's way," he said.

Turnbull told parliament this week that "one child in detention is too many", but that the government's resolve for its policies was undiminished.

"Since coming back into office, the Coalition government have stopped the boats and we have reduced the number of children in detention to fewer than 100. Our goal is to reduce that to zero. But the key element in doing so is to ensure that people do not get on people-smugglers' boats and put their lives at risk."

<http://www.theguardian.com/australia-news/2016/feb/06/asylum-policies-brutal-and-shameful-authors-tell-turnbull-and-dutton>

26. Victoria will take refugee children, premier Daniel Andrews tell Malcolm Turnbull

Andrews wrote to the prime minister urging him to take action and keep a group of Australian-born refugee children and their families in Australia

The Guardian
Staff and agencies
Saturday 6 February 2016 16.15 AEDT

Victoria's premier, Daniel Andrews, has written to the prime minister offering to take refugee children who are set to be sent to offshore detention.

Andrews asks the prime minister not to return the children to a "life of physical and emotion trauma".

Andrews wrote to Turnbull on Saturday, urging him to take action and keep a group of Australian-born refugee children and their families in Australia.

On Wednesday, the High Court ruled offshore detention on Nauru and Manus Island was lawful, clearing the way for the government to return around 250 asylum seekers in Australia, including 37 babies, to Nauru.

Andrews' letter, which has been labelled "progressive and compassionate" on social media, says sending people to offshore detention is simply "wrong".

"Medical professionals tell us this. Humanitarian agencies tell us this. Our values tell us this," he said in the letter.

He says Victoria will accept full responsibility for all the families and children as a "sparse Pacific island is not a fair solution".

<http://www.theguardian.com/australia-news/2016/feb/06/victoria-will-take-refugee-children-says-premier-daniel-andrews>

27. Victorian Premier Daniel Andrews says returning children to offshore detention in Nauru 'wrong, needless'

ABC News Online
First posted Sat 6 Feb 2016, 11:07am
Updated Sat 6 Feb 2016, 11:32am

Victorian Premier Daniel Andrews has labelled the Federal Government's plan to return dozens of children and their families to offshore immigration detention as "wrong" and "needless", calling on the Prime Minister to allow them to settle in his state.

In a letter addressed to Malcolm Turnbull, Mr Andrews said the asylum-seekers should remain in Australia and the Prime Minister had the power to make that possible.

"A sense of compassion is not only in the best interests of these children and their families. It is also in the best interests of our status as a fair and decent nation," he wrote.

"There are infants among this group who were born in this country. Sending them to Nauru will needlessly expose them to a life of physical and emotional trauma.

"It's wrong. Medical professionals tell us this. Humanitarian agencies tell us this. Our values tell us this, too. Sending these children and their families to Nauru is not the Australian way."

The High Court this week threw out a challenge to the legality of the Federal Government's immigration detention centre on Nauru.

The ruling paved the way for 267 asylum seekers, including 37 children, brought to Australia for medical treatment to be returned to the island.

Thousands of people gathered in Melbourne on Thursday to protest against plan.

The Victorian Premier was last year among state leaders who called on the Government to increase the country's refugee intake.

In his letter on Saturday, Mr Andrews said Victoria would accept full responsibility for the children and their families, providing them with essential services including housing and education.

He said there was "no justification for their removal".

"Sending these children to a life of trauma on a sparse Pacific island is not a fair solution. We look forward to working with your Government to find a better one," he wrote.

Mr Turnbull's office declined to comment on the letter.

<http://www.abc.net.au/news/2016-02-06/victoria-premier-says-returning-children-to-detention-wrong/7146030>

28. NSW Government 'prepared to help' with Nauru asylum seekers if Canberra asks

ABC News Online

First posted Sun 7 Feb 2016, 7:25am

Updated Sun 7 Feb 2016, 7:27am

The NSW Government says it is prepared to make a similar offer to Victoria's in helping asylum seekers who were brought to Australia from Nauru, but only if the Federal Government asks it to.

A High Court decision this week means 267 asylum seekers brought to Australia for medical treatment face the prospect of being returned to the island.

Amongst the group are infants who were born in Australia.

In a letter to the Prime Minister, Victorian Premier Daniel Andrews has said the state would accept full responsibility for the children and their families.

"A sense of compassion is not only in the best interests of these children and their families," Premier Andrews wrote in the letter, which he also tweeted on Saturday.

"It is also in the best interests of our status as a fair and decent nation."

In a response to the ABC, Premier Mike Baird said Mr Andrews was a "good man", but NSW would wait to be asked.

"I recognise the humanitarian impulse behind his letter to the Prime Minister," he wrote.

"However, [the] same impulse has driven us to work cooperatively with the Commonwealth to resettle an additional intake of refugees in NSW following the recent turmoil in Syria, which is where our focus remains.

"If the PM has any additional requests for NSW we are prepared to help."

NSW Opposition leader Luke Foley congratulated the Victorian Premier on the offer, and said it increased the pressure on Mr Baird.

"It is worth remembering of this group are 37 infants who were born in Australia," Mr Foley said in a statement.

"They are not being returned to Nauru.

"They are being ejected from the country of their birth - the only country they have ever known.

"New South Wales, as Australia's premier and most populous state, should make a similar offer.

He said Australia could "do better as a nation".

<http://www.abc.net.au/news/2016-02-07/nsw-government-nauru-asylum-seekers-baird-foley/7146474>

29. 'Yes and yes': ACT signals it will accept asylum seekers awaiting removal to Nauru

Chief minister Andrew Barr to make statement on Monday, but Malcolm Turnbull refuses to say whether he would make exceptions for the group

The Guardian

Michael Safi

Sunday 7 February 2016 13.32 AEDT

A second Australian jurisdiction is set to offer to resettle a group of asylum seekers, including 37 babies, awaiting removal to Nauru, as Malcolm Turnbull resists growing calls by state premiers, doctors, church leaders and activists to allow the 267 to stay.

The chief minister of the Australian Capital Territory, Andrew Barr, has said he will make a statement on Monday in line with Victoria's offer "to accept full responsibility for all of these children and their families".

The Victorian premier, Daniel Andrews, released a letter on Saturday asking Turnbull to allow the 267 asylum seekers, most of whom were held on Nauru and brought to Australia for medical treatment, to settle in Victoria, adding the offer meant "there is no justification for their removal".

"I want these children and their families to call Victoria home," he said.

The offer was backed by the New South Wales premier, Mike Baird, who said Andrews was "a good man" and that NSW was "prepared to help" resettle the group if asked by the federal government.

"I recognise the humanitarian impulse behind [Andrews'] letter to the prime minister," Baird said.

"The same impulse has driven us to work co-operatively with the Commonwealth to resettle an additional intake of refugees in NSW following the recent turmoil in Syria, which is where our focus remains.

"If the PM has any additional requests for NSW, we are prepared to help."

But despite the state and territory leaders' appeals and protests across the country, Turnbull on Sunday refused to say whether he would make exceptions for the group, which includes a five-year-old boy allegedly raped on the Pacific island.

"I will choose my words carefully because everything I say is being looked at in the finest, most detailed way possible by the people smugglers," the prime minister said.

"I want to say this: people who seek to come to Australia with people smugglers will not succeed."

Appeals to stay would be assessed with compassion and on a case-by-case basis, he said.

A high court decision on Wednesday reaffirmed the legality of Australia's offshore detention regime and cleared the way for the 276 asylum seekers to be returned to Nauru at 72 hours' notice.

Several of the women and children have allegedly been sexually assaulted and raped on the island, while others have complex continuing health complaints.

The leaders of 10 Anglican and Uniting churches have offered to provide sanctuary to members of the group, even if it meant clergy were charged with obstruction offences.

More than 60 Australian writers – including the Nobel laureate JM Coetzee and Booker prize winners Thomas Keneally and Peter Carey – have also written to the prime minister, condemning the government's offshore detention policies as “brutal” and “shameful”.

<http://www.theguardian.com/australia-news/2016/feb/07/act-signals-it-will-follow-daniel-andrews-lead-and-accept-asylum-seekers>

30. Queensland to join call for asylum seeker children to stay in Australia

Brisbane Times
February 7, 2016 - 3:52PM
Nathanael Cooper

Queensland will join Victoria and New South Wales in calling for the federal government to stop asylum seeker children and their families being sent back to immigration detention centres.

On Wednesday the High Court upheld the legality of detaining asylum seekers on foreign shores, dashing the hopes of 267 asylum seekers, including 37 babies born in Australia, that they would be resettled here.

On Saturday Victorian Premier Daniel Andrews posted an open letter to Prime Minister Malcolm Turnbull on twitter that said Victoria would take full responsibility for the families who were brought to Australia from Nauru.

"I write to inform you that Victoria will accept full responsibility for all of these children and their families including the provision of housing, health, education and welfare services," Mr Andrews said.

New South Wales Premier Mike Baird echoed Mr Andrews call and said his state would do all it could to help.

On Sunday, Queensland Premiere Anastacia Palaszczuk said nobody wanted to see children in detention centres.

"I don't want to see children in that situation, I don't think Queenslanders want to see children in that situation," she said.

"Where is the humanity, where is the compassion from the federal government in this time."

Ms Palaszczuk drew on experience in her own electorate of Inala and conversations with people there who had experience in detention centres to urge Mr Turnbull to rethink his government's position.

"I will be picking up the phone and speaking to Malcolm Turnbull and saying to him from the experiences I have representing a state that has a lot of diversity, but also representing an electorate where I have heard the impact of detention on children," she said.

"It's time to put the politics aside and think closely about those young children."

At the weekend Ms Palaszczuk spent time at the Tet Festival, or Vietnamese New Year's Festival, in Inala where she spoke of meeting an 11-year-old girl who had spent time in an immigration detention centre.

"I asked her what it was like to be now living here in Brisbane and she said to me 'Anastacia, I spent nine years in a detention centre'. That's her whole young life.

"As a community we need to stand up and be counted."

<http://www.brisbanetimes.com.au/queensland/queensland-to-join-call-for-asylum-seeker-children-to-stay-in-australia-20160207-gmnsal.html>

31. Bill Shorten stops short of backing Labor leaders' calls to let asylum seekers stay

ABC News Online
By political reporter Stephanie Anderson
Posted Mon 8 Feb 2016, 4:55am
Updated Mon 8 Feb 2016, 5:12am

Opposition Leader Bill Shorten has stopped short of backing calls from state Labor leaders for a group of asylum seekers to remain in Australia.

More than 260 people, including 37 babies, are facing the prospect of being sent back to Nauru in the wake of last week's High Court judgement, which upheld offshore immigration detention.

Federal Labor senators joined forces with Coalition politicians last week to vote down a Greens motion to grant amnesty, in contrast to calls for compassion from state Labor leaders.

Victorian Premier Daniel Andrews and South Australian Premier Jay Weatherill have called on the Federal Government to allow the asylum seekers to remain in Australia, with both writing directly to Prime Minister Malcolm Turnbull.

ACT Chief Minister Andrew Barr has also pledged to take more asylum seekers during an exchange on social media.

Mr Shorten said that he shared the frustration of his state counterparts, but emphasised the Coalition had "dropped the ball on processing people".

He told reporters last night that federal Labor remained committed to regional processing.

"I believe that regional processing provides the best long-term sustainable solution," he said.

"But Malcolm Turnbull, if he doesn't want to resettle people here, he needs to do something about what's happening in Manus and Nauru."

Mr Turnbull has described the situation as "very delicate", saying yesterday that the transfer of the 267 asylum seekers would be looked at on a case-by-case basis.

He told the ABC there were "no policy options available in terms of border protection which are not tough which cannot be described as harsh".

Foreign Minister Julie Bishop declined to weigh in on the issue, saying it was up to the Prime Minister and Immigration Minister Peter Dutton to engage with the state leaders.

<http://www.abc.net.au/news/2016-02-08/bill-shorten-not-backing-calls-to-let-asylum-seekers-stay/7147492>