

Project SafeCom News and Updates

Sunday, 7 June 2015

Subscribe and become a member here: <http://www.safecom.org.au/ref-member.htm>

1. WikiLeaks reveals new trade secrets
2. Ben Doherty: Solving the refugee crisis begins by changing the way we see them
3. Myanmar politician says 'nothing to prove refugees are genuine Rohingyas'
4. Myanmar navy blocks journalists as migrant boat held in limbo
5. Australia's humanitarian reputation 'deteriorating over refugees'
6. Australia out of line in locking up children, says Amnesty's secretary-general Salil Shetty
7. Mike Steketee: We can't afford to rescue refugees, but we can afford to send them away
8. Klaus Neumann: Why can't we have a sensible debate about refugees?
9. Kathy Marks: Australia's A\$55.5m 'Cambodia Solution' settles just four refugees in the impoverished Asian country
10. ABC-TV Lateline: The refugee experience in Cambodia
11. Cambodia arrival of the first Australia's unwanted refugees imminent
12. First four refugees from Nauru land in Cambodia in \$40m resettlement deal
13. First refugees from Nauru detention centre arrive in Cambodia
14. Doctors and teachers gagged under new immigration laws
15. Whistleblowers Warn New Immigration Laws Will Boost Secrecy In Detention Centres
16. Ranjana Srivastava: Detention turns refugees into patients. Don't jail doctors for saying so
17. Nauru guards allegedly spied on Greens senator Sarah Hanson-Young
18. Nauru guards spied on Sarah Hanson-Young, Senate inquiry told
19. Nauru security staff could face court on Sarah Hanson-Young spying allegations
20. Greens senator says 'women don't like being watched' after PM's comments on Nauru spy claims
21. Sarah Hanson-Young labels Tony Abbott 'creepy' over his response to Nauru spying allegations
22. Peter Dutton slams Gillian Triggs over 'outrageous' comments on boats policy and Indonesia's death penalty
23. Gillian Triggs slams 'scores of laws' threatening fundamental freedoms
24. Gillian Triggs says expansion of ministerial powers 'a growing threat to democracy'
25. Gillian Triggs has the right to criticise politicians' use of power, says Labor
26. Nauru blocks visa of Australian barrister for deportee and asylum seekers
27. Australian law groups urge Coalition to pressure Nauru over growing legal crisis
28. Asylum seeker worker tells of abuse of children as young as two on Nauru
29. Former guard on Nauru details allegations against 'corrupt and incompetent' Wilson Security
30. MEDIA RELEASE: Concerns mount over Nauru hospital conditions
31. MEDIA RELEASE: Advocates call to bring 11-y/o Nauru refugee to Australia
32. Doctors say Nauru refugee boy could be disabled without urgent surgery on arm
33. 11yo Iranian refugee with broken arm on Nauru will be sent to India, not Australia, for treatment, mother says
34. 11yo Iranian refugee on Nauru won't be sent to India for medical treatment on broken arm, Peter Dutton says
35. Private Health Provider 'Brushed Off' Concerns About 11-Year-Old Refugee On Nauru
36. Nauru refugee Erfan Paridari's mother pleads for 11yo to have injured arm treated off the island
37. MEDIA RELEASE: Minister must stop playing politics with Erfan's arm
38. MEDIA RELEASE: Grave concerns for Manus hunger striker
39. Refugee 'bashed' by guards on Manus Island for missing transit centre curfew
40. MEDIA RELEASE: Refugee bashed on Manus for staying late at the pub
41. Family remains in detention despite asylum claim granted last year, Ombudsman's report find
42. Ombudsman slams government for long detention rates
43. Asylum seeker boat crashes onto reef after being turned back by Australian ship: Indonesian police
44. Australia turned back 65 people on boat, including a pregnant woman, police chief says
45. Australia Turns Back Asylum Seeker Boat Capable Of Reaching New Zealand
46. Asylum seekers in reef crash detained in Indonesia after being turned back by Australian ship

1. WikiLeaks reveals new trade secrets

Brisbane Times

June 4, 2015 - 12:46AM

Philip Dorling

Highly sensitive details of the negotiations over the little-known Trades in Services Agreement (TiSA) published by WikiLeaks reveals Australia is pushing for extensive international financial deregulation while other proposals could see Australians' personal and financial data freely transferred overseas.

The secret trade documents also show Australia could allow an influx of foreign professional workers and see a sharp wind back in the ability of government to regulate qualifications, licensing and technical standards including in relation to health, environment and transport services.

In its largest disclosure yet relating to the TiSA negotiations, WikiLeaks has published seventeen documents including draft treaty chapters, memoranda and other texts setting out the overall state of negotiations and individual country positions in a secret bargaining on banking and finance, telecommunications and e-commerce, health, as well as maritime and air transport.

The leaked documents were to be kept secret until at least five years after the completion of the TiSA negotiations and entry into force of the trade agreement.

Dr Patricia Ranald, research associate at the University of Sydney and convener of the Australian Fair Trade and Investment Network, said WikiLeaks' publication revealed an "extreme deregulatory agenda" on the part of both the United States and Australia's negotiators with "serious implications for all service sectors, perhaps human services especially".

The leaked draft TiSA financial services chapter shows a continuing strong push by the United States, Australia and other countries for deregulation of international financial services, an approach strongly supported by Australian banks keen to increase their business in Asian markets.

However Financial Sector Union secretary Fiona Jordan said there was a need to strengthen not weaken financial and banking regulation.

"The issue has to be about Australia maintaining the tight regulations it has – and perhaps even adding to these," Ms Jordan said.

"We cannot be in a position where outside bodies are undermining protocols in the interest of commercial competition or gain. We have yet to resolve the woes of the financial planning industry, which have effectively cost the industry consumer confidence; any further deregulation would be to the detriment."

The text on government regulation of services also shows Australia supports a broad approach to winding back government regulation of qualifications, licensing and technical standards "affecting" trade in services, with only a limited range of still to be agreed exemptions.

"TiSA proposals for more controls on domestic regulation would limit government regulation of licensing, qualifications and technical standards in childcare and aged care unless these services were specifically exempted," Dr Ranald said.

"This could prevent or limit future government regulation to improve staff qualifications and quality of care in these services."

Australia also strongly supports the free delivery of a wide range professional services, including legal, accounting and taxation services, engineering, construction and architectural services as well as private education services, and has proposed the removal of all restrictions on foreign investment associated with provision of such services.

The electronic commerce and telecommunications chapters of the draft agreement show Australian support for measures to allow governments to protect consumers from fraudulent and deceptive commercial activities, but otherwise envisage the free flow of data between countries, with only weak provisions relating to national measures for privacy protection.

As in leaked provisions of the draft Trans-Pacific Partnership free trade agreement, the draft TiSA text includes a prohibition on laws and regulations that require service providers to host data, for example sensitive personal health data, on domestically located servers.

Australian National University associate professor Matthew Rimmer said TiSA directly challenged privacy and data sovereignty.

"Big IT – such as Microsoft, Apple, Google, Yahoo!, and Facebook – have been pushing for trade rules on electronic commerce," Dr Rimmer said.

"TiSA will have a significant impact upon the regulation of information technology ... [it] poses significant challenges in respect of privacy – both in terms of government and commercial use of information."

The civil aviation provisions of the draft TiSA agreement have also caused alarm with the International Transport Workers Federation (ITF) warning that the agreement's deregulatory approach would damage airline safety and aviation workers' rights.

"Under TISA aviation would be totally taken from the hands of government policymakers and the sole obligation allowed to governments would be to enforce "non-discrimination," the ITF said in a statement.

"There is virtually no discussion on safety standards ... A wholesale liberalisation of aircraft repair and maintenance services with no safeguards could increase potential safety risks immensely."

Fifty countries including Australia, Canada, Japan, South Korea, Taiwan, the European Union (representing its 28 member countries) and the United States are engaged in secret TiSA negotiations, which began in 2013.

Together with the Trans-Pacific Partnership, the TiSA is subject to United States "fast track" trade promotion authority legislation that is expected to be voted on by the US Congress this month.

Trade Minister Andrew Robb insists TiSA will "strengthen job-creating services." According to the Department of Foreign Affairs and Trade, the most recent round of TiSA negotiations, chaired by the European Union in April, made "good progress" issues relating to domestic regulation and financial services.

Further discussions have been underway on telecommunications, temporary entry of business persons and maritime transport services. Australia will chair the next round of formal negotiations in Geneva from 6-10 July.

The leaked TiSA documents can be found at WikiLeaks.org.

<http://www.brisbanetimes.com.au/national/wikileaks-reveals-new-trade-secrets-20150603-ghfycx>

2. Ben Doherty: Solving the refugee crisis begins by changing the way we see them

The voices least heard in the debate are migrants themselves. While media and politicians perceive them as cockroaches or statistics, the crisis will only escalate

The Guardian
Ben Doherty
Tuesday 2 June 2015 00.21 AEST

People move. The history of humanity is a history of migration. Since the earliest movement of Homo erectus out of Africa across Eurasia, humankind has had reason and the means to travel from one place to another. Sometimes that movement is orderly, planned and peaceful. But just as often it is harried and desperate, a violent expulsion of large numbers of people fleeing persecution, war, famine or other natural disasters.

Throughout history, communities, polities and civilisations have been destroyed, supplanted or enriched by inflows of people from foreign cultures and ethnic groups. People have always moved, but today more people are being unwillingly displaced from their homes than at any time since the end of the second world war.

That displacement is sustained: more than 3 million Syrians remain forced from their homeland by four years of conflict; 130,000 Burmese ethnic minorities perennially huddle in camps on the Thai border; and over a million Afghans live, with varying levels of official sanction, in Pakistan. Some have been there more than 30 years, waiting for a chance to go home.

But the two near concurrent crises in the Mediterranean and Andaman seas have brought the issue of boat-borne asylum seekers from the abstract – a discussion of numbers, of people-smuggling "rackets", and of push-and-pull factors – into the personal.

Pictures of stricken boats jammed with desperate Rohingya asylum seekers pleading to be allowed to land anywhere, or the sight of an Eritrean woman being rescued by a Greek army sergeant from the waves off Rhodes has transformed asylum seekers from an anonymous, undifferentiated mass into people.

And this concurrence emphasises the fact that the issue of irregular migration is not a European problem or a south-east Asian one. It doesn't belong to poor countries, or to rich. It is a global issue.

For the media, the issue of irregular migration is an inherently difficult one on which to report. The people making these journeys are often coming from war zones, or situations of persecution. Some might be seeking to hide their true motives for moving, for good or other reasons. Others are stranded on boats in the ocean, almost inaccessible, or they are incarcerated, or living clandestine existences in the places where they have arrived.

As a result the voices least heard in the debate around migration are often the migrants themselves. They are defined, instead, by the language used by others to describe them, and their image – the broader understanding of who they are – is created not by themselves, but by others.

The media has a responsibility in how it reports on some of the most vulnerable people in the world, a responsibility not always upheld. There are outliers in the discourse, but asylum seekers are condemned by some as “vermin” and “like cockroaches”, or sneered at as “filthy”, “grubby” or “penniless”.

But the rhetorical manipulation exists more subtly too. On the debate around asylum seekers, governments hold disproportionate influence because they often hold all the information: how many people have arrived and how; what action has been taken on the high seas.

Politicians globally use this control of information to build broader narratives around “illegals”, “queue jumpers”, or “suspected terrorists”, constructions that are often uncritically accepted, reproduced and disseminated by reporters. The false dichotomy of the “good” refugee – who waits patiently in a camp for the resettlement that might never come – and the “bad” refugee, who takes her chances on a boat, amplifies fear of the unknowable interloper.

At its heart, the inherent tension in the asylum-seeker debate is a conflict of competing rights, and of concern over control. Nations have a sovereign right, and governments a responsibility to their citizens, to control their borders. But people facing persecution have a legal right to seek asylum, and the nature of their arrival is mandated in law not to be prejudicial to their claim or treatment.

Migration when it is controlled and orderly is far less challenging to politicians and their publics. When it is disordered and chaotic – when it is perceived to be “out of control” – it carries with it a fear of the unknown.

It should not take a tragedy like the deaths of hundreds drowned in the Mediterranean, or a standoff involving boatloads of starving asylum seekers looking for any port that will let them land to inspire the world to find a long-term solution that might reduce the chances of these things happening again, to find safer, more ordered ways of enabling people to move.

But if nothing changes, nothing will change, and these calamities will be with us once more.

<http://www.theguardian.com/commentisfree/2015/jun/01/refugee-crisis-migrants-changing-perception>

3. Myanmar politician says 'nothing to prove refugees are genuine Rohingyas'

ABC News Online

By Matthew Doran

First posted Fri 5 Jun 2015, 4:05pm

Updated Fri 5 Jun 2015, 4:08pm

There is nothing to prove refugees adrift in South-East Asian waters are genuine Rohingyas from Myanmar, according to one of the country's highest ranking politicians.

Speaker of Myanmar parliament's upper house, Khin Aung Myint, was in Canberra to help open the new Myanmar Research Centre at the Australian National University (ANU).

Scores of boats are currently believed to be adrift in the Andaman Sea with up to 10,000 people onboard.

Hundreds of the ethnic minority, mainly Muslim refugees, have made it ashore in the past couple of weeks, despite initially being forced back to sea as countries in the region — including Australia — ruled out taking them in.

Speaking through a translator Mr Myint today criticised calls for Myanmar to accept the refugees and argued other countries also refused to welcome them.

"I want to urge everyone, to look at everyone among these boat people, they cannot speak the Myanmar language, and they don't look like Myanmar people," Mr Myint said.

"When you try to investigate, clearly they are not from Myanmar.

"We're also aware that Australia is not accepting them, likewise Myanmar cannot accept them."

Mr Myint explained world leaders did not understand the complexities of Myanmar's history.

"They do not have a clear judgment on Myanmar," he said.

"You need to clearly understand that the Rakhine conflict is a piece of the migrant problem.

"During the British colonisation, Myanmar was a part of India, and a lot of labourers migrated to Myanmar."

It is a position the Rohingya people do not agree with, including Kyaw Min from the Democracy and Human Rights Party.

"Perhaps the human traffickers had brought some Bengali also from Bangladesh," Mr Min said.

"It has created a sort of complication.

"These people, in my hope should be returned to their native place, and they should be resettled and they should have some opportunities there, so they are not in a circumstance that will compel them to flee their land."

Mr Min spent years in jail, and has since had his citizenship status changed.

"The international community should be aware of this problem, the seriousness of this problem," he said.

"The Rohingyas have two options, one to live in their camps and die there soon, or flee from the camp and face some unpredictable risks in the future."

Mr Min has called on the international community to step up.

"These people have the right to enjoy the protections of international community," he said.

"If the international community do not engage in their obligation, it is the failure of the international community — [the] so-called civilised world."

ANU centre to better understand complex country

The ANU Myanmar Research Centre plans to build on the breadth of knowledge the university has in South-East Asian affairs, according to the School of Asia Pacific Affairs Nicholas Farrelly.

Mr Myint used his speech at ANU to highlight the government's work in pursuing significant transformation to turn Myanmar into a free and fair democracy.

"The transformation that's underway is multi-faceted, it's complex," Dr Farrelly said.

"There's an economic element, there's the political story, there's all sorts of cultural change that's also underway."

But Dr Farrelly said the relationship with the Rohingya minority would continue to be an issue.

"The Myanmar government over many decades now has mistreated this Rohingya population in ways that have forced many people to seek sanctuary elsewhere," he said.

"There are perhaps half a million Rohingya living in relatively insecure conditions across the border in Bangladesh, it's only natural that some will also seek out safe havens across the Andaman Sea.

"It's difficult for many Myanmar powerbrokers to directly broach aspects of this particular issue, within Myanmar, the topic of the Rohingya is incredibly sensitive, indeed explosively so.

"The history of interaction between the majority and the minorities has been a tortured one, perhaps a million people have been killed in Myanmar's civil wars since Independence in 1948."

<http://www.abc.net.au/news/2015-06-05/myanmar-politician-says-no-proof-refugees-are-rohingyas/6526124>

4. Myanmar navy blocks journalists as migrant boat held in limbo

ABC News Online / Reuters

First posted Sun 31 May 2015, 7:59pm

Updated Mon 1 Jun 2015, 4:00pm

Myanmar's navy has briefly detained and turned back journalists near a migrant boat being held off the country's southern coast, according to witnesses, as officials remain guarded over what will be done with the people on board.

Before being turned away, Reuters reporters saw hundreds of migrants — some extremely thin — crammed on the deck of the converted Thai fishing boat that had been intercepted in the Andaman Sea on Friday and held in the waters off Leik island.

Some sat on two of the four Myanmar navy vessels standing off the fishing boat, which had been discovered carrying 727 migrants.

A naval officer, who declined to be named because he was not authorised to speak to the media, said the boat had been found drifting at sea with no fuel or anchor, and was taking on water.

"Their water pump was broken. If we hadn't found them, they may have died," the officer said.

The government initially labelled the migrants "Bengalis" — a term used to refer to both stateless Rohingya Muslims and Bangladeshis — but officials later said they believed most of those on board were from Bangladesh.

Myanmar has come under harsh criticism for its treatment of Rohingya, more than 100,000 have fled persecution and poverty in Rakhine State since 2012.

More than 4,000 Rohingya and Bangladeshis have landed in rickety boats throughout South-East Asia in the last month following a crackdown on human trafficking in Thailand.

Myanmar's sensitivity over the migrant crisis was evident by the way its navy responded to the arrival of the journalists' boat.

At one stage, a sailor leaned over the rail of a navy boat to point his rifle at the approaching journalists.

Reporters from Reuters and other foreign media were questioned and made to delete pictures and videos before they were ordered to return.

Myanmar officials have given little information on what it intends to do with the migrants.

"They are still on the boat. We are providing them with the necessary humanitarian assistance," government spokesman Ye Htut said.

Officials have said the boat would possibly be taken to Rakhine State, in the country's west, or to neighbouring Bangladesh.

<http://www.abc.net.au/news/2015-05-31/myanmar-navy-blocks-journalists-as-migrant-boat-held-in-limbo/6510434>

5. Australia's humanitarian reputation 'deteriorating over refugees'

The Australian / AAP
June 03, 2015 2:02PM

A top US official believes Australia's reputation as a leader on the humanitarian response to refugees has deteriorated in recent years.

US Assistant Secretary of State Anne Richard is in Indonesia as part of a six-day regional visit to learn more about an asylum-seeker boat crisis that has left thousands of refugees stranded at sea.

The crisis had brought out the "best and worst in humanity", she told reporters during an international phone hook-up briefing today.

Ms Richard reflected on the "depth of despair" of those exploited, traumatised and grieving for lost loved ones, and commended the outpouring of generosity shown by the people of Aceh in Indonesia towards the rescued.

An estimated 2000 Bangladeshis and Rohingya refugees from Myanmar are still stranded on the Andaman Sea, even though Indonesia and Malaysia have agreed to accommodate thousands of rescued people for a year until they can be resettled elsewhere. Australia has ruled out resettling any of them.

Ms Richard lamented that previously there had been a strong tradition where governments in Canada, the US and Australia did the most for refugees.

"That sense that Australia is at the forefront has deteriorated a bit in the last couple of years," she said.

"It would be great if Australia could be with us again, really being leaders in humanitarian responses to migrants and refugees." Asked about Australia's controversial boat turnback policies, Ms Richard said the US took a different approach by ensuring people got a chance to state their case for asylum.

"That is needed around the region." Australia has turned back about 20 asylum-seeker boats since Operation Sovereign Borders began in late 2013.

<http://www.theaustralian.com.au/national-affairs/immigration/australias-humanitarian-reputation-deteriorating-over-refugees/story-fn9hm1gu-1227381365079>

6. Australia out of line in locking up children, says Amnesty's secretary-general Salil Shetty

Sydney Morning Herald
June 3, 2015 - 11:30AM
Dan Harrison

Australia is out of line with international standards in holding children as young as 10 criminally responsible for their actions, the global head of Amnesty International has said.

In a speech to the National Press Club in Canberra on Tuesday, Amnesty's secretary-general Salil Shetty called for a new approach to tackle the over-representation of Aboriginal and Torres Strait Islander children in detention.

Indigenous children are incarcerated at 24 times the rate of their non-Indigenous counterparts, and at the highest rates since the Royal Commission into Aboriginal Deaths in Custody 20 years ago.

Indigenous children make up less than 6 per cent of the population of 10-17 year-olds, but comprise 58 per cent of young Australians in detention.

The United Nations Committee on the Rights of the Child has concluded that 12 is the lowest internationally acceptable minimum age of criminal responsibility, but in all Australian jurisdictions, the age of criminal responsibility is 10.

"In other countries I have visited recently, such as The Netherlands and Mexico, children under 12 are not held criminally responsible. Yet, Australian law holds children criminally responsible from the age of just 10, which is out of line with international standards," Mr Shetty said.

Amnesty is calling on the Commonwealth to support Indigenous-led "justice reinvestment" programs, in which funds earmarked for law enforcement and corrections are diverted to community programs to prevent crime.

On Friday Mr Shetty visited the NSW town of Bourke, where community leaders are implementing the first trial of justice reinvestment in Australia.

In Texas, a justice reinvestment approach is credited with the state's crime rate dropping to its lowest level since 1974, and leading to 2800 fewer young people being imprisoned between 2007 and 2012, allowing the state to close eight juvenile correctional facilities.

Mr Shetty said it cost \$440,000 a year to detain each child, and suggested that the cost of just one year of detention could put a young Indigenous person through an entire undergraduate medical degree at an elite Group of Eight university.

"Australia has a long and tragic history of removing Indigenous children from their families and communities. We will see another generation lost to failed government policies, unless Australia shows the vision to support and fund Indigenous people to be the architects of the solution."

"Indigenous communities all over Australia, seeing the potential of the programs in Bourke, are champing at the bit to apply a justice reinvestment model to their own communities.

"It's not about spending more money. It's about pulling that spending out of the bottomless pit of the criminal justice system and redirecting it into early intervention and prevention programs that work for all. It's a win-win for all Australians."

Kirstie Parker, the co-chair of the National Congress of Australia's First Peoples, said the Abbott government should show leadership on the issue by securing commitment from states and territories to targets to reduce the rates of violence and incarceration among Indigenous people, and develop a long-term, national plan to meet these targets.

"Which one of us is prepared to look another generation in the eye and concede that while solutions were in our grasp, we didn't take them, we didn't try," she said.

<http://www.smh.com.au/federal-politics/political-news/australia-out-of-line-in-locking-up-children-says-amnestys-secretarygeneral-salil-shetty-20150603-ghf5n4>

7. Mike Steketee: We can't afford to rescue refugees, but we can afford to send them away

Is it any surprise Australia has forgotten about the Rohingya currently languishing at sea in our region? After all, we just cut funding for the UNHCR while paying for Cambodia to take refugees off our hands, writes Mike Steketee.

ABC The Drum

By Mike Steketee
Posted Thu 4 Jun 2015, 2:23pm

A few weeks back, public attention in Australia focused briefly on the tragedy unfolding in the oceans to our north.

Thousands of people from Myanmar and Bangladesh were aboard boats that were pushed back to sea by Malaysia and Indonesia after Thailand closed off routes across land.

But the caravan moves on and more recently public debate has been dominated by other weighty matters, such as gay marriage and a leaky cabinet.

So whatever happened to all those people after Tony Abbott, in his subtle way, answered "nope, nope, nope" to the suggestion that any of them might be allowed into Australia?

An official statement released by representatives of 17 governments, including Australia, attending a meeting in Bangkok last Friday said that 7,000 people were still at sea. That is, although Indonesia and Malaysia had since relented and allowed some to stay temporarily, 7,000 had not made landfall and had not been rescued, in some cases after more than a month on boats.

No-one can be certain of the current numbers. The latest information available to the United Nations High Commissioner for Refugees suggests the number may be closer to 2,000. Joe Lowry, a spokesman for the International Organisation for Migration, tells me there are more than 700 people aboard one boat whose whereabouts are unknown. He repeats an appeal made previously for any shipping in the region to help these people find a safe landing, "no matter who they are or where they are".

As far as Australia is concerned, these people apparently are not worth the kind of effort our Navy makes periodically to rescue yachtsmen in distress, including the warship we sent to the Southern Ocean in 1997 to pick up a lone sailor, Tony Bullimore.

Australia has allocated enormous maritime resources to repel people who exercise their rights under the United Nations Refugee Convention, to which we are a signatory, to claim asylum in this country. The Navy also rescued many of them at sea, before we hardened our hearts and started turning boats back to Indonesia.

Last Friday's meeting included an appeal to countries to intensify search and rescue operations. So what resources in our Navy, which is better equipped than any other in the region, have we offered? None.

We should not be surprised. Under the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 passed by Parliament last year as part of our armoury of deterrence measures, "a vessel or person may be taken to a place outside Australia, whether or not Australia has an agreement or arrangements with any country". A "place" does not even have to be a country, meaning boats simply could be taken outside Australian territorial waters and left to fend for themselves.

If that is what we are prepared to do to vessels that enter Australian waters, why should we offer help to those who are trying to make it to other countries? You could argue that one reason would be to act on our professed concern to stop people drowning at sea - the justification, adopted by both the Government and Opposition, for stopping the boats.

UNHCR and the IOM estimate that, in the 15 months from the beginning of last year, 88,000 people travelled by boat from Myanmar and Bangladesh through the Bay of Bengal and the Andaman Sea towards Thailand, Malaysia and Indonesia. Of those, the agencies counted 1,050 who drowned or are missing at sea, and the certainty is that there have been more since.

This is the reality of a world in which record numbers are fleeing. Some are trying to escape poverty, including from Bangladesh. Unless countries in the region tolerate them, as they often do, and they can scratch together some sort of living, then they ultimately will have to return to their countries, including under programs facilitated by the IOM.

Others - a large proportion of recent departures, according to UNHCR - are Rohingya fleeing the violence, persecution and discrimination to which they are subjected in Myanmar. They fit exactly the definition of people the Refugee Convention was designed to help.

They are not impressed by Tony Abbott's warning to them not to get on boats. Nor has the people smugglers' business model been broken in this part of the world. The smugglers have not hung up their shingles - they have just moved elsewhere.

This is how the UN High Commissioner for Refugees, Antonio Guterres, put it recently:

Those who believe the easy solution is to close doors should forget about it. When a door is closed people will open a window. If the window is closed, people will dig a tunnel. If there is a basic need of survival, a basic need of protection, people will move, whatever obstacles are put in their way - those obstacles will only make their journeys more dramatic.

One of the arguments often put in the Australian debate is that we should be concentrating our efforts on people in refugee camps who are prepared to patiently wait their turn rather than trying to jump the queue and paying people smugglers. But queue-jumping is a myth. There are about 140,000 Rohingya in camps in Myanmar. The Refugee Council says that Australia took 230 as refugees in the three years to 2010-11 and most of them were from Bangladesh. Since then, we have accepted fewer than 20.

The people who remain in the camps aren't exactly glamping. After a visit last year, UN assistant general secretary for humanitarian affairs Kyung-hwa Kang said:

I witnessed a level of human suffering in ... camps that I have personally never seen before, with men, women, and children living in appalling conditions with severe restrictions on their freedom of movement, both in camps and isolated villages. Many people have wholly inadequate access to basic services including health, education, water and sanitation.

No, we cannot take 140,000 Rohingyas as refugees. The most realistic option is for us to join other countries in putting pressure on Myanmar to improve their living conditions so that they are not driven by utter desperation to flee. Apart from providing basic services, that would include ending the violence against them, recognising them as citizens, and removing restrictions such as not being allowed to marry without government approval, being forbidden from having more than two children, and having limited freedom of movement.

What else Australia (with an average per capita income of \$US65,400, according to World Bank figures) could do is play our part in helping those who flee. Indonesia (per capita \$US3,580) and Malaysia (\$US10,430) have agreed to allow those who have made it to land to stay for up to a year, with the aim of resettling them elsewhere. The US (\$US53,470), the Philippines (\$US3,270) and Gambia (\$US500) have all offered to take some of the refugees. The more that countries are willing to share the burden, the more likely that nations in the immediate region will be prepared to take them in temporarily, rather than letting them languish at sea.

But the best the leader of the richest country of them all can offer is "nope, nope, nope". We say we do not want to encourage people smugglers, while simultaneously pushing asylum seekers into their arms by cutting off and restricting legal avenues, including refusing visitor visas for people from countries that produce refugees.

The boats haven't stopped, except for the relatively small numbers that were coming to Australia. Paul Power, chief executive of the Refugee Council, tells me that increasing number of Hazara - the persecuted minority in Afghanistan and Pakistan who were among those coming to Australia by boat - are fleeing to Europe:

What Australia has done is significantly decrease the likelihood that people will die on the seas between Australia and Indonesia but not decreased the likelihood that they will die on the seas or on dangerous land journeys elsewhere.

Announcing \$5 million in humanitarian aid to help Rohingya in Myanmar and Bangladesh, on top of \$6 million previously announced, Foreign Minister Julie Bishop said last week that "Australia remains committed to playing our part to address this regional challenge".

Meanwhile, Australia is spending \$55.5 million to send Australian refugees to Cambodia, including \$40 million on an aid program. So far, four have accepted the offer. Oh, and we have cut our core funding to the UNHCR by 5 per cent.

Nothing more needs to be said about our priorities.

Mike Steketee is a freelance journalist. He was formerly a columnist and national affairs editor for The Australian.

<http://www.abc.net.au/news/2015-06-04/steketee-languishing-at-sea/6522340>

8. Klaus Neumann: Why can't we have a sensible debate about refugees?

Our discussions about asylum seekers are simplistic and hopelessly polarised.

Brisbane Times
June 5, 2015 - 12:00AM
Klaus Neumann

"Nope, nope, nope," Tony Abbott said last month when asked whether Australia would be prepared to resettle Rohingya rescued in the Andaman Sea. "I'm sorry. If you want to start a new life, you come through the front door, not through the back door." References to queues and front doors suggest that the issue we are dealing with is simple. Stand in line, don't sneak in through the back door, and she'll be right.

At the same time, the measures taken to prevent people from paying smugglers and jumping the queue are accepted as if they were self-evident. We take for granted that there are borders out there, perhaps resembling the picket fences surrounding suburban houses in Sydney or Melbourne, which can be guarded effectively (although our everyday experience suggests that these same borders are porous when it comes to the traffic of goods, capital and information).

It is difficult to have a meaningful public debate about irregular migration, human security and justice when the government maintains that Australia is engaged in a war against smugglers, when the major general in command tells us that he must not disclose his hand by revealing operational matters, and when the people seeking Australia's protection are depicted as would-be intruders.

Some of the advocates who are trying to counter arguments about front doors and back doors are making claims that are similarly simplistic, for example that all irregular migrants are fleeing persecution or that all asylum seekers are refugees.

The desire to keep matters simple is understandable. We are dealing with issues of unrivalled complexity, for which there are no short- or medium-term solutions.

In the absence of such solutions, irregular migration will remain a significant issue, not just in our part of the world. And in the long term, we won't be able to get away with sticking our head in the sand (muttering "nope, nope, nope", as we do so). This is not because Australia's policy of turning back boats isn't working, but because it is, at most, only addressing a symptom. It is not even offering a partial solution to the broader problems.

While the government's policy has led to a significant reduction in the number of people who try to reach Australia by boat, it has of course not led to a reduction in the overall number of people compelled to be on the move. Perhaps there are no more deaths by drowning in the waters between Indonesia and Christmas Island. But the world has not become a safer place; we are now simply one step further removed from the scenes of human tragedy.

Given that the issues that were responsible for the symptoms have not disappeared (but appear to be getting only more serious, with some 50 million displaced people worldwide at the last count), we might as well try to lift the standard of debate. We could do so by eschewing the parochialism that characterises much of it.

This parochialism is evident in two respects: because we too readily assume that what happens in other parts of the world does not need to concern us (we only have to worry about the boats headed in our direction), and because we tend to accept that the current situation is unprecedented.

Admittedly, there are frequent references in public debate to the policies of other countries or the approaches taken by previous governments. But these tend to use global or historical comparisons in order to point out that the current approach is worse (or better) than that employed elsewhere or in another era.

The claim that Malcolm Fraser knew how to deal humanely with "boat people" and Tony Abbott doesn't, or that Sweden has adopted a more compassionate approach to asylum seekers than Australia, does not help us to understand the issues at hand, Australia's response to them, and the relevant global and historical contexts.

Often, such comparisons are not even intended to provide informed comment about current issues (such as why people become displaced or feel compelled to move); rather they are designed to elicit emotions: they are meant to make us feel proud or ashamed. In fact, these comparisons in themselves don't make us question (or even recognise) the underlying assumptions of the impoverished debate we have at the moment.

There is much to be gained, though, from looking beyond our own temporal and geographical horizons. What's happening elsewhere and what happened in the past might unsettle our taken-for-granted ideas about what's happening now. History, in particular could have what the German playwright Bertolt Brecht called a *Verfremdungseffekt*, that is, an effect that makes the present appear in a new light (and in the process might make it appear odd and strange).

Perhaps, if we were able to understand more of the complexity of the issues involved, we could live with the fact that there are no simple solutions (for neither opening the borders nor turning the boats around will solve anything).

That is not to say that policy makers should give up searching for appropriate responses. But rather than looking for responses that tackle symptoms and thus appear to provide solutions (locking the back door, guarding the picket fence, banishing intruders to an island prison, and refusing to get involved in issues that don't appear to affect Australia directly), policy makers might want to try identifying approaches that take into account Australia's capacity to assist people in need of a new home, its responsibility as a regional power, its obligations as a member of the international community, and, most importantly, the precarious circumstances of the men women and children who are seeking Australia's protection.

---->>>> *Klaus Neumann is a Professor of History at Swinburne University. His book Across the Seas: Australia's Response to Refugees – A History, will be released on Monday, June 8.*

<http://www.brisbanetimes.com.au/comment/why-cant-we-have-a-sensible-debate-about-refugees-20150604-ghggrh.html>

9. Kathy Marks: Australia's A\$55.5m 'Cambodia Solution' settles just four refugees in the impoverished Asian country

UK Independent
Kathy Marks

Thursday 04 June 2015

It was announced with great fanfare, sealed with champagne and is costing Australia at least A\$55.5m (£27.6m). But a deal to resettle unwanted refugees in Cambodia has resulted in just four people volunteering to move to the impoverished country, and it seems unlikely more will follow.

The four who touched down in Phnom Penh – three Iranians and a Rohingya from Myanmar – were among nearly 700 people being held in an Australian-run detention centre on the remote Pacific island nation of Nauru. Although Tony Abbott's conservative government has kept its promise to "stop the boats", it still faces the problem of what to do with asylum-seekers who arrived before the drawbridge went up.

The migrants cannot settle in Australia despite being assessed as genuine refugees for fears of sending the wrong signal to other desperate people who might try to reach this resource-rich nation where 23 million people occupy a land mass nearly the size of the US. They are not permitted to settle on Nauru either.

So far, the refugees have resisted the blandishments of the Australian government, which has painted an absurdly rosy picture of life in Cambodia in a fact sheet circulated in the detention centre. It calls the country safe, diverse and democratic, with high-quality healthcare and almost no violent crime. The sheet makes no mention of poverty, corruption, human rights abuses or sky-high unemployment.

Australia's "Cambodia Solution" has been widely condemned. Phil Robertson, deputy director of Human Rights Watch Asia, expressed concern about "the safety of the refugees who are essentially human guinea pigs in an Australian experiment". The deal amounted to "bribing poorer countries to take obligations that Australia wants to evade".

The three men and one woman who flew in were escorted by International Organisation for Migration staff to temporary villa-style accommodation in the capital, where they will undergo and "cultural and social orientation". The refugees will be given A\$15,000 each and helped to find a job and permanent housing.

<http://www.independent.co.uk/news/world/australasia/australias-a555m-cambodia-solution-settles-just-four-refugees-in-the-impoverished-asian-country-10298372.html>

10. ABC-TV Lateline: The refugee experience in Cambodia

As four refugees await their transfer from Australia to Cambodia under the government's resettlement deal, Liam Cochrane speaks to other refugees in the country about their experience.

ABC-TV - Lateline
Australian Broadcasting Corporation
Broadcast: 01/06/2015
Reporter: Liam Cochrane

STEVE CANNANE, PRESENTER: Secrecy continues to surround the transfer of four refugees moved from Nauru and being held in Australia while they await resettlement in Cambodia. It's believed they've all agreed to the Federal Government's offer to make the South-East Asian nation their home. The four refugees are costing Australian taxpayers around \$55 million to resettle, money paid to support them as well as to aid Cambodia. The Australian Government says Cambodia is a great place to start a new life, but that's not been the experience of all refugees in that country. Liam Cochrane reports from Phnom Penh for Lateline.

LIAM COCHRANE, REPORTER: 55-year-old Adbulkadir Dahir Muse once had a good job at an international company in Somalia. Now he's wondering where his next meal will come from. He fled conflict and arrived in Cambodia 14 years ago, staying as a refugee. Half his monthly allowance from the United Nations is spent renting this tiny concrete room.

ADBULKADIR DAHIR MUSE, SOMALI REFUGEE: After I get \$80, between \$70, \$80, I get \$22, \$23 to eat per month.

LIAM COCHRANE: He says he faces discrimination because of his dark skin, has been assaulted by police and struggles to find work.

ADBULKADIR DAHIR MUSE: Very bad. I am a slave. I get a slave system and then I nearly lost life.

LIAM COCHRANE: Mr Muse is one of around 40 refugees living in Cambodia, but there will soon be four more transferred from Nauru by the Australian Government.

PETER DUTTON, IMMIGRATION MINISTER: Cambodian settlement presents a great opportunity for refugees to move forward and begin the next phase of their lives in a country that is free from persecution.

LIAM COCHRANE: But for the thousands of Cambodians who've been forced off their land, denied freedom of speech, shot and killed for protesting, this is far from a land of refuge. A letter handed out to refugees on Nauru describes Cambodia as a safe country, free from persecution and violence. But human rights groups disagree.

SOK SAM OEUN, PRESIDENT, CAMBODIAN HUMAN RIGHTS ACTION COMMITTEE: If they think that they want to do what they did in their country, maybe they are wrong. Maybe the Cambodian Government will react very severely. So I still concerned about that. So I think that it is better for our refugee to understand what is human rights situation in Cambodia.

LIAM COCHRANE: Cambodia has a poor record when it comes to asylum seekers and refugees, deporting ethnic Montagnards back to Vietnam and Muslim Uighurs back to China. The country also has no social welfare system. Instead, Australia is spending more than \$15 million to support the first batch of refugees for at least a year.

KRISTEN DADEY, INT. ORGANISATION FOR MIGRATION: Those settlement services will include comprehensive case management where we'll do a individualised needs assessment with each refugee and we'll provide a variety of services, including intensive language training, cultural orientation, referral for employment services, health insurance and whatever other assistance they need to be able to make a home here in Cambodia.

LIAM COCHRANE: But the Australian money won't last forever.

SOK SAM OEUN: If they have no job, they must - I don't know, maybe they become beggar on the street.

LIAM COCHRANE: While at least one refugee does rely on charity to survive, others have had a better experience of settling in the country's bustling capital, Phnom Penh.

AHMAD HASHIM ABED, ASYLUM SEEKER: My father, he talked to us in Iraq and they told us - because of the situation here, they told to us we have to move to Cambodia, to camps in Cambodia.

LIAM COCHRANE: The Abed family are not technically refugees, but spent years in Malaysia and through their modest business have found sanctuary from the violence of Fallujah. Mr Abed encourages others to give it a go.

AHMAD HASHIM ABED: My voice for refugee in Australia: to come to Cambodia and see there is a life. The life here, so easy.

LIAM COCHRANE: The family's restaurant is doing well and 18-year-old Emad has found space among the cracked and crowded roads to continue his passion for skateboarding.

Cambodia has come a long way since the dark days of the Khmer Rouge. The capital now boasts impressive buildings, a world-class shopping mall and a young population keen to embrace modern living.

There are opportunities here in Cambodia, the economy is thriving and there's a frenzied push for development. But anyone who stands in the way of that development or speaks out against the Government will be crushed and discarded.

Cambodia's recent past is littered with examples. Five years ago, Australia partly funded a revamp of Cambodia's rail system. As a result, hundreds of families were evicted to this dusty paddock 20 kilometres from the city.

62-year-old disabled woman Moksa Par (phonetic spelling) considers herself one of the lucky ones, earning an income knitting these woollen monkeys for a charity.

TRANSLATOR: Each of these, she can earn \$1.5.

LIAM COCHRANE: Yet despite the hardships she faces, Moksa Par (phonetic spelling) welcomes refugees to her country if they want to come. So far only four out of more than 600 refugees and asylum seekers on Nauru have chosen to make Cambodia their new home, receiving cash bonuses from Australia for doing so. Cambodia may offer them a chance to start again, but it's not the haven of freedom and safety promised by Australian officials.

<http://www.abc.net.au/lateline/content/2015/s4246649.htm>

11. Cambodia arrival of the first Australia's unwanted refugees imminent

Sydney Morning Herald
June 2, 2015
Lindsay Murdoch

Bangkok: Four refugees detained in the tiny Pacific island of Nauru are set to arrive in Cambodia as part of a controversial agreement that has so far cost Australian taxpayers \$55.5 million.

The Iranian couple, Iranian man and a Rohingya Muslim man from Myanmar will be given villa-style accommodation, bank accounts, income support, health insurance, training and other benefits when they arrive in the capital Phnom Penh.

Their journey to one of the world's poorest nations has been shrouded in secrecy since the group travelled from Nauru to the Northern Territory in early May where they waited for Cambodia to approve of them becoming permanent residents.

A spokesman for the International Organisation for Migration (IOM) a multi-country agency which has been contracted by Australia to take care of the refugees, said their arrival in Phnom Penh on Wednesday was "likely but not confirmed".

A spokesman for Immigration Minister Peter Dutton declined to reveal any information about the group, saying "as you know we haven't been making any comment on this".

The agreement signed at a champagne-sipping ceremony in September has been condemned by Cambodia's opposition parties, the United Nations refugee agency, non-government-organisations and human rights and refugee advocacy groups.

Cambodia is rated as one of the world's most corrupt nations with a poor human rights record, while millions of Cambodians live in poverty.

A Senate Estimates committee in Canberra has been told the cost for providing services to support the resettlement of the refugees so far is \$15.5 million.

This is in addition to \$40 million Australia has pledged in additional aid to Cambodia for agreeing to the deal.

Mr Dutton has said he hoped other refugees on Nauru who refused to give up their hopes of living in Australia to go to Cambodia would change their minds once they see how the first group has settled there.

But any further volunteers will not receive the same benefits as the first group.

An IOM spokesman said it was likely that when the refugees arrive they will go straight to accommodation that has been arranged for them at a secret location.

"Media exposure could potentially jeopardise protection needs of the refugees and carries a high level of risk to their families at home," the IOM spokesman said.

"While IOM can speak in general terms about what services will be available to refugees, IOM will not disclose any specific details about a refugee's particular assistance," he said.

<http://www.smh.com.au/world/cambodia-arrival-of-the-first-australias-unwanted-refugees-imminent-20150602-ghewna.html>

12. First four refugees from Nauru land in Cambodia in \$40m resettlement deal

Abbott government beefs up efforts to urge more asylum seekers at Nauru detention centre to take up resettlement deal

The Guardian
Lauren Crothers Phnom Penh and Paul Farrell Sydney
Thursday 4 June 2015 16.10 AEST

Four refugees who had been held at the Australian-run detention centre on Nauru finally landed in Cambodia on Thursday morning, nine months after a \$40m deal was forged with Australia to resettle refugees there.

Shortly after 10am, Malaysian Airlines flight MH754 touched down in Phnom Penh, about 30 minutes ahead of schedule, bearing a Rohingya man, an Iranian couple and another Iranian man – the only four out of hundreds of refugees and asylum seekers to take up the deal to live in Cambodia.

Within 20 minutes, the refugees were off the commercial aircraft and taken by an airport people carrier to the VIP terminal, which is typically used by royalty, government officials and dignitaries.

By 10.30am they had been bundled into a waiting van. The Iranian woman wore a black hooded top, which she kept over her head as she got into the van, the curtains of which were drawn tightly across the windows. Another male refugee, wearing a polo top and sports cap, could also be seen getting in. The van sped away, followed shortly after by another bearing officials from the Australian embassy.

Their arrival comes after Cambodia deported dozens of asylum-seeker Montagnards back to Vietnam, where they claim they are persecuted for their Christian beliefs and culture. In 2009 Cambodia forcibly deported 20 Uighur asylum seekers to China at gunpoint.

The Australian government is redoubling its efforts to urge more asylum seekers and refugees on Nauru to take up the resettlement deal. A new five-page fact sheet, seen by Guardian Australia, is being circulated to asylum seekers within the detention centre.

The letter says: "Cambodia has one of the fastest-growing economies in south-east Asia, based on tourism, manufacturing, agriculture and construction. You will have the right to apply for jobs and run a business, as do other migrants in Cambodia."

It adds that “football and martial arts are very popular in Cambodia”, and touts the benefits of working, living and studying in Cambodia, and says health insurance will be provided for “up to five years”.

The controversial deal has been decried by rights groups and refugee advocates, who have criticised Cambodia’s record of treating refugees poorly. The agreement was signed at a ceremony in Phnom Penh in September by the Cambodian interior minister, Sar Kheng, and Australia’s then-immigration minister, Scott Morrison.

Morrison’s successor, Peter Dutton, attempted a hard sell of Cambodia to detainees on Nauru in April, when a letter circulated among them promised cash incentives and other perks for being among the first group to take the offer of resettlement. In a video obtained by Guardian Australia at the time he reiterated that none would ever be allowed to settle in Australia and urged the refugees to go to Cambodia.

Phil Robertson, the deputy director of the Asia division of Human Rights Watch, accused Australia of “throwing tens of millions of dollars at Cambodia to take these refugees, despite Cambodia’s recent record of ejecting asylum seekers from Vietnam and its threat to throw out even more if some other country doesn’t agree to resettle them”.

“Cambodia clearly has no will or capacity to integrate refugees permanently into Cambodian society,” he said.

“These four refugees are essentially human guinea pigs in an Australian experiment that ignores the fact that Cambodia has not integrated other refugees and has already sent Montagnards and Uighur asylum seekers back into harm’s way in Vietnam and China.”

Two weeks ago, it emerged that a further \$15.5m was being spent on the transfer of the four refugees, who were taken from Nauru to a holding facility in Darwin before they arrived in Phnom Penh on Thursday.

The International Organisation for Migration is providing logistical and technical support to get the refugees settled in Cambodia, which includes putting them up in a villa for the next few months.

Denise Coghlan, director of the Jesuit refugee service in Cambodia, told Guardian Australia that she was “glad that Cambodia offers hospitality to refugees, particularly the Rohingya, who has been turned back by other countries including Australia”.

But she hoped “the same compassion will apply to the other refugees in the country, especially the Montagnards”.

Rupert Abbott, Amnesty International’s research director for south-east Asia, said Cambodia had a poor record of protecting asylum seekers and human rights.

The refugees’ transfer coincided with the release of a new Amnesty International report on civil dissent in Cambodia, and the aggressive tactics used by the government to curb protests.

“Protesters in Cambodia have had to brave batons and sometimes bullets to voice their opinions. Over the past two years people have taken to the streets to demand their rights like never before, but the authorities have regularly responded with violent repression,” Abbott said.

<http://www.theguardian.com/australia-news/2015/jun/04/four-refugees-arrive-in-cambodia-from-nauru-under-deal-with-australia>

13. First refugees from Nauru detention centre arrive in Cambodia

ABC News Online / Reuters

By Liam Cochrane, wires

First posted Thu 4 Jun 2015, 11:50am

Updated Thu 4 Jun 2015, 12:02pm

Four refugees transferred from the Nauru detention centre have arrived in Cambodia and have been taken away in a van with curtains covering the windows.

Two Iranian men, an Iranian woman and a Rohingya man from Myanmar arrived in Phnom Penh on a commercial flight. They were taken by the International Organisation for Migration (IOM) to their villa at a secret location.

“The plane has just landed; they have not checked out yet,” police chief Chuor Kimny said. The refugees did not speak to the media, with Australian immigration officials saying the four did not want to jeopardise the safety of their families.

They are the first refugees to be transferred from Nauru as part of Australia’s offshore processing policy. As part of the deal Australia is giving the Cambodian government \$40 million in aid and giving the IOM \$15.5 million to support the refugees for a year.

<http://www.abc.net.au/news/2015-06-04/refugees-from-nauru-detention-centre-arrive-in-cambodia/6521972>

14. Doctors and teachers gagged under new immigration laws

Sydney Morning Herald
June 4, 2015 - 12:13AM
Sarah Whyte

Doctors and teachers working in immigration detention facilities could face up to two years in prison if they speak out against conditions in the centres or provide information to journalists, under sweeping new laws to gag whistleblowers.

The Border Force Act, which was passed quietly on May 14 by both major parties, clamps down on "entrusted people" in detention centres recording or disclosing information about conditions in centres such as those on Nauru and Manus Island.

Under the heading of "secrecy and disclosure provisions", the act says releasing information is only permitted by the secretary of the department responsible for detention centres.

"Under the proposed measures, the unauthorised disclosures of information, including personal information will be punishable by imprisonment for two years," it says. The new law will be enforced in July in conjunction with the official merger of the Immigration and Customs departments.

Australian Medical Association president Brian Owler, said this was the first time doctors had been threatened with jail time for revealing inadequate conditions for their patients in immigration centres.

"Clearly if doctors are moved to speak out about issues then they should be able to do so," he said. "That's one of the responsibilities that most doctors feel they have.

"This puts most doctors in these circumstances in a very difficult situation if they have to face two years' imprisonment for speaking out, or be quiet and let people suffer. That's not appropriate."

"People can sometimes have their contracts terminated, but I don't recall anyone ever being threatened with imprisonment for speaking out," Dr Owler said.

On Sunday, the AMA passed an "urgency motion" at its national conference, requesting that the federal government review the Border Force Act as a matter of urgency. It also called for the government to amend the act to exempt medical practitioners who disclose, in the public interest, failures in healthcare delivery in immigration detention centres, from prosecution.

The new law means doctors like Dr David Isaacs, who worked on Nauru for the International Health and Medical Service, could face jail time.

Dr Isaacs told Fairfax Media in February how shocked he was about the conditions on Nauru, saying there were not enough sanitary pads available to women, and children and women were forced to shower behind a flimsy curtain that often flew open in front of male guards.

Lawyer George Newhouse said it was unprecedented for the government to target contractors for raising their concerns publicly.

"It is an extremely draconian law, giving a department like Immigration ASIO-like secrecy powers," he said.

"There is no justification for this iron curtain which has been placed around immigration detention other than that the Commonwealth doesn't want Australians and the rest of the world to know about the abominations that are taking place under their watch."

"This is all about the minister wanting to cover up the government's mistakes, which go as far as murder and sexual abuse, including child sexual abuse, [under its watch]."

This is not the first time people working in immigration facilities have been targeted for raising concerns about the conditions. In October last year, then immigration minister Scott Morrison used an anti-whistleblowing law against 10 Save the Children staff on Nauru.

The staff were referred to the Australian Federal Police under section 70 of the Crimes Act after they were accused of communicating privileged information to non-Commonwealth workers. All accusations were later dropped.

Doctors for Refugees co-founder Dr Richard Kidd said the new law was taking away all transparency and accountability.

"It is absolutely clear that doctors and nurses are expected as part of their registration to put the best interests of their patients first and that includes advocating for [people] being denied appropriate health services or being abuse in some way," he said.

In a media release last month, Immigration Minister Peter Dutton said the new law would "further strengthen the government's ability to protect Australia's border."

A spokeswoman for Mr Dutton said there were "appropriate mechanisms for reporting misconduct or maladministration in place".

The Public Interest Disclosure Act 2013 provided protection for officials, including contractors who wanted to report maladministration, the spokeswoman said.

<http://www.smh.com.au/federal-politics/political-news/doctors-and-teachers-gagged-under-new-immigration-laws-20150603-ghft05.html>

15. Whistleblowers Warn New Immigration Laws Will Boost Secrecy In Detention Centres

It passed Parliament with bi-partisan support, but now doctors and former contractors have told New Matilda the law is designed to stop others following their example. Max Chalmers reports.

New Matilda
4 Jun 2015
By Max Chalmers

Doctors and contractors who formerly worked in Australia's immigration detention network say new legislation criminalising disclosures will have a chilling effect, and is designed to deliberately target those wishing to blow the whistle on the conditions and standards of care being provided to asylum seekers.

The Australian Border Force Bill passed the Senate in mid-May with little fanfare, and is ostensibly designed to consolidate Customs and the Border Protection Service into the Department of Immigration.

But the legislation also contained a new two-year jail sentence for employees in the Department and those working for contractors who publicly disclose information.

Dr Peter Young, a former senior employee at private health contractor IHMS – which provides medical services in on and offshore detention centres – told New Matilda there are not adequate pathways in place for whistleblowers to raise their concerns.

"I'm certainly very concerned that this legislation seems to further extend the secrecy and restrictions that affect staff working in immigration detention," Dr Young said.

Head of Mental Health Services at IHMS for close to three years, Dr Young went public with his concerns about the impact prolonged detention was having on children, providing astounding testimony at the Australian Human Rights Commission's inquiry in July 2014.

Aside from detailing incidents of self-harm among minors, Dr Young told the Commission he had been asked by the Department of Immigration to withdraw figures from IHMS reports that documented increased rates of psychological distress among children in detention.

Dr Young said policy makers who passed legislation discouraging whistleblowing were directly responsible for any harm that would occur as a result.

"I think that it will in some instances have a chilling effect, but the problem is that by introducing policies that make the system even more secretive and less transparent, it increases the risk of more abuse occurring and will inevitably result in more harm being done," he said.

When the Border Force legislation was debated by the Senate, the Greens moved an amendment allowing disclosures that would not harm the public interest.

It was voted down by Labor and the Coalition, with Nick Xenophon the only non-Green to back it.

Minister for Immigration, Peter Dutton as well as Labor MPs, have previously dismissed concerns now coming to the fore about the legislation's implications for those wishing to speak out about detention centres and their operation.

Senator Kim Carr said Labor had not been consulted on the Greens' amendment.

"Labor supports the existing whistleblower arrangements and would oppose any attempt to dilute those protections," he said.

“The advice we have received is that this bill does not include any provisions that would prevent an employee of the Department of Immigration and Border Protection, including the Australian Border Force, from making a public interest disclosure in accordance with the Public Interest Disclosure Act 2013, which is the act that provides protection for whistleblowers.”

But that hasn't reassured critics, who point to the fact the Public Interest Disclosure Act is relatively weak, and only sanctions a public disclosure where there is an “imminent danger to health or safety” – a very high bar.

Dr Young is not the only whistleblower speaking out about the new laws.

In April, former Save the Children child protection worker Viktoria Vibhakar appeared on Lateline, telling reporter Jason Om that the Department of Immigration had been slow to act on accusations of sexual assault in the Nauru detention centre where she worked.

“We had reported the assault of children and asylum seekers in Nauru and our concerns over the safety of the detention facility to executives and direct supervisors. The response to child protection concerns was inadequate and allowed the abuse to continue,” Vibhakar told New Matilda.

It's not just speaking to the media that could see whistleblowers face jail time.

The Act criminalises “disclosures” made without the permission of the Department's Secretary, and sanctions only limited release of information, for instance to police or a coroner.

This could potentially cause issues for those wishing to discuss their experiences working in immigration centres, even in a relatively private capacity.

Law enforcement agencies have already been sent after those who have tried to use routes outside of the media to flag abuse in detention.

In March, Guardian Australia reported the Australian Federal Police were investigating an anonymous submission made to the Human Rights Commission's inquiry.

Vibhakar said the new legislation would allow the Department and contractors to go “unchecked” in an environment “already rife with abuse and alleged violations of human rights”.

“We know that the confidentiality agreements that detention employees are required to sign have already scared people from coming forward,” she said. “If whistleblowers are prevented from coming forward, it increases the risks to health and safety of some of the most vulnerable people in the world.”

The Australian Medical Association has recently added its voice to concerns about the legislation, passing a motion at its National Conference calling on Parliament to amend the laws, and provide an exemption for medical practitioners who disclose failures in health care delivery in immigration detention centres.

Dr Barri Phatarfod, co-founder of Doctors for Refugees, said public disclosures had in the past encouraged improvements to standards of care in detention.

In late 2013 a group of 15 doctors authored a letter exposing serious failings of care in Christmas Island detention facilities.

“These things that the IHMS Christmas Island doctors disclosed in their letter led to a whole lot of changes being made by IHMS,” Dr Phatarfod said.

Doctors for Refugees works with a range of sources to bring incidents of poor care to the attention of the Department of Immigration and IHMS, sometimes going public when it fails to receive proper attention.

Just this week, the organisation helped reveal the case of an 11-year-old refugee who was denied an operation on Nauru – potentially leaving him impaired for life – after receiving scans of his fractured arm and gathering second opinions from a number of Australian specialists.

While IHMS ‘brushed off’ the concerns of Dr Phatarfod, the news eventually caused the Nauruan government to request assistance for the boy.

Dr Phatarfod told New Matilda that the 11 specialists she consulted within Australia had been happy to provide their medical opinion in private but had not been willing to go public.

Dr David Isaacs, a paediatrician at Westmead Hospital who inspected health services on Nauru in December last year on behalf of IHMS, told New Matilda he would likely fall foul of the legislation if he repeated the public criticisms he made after his trip.

“When I got there I was so horrified I felt I had to speak out,” he said.

Dr Isaacs said the new legislation appeared to specifically target whistleblowers.

“The whole idea is that it’s going to be scary to us,” he said.

“If I was to go back [to Nauru] I would have to think very, very carefully before I had an interview with the press about what was happening.

“I’m nervous because I think it’s very poor morality for a country to try and shut people up from talking the truth – there’s a huge worry about that, isn’t there?”

A statement issued by the Department of Immigration said the Australian Border Force Act would not be retrospective, meaning whistleblowers will not be pursued for previous disclosures when the law comes into effect in July.

Further questions were forwarded to the Minister’s office. No response had been received at the time of publication.

<https://newmatilda.com//2015/06/04/exclusive-whistleblowers-warn-new-immigration-laws-will-boost-secrecy-detention-centres>

16. Ranjana Srivastava: Detention turns refugees into patients. Don't jail doctors for saying so

Is Australia a free country? Doctors who speak up about egregious breaches of human rights should not be treated like criminals

The Guardian
Ranjana Srivastava
Friday 5 June 2015 07.30 AEST

My parents recently gave me some advice: don’t get arrested, it would be a waste of a career. Their concern was fuelled by the Australian government’s proposed new law to imprison doctors for up to two years for unauthorised disclosure of information relating to detention centres.

The delicious irony of two migrant parents warning their migrant daughter to not write about the plight of other migrants was not lost on me.

The proposed law is chilling news not only for the handful of brave doctors who risk the government’s ire by travelling to detention centres, but, in my opinion, all the other doctors who will never set foot inside these hellish places but who nonetheless object to what is reported from inside.

Earlier this year, Dr David Issacs, a Sydney-based paediatrician, revealed the lack of sanitary pads for women detainees held on Nauru. His claims were decried but his words rang true to me. I had experienced something similar (albeit in different circumstances) 10 years ago, when I was a Commonwealth volunteer doctor in the tsunami-ravaged Maldives.

A neighbouring island had been pulverised by the giant waves, leading to a mass evacuation of residents to the tiny island that I was posted to. Altogether there must have been nearly a thousand people living in cramped conditions on an island that barely had services for its own people.

The world’s generosity in the aftermath of the tsunami was tremendous and aid poured in. Much of it was well-intentioned but quite useless such as stale bread from the Middle East, an expensive desalination plant and sophisticated, intravenous anaesthetics from Europe.

Amid the usual stories of grief, trauma, diarrhoea and depression, I began hearing a strange account. Girls and women were being denied sanitary napkins unless they were proven to be “genuine refugees” – that is, belonging to the evacuated island.

I told the first few women that this was simply a ridiculous misunderstanding. After all, if you needed sanitary pads and there was no place to buy them and your home had been flooded, how could someone deny you access to an essential hygiene supply? But the stories kept coming and I was forced to turn to the island administrator who already considered me a hindrance to his authority. It was an excruciating dialogue to have.

“What can I do, Miss? Government orders.” he sighed, following my gaze to the sacks of sanitary napkins in his control. I resisted asking him a very personal question as to what he might do if his own little girl were in that position someday. I toyed with the idea of stealing some pads but didn’t want to risk censure. So I told the women I couldn’t help. They nodded understandingly.

Luckily, an international monitoring delegation arrived on the island that week, led by the then-president Maumoon Abdul Gayoom's daughter, Dunya Gayoom, a graduate of the London School of Economics. The team hardly spoke to the islanders. I wondered how the delegation could reach any decision about the adequacy of aid by only speaking to those in charge.

I waited for my chance and just as she was about to leave, I virtually pounced on Dunya Gayoom, whom I recall as concerned and engaged.

"Have you any idea that half the women are being denied sanitary napkins?" I whispered. Her eyes widened.

"What?" she replied.

"Government orders, I am told. I hope you see how awful and denigrating this is."

She was whisked away, I was glared at, but later that same day, every woman was lining up for her personal supply of sanitary napkins. It was a major triumph. As it turned out, the administrator had made policy on the run simply because he could.

I repeatedly noted that under conditions of stress, those in power made rules with impunity. At one time, guns were trained on bottled water that was strictly rationed. I was afraid to go out in the dark because I wasn't game to be mistaken for a miscreant.

Which brings me back to the point about doctors who speak up about injustice from places closed to scrutiny. They are not rabble-rousers but almost always people who are deeply troubled by egregious breaches of human rights and who grapple with the ethics of keeping quiet.

For any doctor, highly educated and qualified, there are infinitely better ways to attract attention than by being the voice of detainees, mistrusted and demeaned by a significant proportion of the population.

In one of the more heated exchanges I've had this year a patient told me he didn't mind what happened in Nauru as long as "his" Medicare worked. I told him bluntly that his worldview was very narrow. "It's a free country," he said. "We are allowed to disagree."

Yes, as a democracy we are allowed to disagree. That same democracy should never gag the rights of doctors who speak out against perceived injustices against current patients. Or, for that matter, the refugees who are on their way to becoming patients.

The government counters that there are appropriate mechanisms for reporting misconduct and maladministration. Even if they were ideally efficient, transparent and responsive, which no one claims, I would think that the reasoned voice of an experienced doctor would make for a robust link in the mechanism. Especially when that voice soon becomes a chorus.

Let doctors speak in the defence of vulnerable citizens and their basic rights like they always have – if there is nothing to hide, then they will soon stop.

And let the parents of doctors sleep in peace, knowing that the next call from their child won't be from a prison cell for having fulfilled what is nothing more than their fundamental duty of care to patients.

<http://www.theguardian.com/commentisfree/2015/jun/05/detention-turns-refugees-into-patients-dont-jail-doctors-for-saying-so>

17. Nauru guards allegedly spied on Greens senator Sarah Hanson-Young

Sydney Morning Herald
June 4, 2015 - 9:25PM
Daniel Flitton

Private security guards at the Australian-run detention camp on Nauru allegedly took the extraordinary step of running a secret surveillance operation on an Australian senator.

A former guard has alleged Greens senator Sarah Hanson-Young was given the codename "Raven" and covertly followed and her hotel watched when visiting the asylum-seeker detention centre on the Pacific island nation.

Wilson Security – the company contracted to guard the detainees – has rejected the claim a team was organised to spy on Senator Hanson-Young during the December 2013 visit but admits "individuals" have been disciplined for "acting beyond their brief".

The security company has said the primary motivation was security for the senator but the activity was "not authorised".

An outraged Senator Hanson-Young has sought legal advice and intends to refer the allegations to Parliament's powerful privileges committee.

The confidential submission by a former guard has been made to a parliamentary inquiry into claims of abuse on Nauru, and details the extraordinary allegations of surveillance.

The allegations include:

-- members from Wilson's Emergency Response Team at the offshore processing centre followed Senator Hanson-Young around the island.

-- an "observation post" was also set up to watch her room at the Menen Hotel, one of only two hotels on the island.

-- a supervisor, whose name has been redacted from the submission, ordered the spying in a briefing that included her room number, car registration, "and even using the code name 'Raven' over the radio to make reference to her".

Senator Hanson-Young, a prominent critic of offshore detention and the major parties' asylum seeker policies, made an official visit to Nauru for four days in December 2013 with her then chief of staff.

The trip coincided in part with a visit to the island by Foreign Minister Julie Bishop and Labor's Tanya Plibersek.

Wilson Security has an "Intelligence Management unit" on Nauru, which the company told the inquiry in an earlier submission was for "managing safety and security risk in the centre".

The company said where necessary information is shared with the Immigration Department and the Nauru government, and former Immigration Minister Scott Morrison cited an "intelligence report" last year when accusing social workers on the island of coaching asylum-seeker abuse claims.

But Wilson Security has responded to the former guard's submission by stating the company "strongly rejects the allegation that it organised a team to spy on Senator Hanson-Young".

"Wilson Security is aware of individuals who attended the Menen Hotel at the same time as Senator Hansen-Young(sic). We understand that their primary motivation was the security of the Senator."

"This activity was not authorised ... the matter was immediately investigated by Wilson Security, and the individuals involved were subject to disciplinary action for acting beyond their brief."

The inquiry made public late Thursday the former guard's submission and the Wilson Security response.

Senator Hanson Young said in a statement it was simply unacceptable both her privacy and parliamentary privilege had been breached.

"What exactly were they looking for? Who I was meeting and who I was speaking with and for what purpose?"

"It is only appropriate that a full explanation of what occurred is given. What information was gathered and kept, who has access to the information, and importantly who on Nauru and the Government knew?"

<http://www.smh.com.au/federal-politics/political-news/nauru-guards-allegedly-spied-on-greens-senator-sarah-hansonyoung-20150604-ghh13i.html>

18. Nauru guards spied on Sarah Hanson-Young, Senate inquiry told

Former employee subcontracted to Wilson Security claims surveillance team followed Greens senator around island and set up post to watch her hotel room

The Guardian

Paul Farrell

Friday 5 June 2015 01.33 AEST

Guards at the Nauru detention centre conducted sweeping surveillance of Greens senator Sarah Hanson-Young to monitor her movements on the island, a former employee has alleged.

In an extraordinary submission to a Senate inquiry into serious allegations of abuse and conditions at the Australian-run Nauru detention centre, a former employee subcontracted to security provider Wilson Security accused the company of engaging in serious misconduct.

The employee raises serious allegations about the security company, including about staff fabricating military backgrounds to gain employment, discrimination against Australian guards and evidence of planned uses of excessive force against asylum seekers.

The submission also contains a disturbing account of Wilson Security guards being tasked to conduct surveillance of Hanson-Young during a recent visit to the island.

“When Senator Sarah Hanson-Young visited Nauru, Wilson Security organised a team from ERT [emergency response team] to spy on her while she was on Nauru. This included following her around the island while she was outside of the OPCs [offshore processing centres] and setting up an observation post to watch her room at the Menen hotel,” it says.

The call sign used by the guards to identify Hanson-Young in their surveillance was “raven”, according to the former employee.

The author of the submission also said they had seen a video from the body camera worn by a Wilson Security guard shortly before major unrest occurred at the centre on 19 July 2013. They said the video showed guards discussing the growing unrest and saying that if something happens they will go to a compound at the centre “and take cunts down”.

“From seeing this video it was obvious to me that these Wilson guards were planning to use unreasonable force and assault the asylum seekers even before the riot started,” the submission said.

It added: “I strongly recommend the centre is shut down, the remaining asylum seekers be processed onshore and all the refugees that were released into the Nauruan community be brought to Australia.”

The name of the employee who submitted the submission has been withheld from publication by the Senate committee.

In a response to the submission Wilson Security said it strongly rejected allegations of a coverup of abuse of asylum seekers, of corruption, and of the organisation of a team to spy on Hanson-Young.

But it acknowledged that “despite our best efforts, there are individuals that do not do the right thing from time to time”.

In relation to the allegations of surveillance of Hanson-Young, it conceded that it was “aware of individuals who attended the Menen hotel” in a capacity that was “not authorised” at the same time as Hanson-Young was present. It said the individuals involved were subject to disciplinary action.

It also conceded that it was aware of one incident where an employee had lied about their background in the Australian defence force.

Submissions to the inquiry have continued to offer stinging rebukes of the centre and the overall management by the Australian immigration department and private companies contracted at the centre.

A submission was also received to the inquiry from Caz Coleman, who is one of the most senior advisers to successive governments on asylum seeker policy.

She previously sat on a council to advise the immigration minister, Peter Dutton, on asylum seeker policy, but was not reappointed when the panel was reformed in May after it lay empty for six months.

Coleman previously worked as the transitional contract manager for the Salvation Army (TSA) in the early management of the centre.

She outlined strong concerns about the overall direction of the centre, and said there was a “significant systemic failure” to manage the centre and transition to the community in collaboration with the Nauru government.

Coleman said: “The result was a lack of trust, poor communication, poor collaboration and a strong perception that the failure of TSA to perform adequately heightened the risk to clients and staff in the centre. Rather than collaboration there were clear examples of competition, undermining of TSA staff by other service providers and also hostility and non-cooperation from TSA staff toward other service providers.”

She outlined that the recent allegations of sexual assault and harassment that arose from the review into allegations at the centre by Philip Moss indicated that there was significant animosity between private contractors on the island.

“There is no question that without a collaborative, respectful and trusted relationship between providers, risk increases in a centre like Nauru. Without this collaboration, communication decreases and the essential elements of managing difficult clients and group events involving self-harm or other harm are compromised,” she wrote.

She also reiterated strong concerns that have previously been raised about the “effective ban” on providing information to asylum seekers on Nauru at the direction of the immigration department.

“This directive by the department of immigration to all service providers effectively meant staff could not engage in responding to questions from clients about what was happening to them, what process were they likely to undergo, or respond in a timely

way to the confusion that was inevitable amongst clients when there was a press release or other asylum-related news item from Australia," she said.

The Andrew and Renata Kaldor Centre for International Refugee Law at the University of New South Wales submitted to the inquiry that Australia "appears to be in breach of its obligations to respect, protect and ensure the human rights of children within the Nauru RPC on a continuing basis".

It called for the suspension of transfers of children to the Nauru detention centre until the Australian government could guarantee the safety of asylum seekers there.

The ongoing Senate inquiry is scheduled to hold further hearings to hear from the immigration department and former employees at the detention centre.

<http://www.theguardian.com/australia-news/2015/jun/04/nauru-guards-spied-on-sarah-hanson-young-senate-inquiry-told>

19. Nauru security staff could face court on Sarah Hanson-Young spying allegations

Greens senator believes allegations that she was spied on while on the island could constitute contempt of parliament and perpetrators could be prosecuted

The Guardian
Paul Farrell
Friday 5 June 2015 12.42 AEST

Greens senator Sarah Hanson-Young is considering referring allegations she was spied on while in Nauru to a parliamentary committee that could see the individuals involved face prosecution.

In a submission to a Senate inquiry into serious allegations of abuse and conditions at the Australian-run Nauru detention centre, a former employee subcontracted to security provider Wilson Security accused the company of engaging in serious misconduct.

It also said Hanson-Young was subject to extensive surveillance and monitoring, including observations at her hotel room.

She said on Friday she was outraged by the revelations, and added that she was seeking legal advice to determine whether the surveillance could constitute contempt of parliament.

Hanson-Young said: "You've got to wonder what on earth is going on when management of that team decided that running a surveillance operation on a member of parliament was appropriate. I was there to do my job.

"I don't think it was appropriate for anybody on Nauru to watch me and to listen to the conversations I was having with individuals.

"Members of parliament must be free to be able to work without intimidation or interference ... spying on a politician, that's frankly illegal."

Hanson-Young also hit back at comments by prime minister Tony Abbott that she was being "looked after" on the island, and disputed the characterisation.

Hanson-Young said: "Women don't like to be watched. The fact the prime minister, the minister for women, doesn't seem to understand that, beggars belief."

Shortly after her press conference, the immigration minister Peter Dutton also said that his understanding was that Hanson-Young "was provided with assistance" while at the centre and that "somehow that's been constructed into something else."

In relation to the allegations of surveillance of Hanson-Young, Wilson Security conceded that it was "aware of individuals who attended the Menen hotel" in a capacity that was "not authorised" at the same time Hanson-Young was present. It said the individuals involved were subject to disciplinary action.

But Hanson-Young also said she was contacted on Friday morning by other private contractors who said they were "well briefed" on the operation, and that it was not simply a rogue unit.

The Nauru inquiry is continuing to reveal extensive testimony from former staff members who are alleging a range of sweeping failures to properly manage the Australian detention centre.

<http://www.theguardian.com/australia-news/2015/jun/05/nauru-security-staff-could-face-court-over-sarah-hanson-young-spying-allegations>

20. Greens senator says 'women don't like being watched' after PM's comments on Nauru spy claims

ABC News Online

By the National Reporting Team's Lisa Main

First posted Fri 5 Jun 2015, 9:53am

Updated Fri 5 Jun 2015, 11:03am

Greens senator Sarah Hanson-Young has attacked the Prime Minister for saying she was being "looked after", not spied on, while she was on Nauru.

It comes after a former staff member accused Wilson Security of spying on the senator when she visited the Pacific nation in December 2013 to inspect conditions inside the immigration detention centre.

"I don't like to be watched, women don't like to be watched – it's creepy," she said.

Prime Minister Tony Abbott says he does not accept the "characterisation" that the senator was spied on, rather, she was being "looked after" while she was there.

Hanson-Young is furious with the PM's response.

"I can't believe the Prime Minister thinks this is OK, even the company has said this is not OK," she said.

In a response to the submission, Wilson Security denied that it had spied on the Senator, however it said it was aware of individuals who attended her hotel at the same time but their primary motivation was "the security of the Senator".

The Greens senator says she has sought her own legal advice on the matter and will be referring it to the Parliamentary Privileges Committee.

"It's a pretty serious accusation that a private company paid for by the Australian tax payer was spying on a Federal Member of Parliament," she said.

The allegation is contained in a submission from a former Wilson guard to a Senate inquiry into operations on Nauru.

'No evidence' of spying, Dutton says

Immigration Minister Peter Dutton said he has "no evidence" the Greens senator was spied on.

"A lot of these unfounded statements are made and they are proved to be wrong at a later time. If she's got evidence, produce it," he said.

Whistleblower and independent MP Andrew Wilkie said he is deeply troubled by the allegation and would refer it to the AFP to investigate the claim immediately. "To spy on a Senator is obviously wrong on every level, including legally," he said in a statement.

Mr Wilkie also wants to know if there was any sort of "official collusion" and said if there is systemic misbehaviour within Wilson, then the company's contract must be terminated and legal proceedings initiated against the ring leaders.

In a statement responding to the allegations Wilson Security said, "This activity was not authorised by Wilson Security". The company added the matter was investigated and those involved had been disciplined for "acting beyond their brief".

Greens leader Richard Di Natale said the allegations are very serious and reveal a "quasi-police state where members of parliament are spied on". "It shows you the depth to which some of the organisations involved in the issue of detention centres off shore will go to ensure that the cloak of secrecy is maintained, and the reason they do it is because if they know that the Australian community really understand what's going on and get an insight into what's going on in those detention centres, they would be appalled," he said.

In the submission, the former guard also alleges Wilson supervisors shredded reports raising "concerns for safety", and employs military imposters.

The company strongly denies the allegations of "corrupt behaviour" and "deceptive conduct".

Wilson executives were grilled for over an hour taking 50 questions on notice, at the first Senate Committee hearing on Nauru on May 19. Wilson Security is expected reappear in front of the Senate Committee this month.

<http://www.abc.net.au/news/2015-06-05/greens-senator-sarah-hanson-young-nauru-spying-claims/6524430>

21. Sarah Hanson-Young labels Tony Abbott 'creepy' over his response to Nauru spying allegations

Sydney Morning Herald
June 5, 2015 - 12:29PM
Matthew Knott

Greens senator Sarah Hanson-Young has attacked Prime Minister Tony Abbott as "creepy" for suggesting guards who allegedly spied on her in Nauru were taking care of her.

However, Immigration Minister Peter Dutton has accused the senator of "attention seeking" and said she was an "embarrassment to our country".

Senator Hanson-Young earlier asked how Mr Abbott would feel if his wife or daughters were being monitored while going about their work.

A former security guard has alleged in a submission to Parliament that Senator Hanson-Young was covertly followed when visiting the Nauru detention centre in 2013 and was codenamed "Raven".

The company that hired the private security guards, Wilson Security, has rejected the allegations but admitted some contractors had been disciplined for going "beyond their brief".

Mr Abbott on Friday said he did not "accept that characterisation" that Senator Hanson-Young had been spied on.

"I believe she being, in fact, looked after while she was there," he said.

Senator Hanson-Young said the allegations were "deeply concerning", adding: "The Prime Minister - the Minister for Women indeed - if he doesn't understand that women don't like to be watched, my gosh, and it is just creepy, frankly. It is creepy.

"Women don't like to be watched.

"The fact that the Prime Minister, the Minister for women, doesn't seem to understand that beggars belief.

"I'd like to ask the Prime Minister how he would feel if his wife was being watched. How he would feel if his daughters were being watched going about their work."

Senator Hanson-Young said she feared there may have been a "serious breach of the law" and has referred the matter to the parliamentary privileges committee.

It is "frankly illegal" to spy on a politician doing their job, she said.

Mr Dutton said he did not have any evidence Senator Hanson-Young had been spied on.

"I have evidence that Senator Hanson-Young over-states every issue. She gets her facts wrong most of the time. And I just think you need to look at it in the light of experience with Senator Hanson-Young," he said.

"If she's got evidence, produce it."

Senator Hanson-Young said she sensed she was being followed when she visited Nauru in 2013. She has since been contacted by other service providers who had been told she was being monitored.

Senator Hanson-Young said she had tried to make light of the matter by changing her Twitter name to "The Raven" on Friday.

"This is pretty amateur hour stuff - the idea that I was tagged as 'The Raven' over the radio waves," she said.

<http://www.smh.com.au/federal-politics/political-news/sarah-hansonyoung-labels-tony-abbott-creepy-over-his-response-to-nauru-spying-allegations-20150605-ghhehb.html>

22. Peter Dutton slams Gillian Triggs over 'outrageous' comments on boats policy and Indonesia's death penalty

Sydney Morning Herald
Sarah Whyte
June 5, 2015 - 12:52PM

Immigration Minister Peter Dutton has demanded the Australian Human Rights Commission president Professor Gillian Triggs apologise "to the people of Australia" for linking the government's policy on stopping the boats with the death penalty in Indonesia.

On Thursday night Professor Triggs told an audience at the Economic Development of Australia forum in Adelaide that the boats needed to stop, but there were consequences of pushing boats back to Indonesia.

Speaking off the cuff, Professor Triggs said: "But have we thought about what the consequences are of pushing people back to our neighbour Indonesia? Is it any wonder that Indonesia will not engage with us on other issues that we care about, like the death penalty?"

Mr Dutton called the apparent link between the Bali nine and the government's policy on stopping the boats a "complete disgrace" and called for Professor Triggs to apologise to the Australian public and to the families of the executed Bali drug-smugglers Andrew Chan and Myuran Sukumaran.

"Professor Triggs holds a very high office in this country and the Australian public believe, I think, that people in these positions should act in a responsible way," he told reporters during a press conference in Brisbane on Friday afternoon.

"She should front the cameras, apologise to the government, to the Australian people, but most of all to the two families. I think that's what her office would demand, and I think it's what she should do today."

Mr Dutton said the government's success in "stopping the boats" had stopped the deaths at sea and they had been able to reduce the number of children down to "much closer than 100".

"That's a significant outcome and I think Professor Triggs trying to make some nexus between these two issue it is a complete outrage and she should retract her statements today."

"For her to be out there making these unfounded comments is a complete disgrace," he said.

The Abbott government has been highly critical of Professor Triggs after she released a highly critical report into children in detention earlier this year.

<http://www.smh.com.au/federal-politics/political-news/peter-dutton-slams-gillian-triggs-over-outrageous-comments-on-boats-policy-and-indonesias-death-penalty-20150605-ghhf04.html>

23. Gillian Triggs slams 'scores of laws' threatening fundamental freedoms

Human rights commissioner delivers forceful warning over counter-terrorism legislation and attacks on rule of law by parliaments across Australia

The Guardian
Daniel Hurst Political correspondent
Saturday 6 June 2015 00.01 AEST

Australian parliaments have passed "scores of laws" that threaten fundamental rights and freedoms, Professor Gillian Triggs has said, pointedly warning MPs to uphold the rule of law as they prepare to debate extraordinary ministerial powers to revoke citizenship.

In a forceful speech, the president of the Australian Human Rights Commission argued parliaments had failed to protect democratic rights and many politicians were "breathtakingly inconsistent" in supporting the rule of law.

And she warned that counter-terrorism laws introduced with "unseemly haste" were likely to have a chilling effect on free speech and privacy.

Triggs's intervention comes amid intense debate about executive overreach as the government prepares laws to give the immigration minister the power to strip dual nationals of their Australian citizenship if they are suspected of involvement in terrorism.

The speech is likely to inflame Triggs's already strained relationship with the Abbott government, which has previously said it had lost confidence in the Human Rights Commission chief over her handling of an inquiry into children in immigration detention.

Triggs referred to the 800th anniversary of Magna Carta – which she said had "symbolic power" – as she raised concerns that the supremacy of the law over the executive government was "under threat in Australia's contemporary democracy".

"Over the last 15 years or so, the major political parties have agreed with each other to pass laws that threaten some of the most fundamental rights and freedoms that we have inherited from our common law tradition," she told an audience at the Human Rights Law Centre in Melbourne on Friday evening.

“For, over the last decade, particularly since the attack in 2001 on the twin towers in America, Australian parliaments have passed scores of laws that infringe our democratic freedoms of speech, association and movement, the right to a fair trial and the prohibition on arbitrary detention.

“These new laws undermine a healthy, robust democracy, especially if they grant discretionary powers to the executive government that are not subject to judicial scrutiny.”

Triggs said the expansion of ministerial powers represented a “growing threat to democracy” and she cited numerous examples of executive overreach including:

- Powers to detain indefinitely various classes of individuals, including refugees and asylum seekers, those with infectious diseases, those subject to mandatory admission to drug and alcohol rehabilitation facilities and the mentally ill;
- The holding of four Indigenous men with intellectual and cognitive disabilities for years in a maximum security prison in the Northern Territory even though “each complainant had been found unfit to stand trial or found not guilty by reason of insanity”;
- The indefinite detention of asylum seekers and refugees including children because of adverse security assessments “without meaningful access to legal advice or judicial review”;
- The reduction of freedom of association from Queensland’s “anti-bikie” laws;
- Constraints on judicial power to assess individual circumstances due to “a spate of mandatory sentencing laws”.

Triggs also spoke at length about the significant expansion of counter-terrorism powers in Australia on the grounds of community safety, arguing the strength of the rule of law was “more truly tested when security is threatened than in times of peace”.

“To the extent that Australia is threatened by terrorism, the need to protect our traditional liberties and freedoms assumes an even greater urgency,” she said.

“Many laws introduced with unseemly haste before Christmas in the name of national security go well beyond what might be deemed to necessary, creating a chilling effect on freedom of speech and the press and breaching the right to privacy.”

Referring to the data retention laws passed with bipartisan support in March, Triggs said it was curious that a “journalist information warrant” was required to access the call logs of a reporter but such a warrant was not needed for agencies to look at other citizens’ metadata.

“As the metadata will be collected in respect of most of the 23 million Australians, and those involved in terrorism or paedophilia are very few, it might be said that the act employs a sledgehammer to crack a nut,” she said.

Triggs also raised concerns that accused persons would face an evidentiary burden to defend themselves against a 10-year prison sentence for entering “declared areas” listed by the foreign affairs minister under the Foreign Fighters Act.

She said the same act introduced a new offence of advocating terrorism, “an imprecise crime whose scope may cover, for example, opposing the Assad regime in Syria or supporting Palestinian efforts to gain statehood”.

Other national security laws passed last year created an offence punishable by up to 10 years in jail for disclosing information about a “special intelligence operation”, which was likely to “have a chilling effect on legitimate public debate about security operations”, Triggs said.

“The overreach of executive power is clear in the yet-to-be defined proposal that those accused of being jihadists fighting against Australian interests will be stripped of their citizenship if they are potentially dual nationals,” she said.

“This proposal strikes at the heart of Australia as a largely migrant nation. Not only may this idea violate Australia’s international obligation not to render a person stateless, but also the decision may be at the discretion of a minister, without recourse to judicial processes.

“This proposal is not new. It follows a bill introduced last year to give the minister discretion to revoke citizenship for fraud or misrepresentation, or where the minister is ‘satisfied’ that a person is not of good character, all without trial or conviction. The debate, it seems, is between the subjective suspicions of a minister, versus an evidence-based determination by a judge according to established rule of law.”

The Coalition has faced criticism from legal experts over its citizenship proposals, ahead of the introduction of a bill during the next sitting of parliament that would allow the immigration minister, Peter Dutton, to target dual nationals.

The government deferred a decision on a related proposal to allow the minister to also revoke the citizenship of sole nationals who might be able to apply for citizenship elsewhere, following a cabinet backlash.

The prime minister, Tony Abbott, said the government subscribed to the “very clear principle” that “anyone who raises a gun or a knife to an Australian because of who we are has utterly forfeited any right to be considered one of us”.

But the criteria and procedure for such ministerial determinations remains unclear because the legislation is yet to be released.

Dutton suggested on Friday that affected persons could apply for a judicial review on limited grounds.

Asked whether the review would apply only to the process rather than the substance of the claims against the person, Dutton said: “It relates to that part of the decision, you’re right, and the government’s not going to have the court second-guessing ministerial decisions.”

Before she delivered her speech on Friday about the need for parliaments to “meet their obligations as a check on executive government”, Triggs was strongly criticised by Dutton for earlier comments about “the consequences” of turning asylum-seeker boats back towards Indonesia.

She was reported by the Australian newspaper to have said: “Is it any wonder that Indonesia will not engage with us on other issues that we care about, like the death penalty?”

Triggs’s office said she was reflecting on the death penalty in the region broadly, rather than specific cases, but Dutton said it was an “outrageous slur” to link the death of two of the Bali Nine drug smugglers to Australia’s asylum seeker policy.

<http://www.theguardian.com/australia-news/2015/jun/06/gillian-triggs-slams-scores-of-laws-threatening-fundamental-freedoms>

24. Gillian Triggs says expansion of ministerial powers 'a growing threat to democracy'

The Age
June 5, 2015 - 10:25PM
Michael Gordon

The outspoken head of Australia's human rights watchdog, Gillian Triggs, has described the expansion of discretionary ministerial powers that may be exercised with limited or no judicial scrutiny as "a growing threat to democracy".

The defiant president of the Australian Human Rights Commission has also blamed an increasing array of laws that diminish liberties and expand executive power on the failure of successive parliaments to protect democratic rights.

Speaking after she was savaged by Immigration Minister Peter Dutton, Professor Triggs also suggested the indefinite detention of thousands of asylum seekers, most of whom are refugees, has been "essentially punitive" and beyond the power of the national government.

Taken individually, she says the new laws might be justified on the grounds of necessity and proportionality, but "viewed together they are more than the sum of their parts" and an overreach of executive power.

"The overreach of executive power is clear in the yet to be defined proposal that those accused of being jihadists fighting against Australian interests will be stripped of their citizenship if they are potentially dual nationals," she says in a speech to a Human Rights Law Centre dinner in Melbourne on Friday.

"This proposal strikes at the heart of Australia as a largely migrant nation. Not only may this idea violate Australia's international obligation not to render a person stateless, but also the decision may be at the discretion of a minister, without recourse to judicial processes."

The comprehensive critique of the Parliament's willingness to "consider and pass laws that breach democratic freedoms" came after Mr Dutton accused Professor Triggs of making outrageous and offensive claims that were a "complete disgrace".

But Professor Triggs says Mr Dutton has no grounds to attack her and was relying on an inaccurate headline and a newspaper report of comments taken completely out of context.

In the report, in *The Australian*, it was asserted that Professor Triggs had linked Indonesia's refusal to negotiate on the death sentence for two Australians who were executed in April to the Abbott government's policy of turning back boats.

"At no time did I refer to the recent executions of the two young Australians," Professor Triggs said after Mr Dutton's outburst. "Rather, I spoke of the future need to work diplomatically to reach agreement on ending the death penalty in the region. This reflected my early public commentary on the need for a moratorium on the death penalty."

Mr Dutton also lashed out at Greens senator Sarah Hanson-Young, accusing her of being "an embarrassment to our country" with a track record of making unsubstantiated claims, after private security guards at the Nauru detention centre were accused of spying on her during a visit to the island.

"Rather than attacking the person who was being watched, he should be working out how on earth it happened and ensuring it doesn't happen again," an outraged Senator Hanson-Young replied.

Among the examples of executive overreach cited in Professor Triggs' speech were powers given to ministers to detain indefinitely various classes of individuals, including refugees and asylum seekers, those with infectious diseases, those subject to mandatory admission to drug and alcohol rehabilitation facilities and the mentally ill.

Arguing that the strength of the rule of law is more truly tested when security is threatened, she says: "Many laws introduced with unseemly haste before Christmas in the name of national security go well beyond what might be deemed to be necessary, creating a chilling effect on freedom of speech and the press and breaching the right to privacy."

Professor Triggs argues that a bill of rights would provide greater scope for the courts to assess the validity of legislation and challenge the indefinite detention of asylum seekers, but she concedes this was "highly improbable in the current political environment" and argues the best protection of rights in the future would come from education.

"It has become vital that we develop a normative culture that supports liberties, and challenges executive overreach, even though these liberties may not have the full force of legislation," she said.

<http://www.theage.com.au/federal-politics/political-news/gillian-triggs-says-expansion-of-ministerial-powers-a-growing-threat-to-democracy-20150605-ghhvji.html>

25. Gillian Triggs has the right to criticise politicians' use of power, says Labor

Human rights commissioner can target politicians for over-reaching ministerial power, Chris Bowen says, but MPs don't have to agree with her

The Guardian
Australian Associated Press
Saturday 6 June 2015 17.20 AEST

Gillian Triggs has the right to slam politicians for over-reaching ministerial power, but Labor frontbencher Chris Bowen says they don't have to agree with her.

The human rights commissioner said in a speech on Friday night that ministers increasingly used their powers without legal oversight.

"A growing threat to democracy is the expansion of discretionary, often non-compellable, ministerial powers that may be exercised with limited or no judicial scrutiny," Triggs said.

"What are the options for democracy when both major parties, in government and opposition, agree upon laws that violate fundamental freedoms?"

Bowen, the shadow treasurer said Triggs was exercising her responsibilities and her views should be respected.

"The human rights commissioner has not only a right to her view but the responsibility to put that view, even if some of those views we may disagree with that," he told reporters on Saturday. "We respect her office and her as an individual."

Triggs criticised new and proposed laws that would strip citizenship from Australians suspected of committing terrorist attacks.

"Many laws introduced with unseemly haste before Christmas in the name of national security go well beyond what might be deemed to be necessary, creating a chilling effect on freedom of speech and the press," she said.

Bowen said Labor wanted to see the government's legislation, but the opposition supported updating laws around citizenship and terrorism.

"We think it's appropriate given the rise of non-state actors like Daesh [Islamic State] that these laws do be updated but we want to see the legislation as soon as possible."

<http://www.theguardian.com/australia-news/2015/jun/06/gillian-triggs-has-the-right-to-criticise-politicians-use-of-power-says-labor>

26. Nauru blocks visa of Australian barrister for deportee and asylum seekers

Court documents reveal Nauruan secretary of justice personally intervened to prevent Jay Williams being admitted to island's supreme court

The Guardian
Paul Farrell
Tuesday 2 June 2015 09.03 AEST

The Nauruan government has blocked a visa application from an Australian barrister involved in a high-stakes case that could see the Nauruan president Baron Waqa and justice minister David Adeang face contempt of court charges.

Australian barrister Jay Williams was seeking to appear in court to represent Rod Henshaw, an Australian who lived on Nauru and who was deported in controversial circumstances by the Nauruan government.

He also represents more than 1,000 asylum seekers on the island in an ongoing legal case surrounding their detention in the Australian centre on the island.

The Nauruan government is now seeking to strike out Henshaw's claim as well as those on behalf of the asylum seekers who alleged their human rights are being violated in the detention centre.

In an email from the Nauru immigration office, Williams's application for a business visa is refused with only the words "This is denied" provided to explain the decision.

The visa refusal is now facing an appeal in the Nauruan district court, while the government is continuing with its own motion to strike out both major court cases.

The application for judicial review by Henshaw, obtained by Guardian Australia, said the decision to deny Williams's visa is a breach of natural justice and procedural fairness, and names the secretary of justice, Lionel Aingimea, as the respondent.

"There was no evidence or other material to justify the making of [the] decision to deny the legal representative of the plaintiff a visa," it said.

It said Aingimea "exercised power for an improper purpose, to deny the plaintiff his constitutional and common law right to legal representation" and was an attempt to "pervert the course of justice".

A series of other court documents also reveal that the Nauruan secretary of justice personally intervened to prevent Williams being admitted to the Nauruan supreme court.

Williams applied for admission as a barrister of the Nauruan supreme court on 10 October 2014. But two weeks later, on 28 October 2014, he was issued with a summons by the district court of Nauru, facing charges of accessing a restricted area dating back to events in January.

Aingimea's objection came a day after Williams was charged with the offence. While on a previous visit to Nauru in February 2014, Williams had been a passenger in a car with a Salvation Army employee, Adam Savage, who dropped Williams off at the airport.

On his way to the airport, Savage turned off onto the airstrip entrance – a restricted area – and performed a number of "donuts" on the airport runway. Savage said in a statement that Williams urged him not to take the action, and Williams was not charged at the time.

In a letter to the Nauru DPP, Williams's counsel said the charges were "baseless" and a way to block the proceedings.

"A baseless charge is brought against Mr Williams, in an attempt to block his admission and to further obstruct the Henshaw matter and the asylum seeker case," the letter said.

It continued: "If at any stage, the Office of Public Prosecutions has received undue interference or pressure from members of the executive, to prosecute the charge against Mr Williams, without foundation and without evidence, then the Office of Public Prosecutions has a duty to the court and to the administration of justice to vigorously resist such interference and pressure, no matter what the professional or personal cost may be and ventilate such interference and pressure with the court at the first opportunity."

The charges were later dropped by the DPP and Williams succeeded in being admitted. But in May 2015 his business visa was denied without reason, despite the imminent proceedings. A legal challenge to the visa decision is now under way.

The maze of dynamic legal proceedings on the island have emerged as part of an ongoing dispute that first began when Henshaw – a former resident of Nauru – received a deportation order from the government.

His deportation was temporarily halted by former magistrate Peter Law. But Law himself was then deported from the country and prevented from re-entering, in the first of a series of blows to the integrity of the judiciary on the island nation.

Henshaw, whose wife died on the island in 2013, said the long-running case was a serious denial of natural justice and had placed immense pressure on him.

“Psychologically it’s just devastated me, quite frankly. Whatever way this case goes, I would have liked this to have been over, quite frankly, a lot sooner.”

“Not being able to get back to the island to visit my wife’s grave has been difficult enough, but being bashed around the head with these proceedings has been incredible hard.

“There are serious consequences here for these proceedings. You’ve got to wonder how the Australian government and the New Zealand government feel about these kind of decisions.”

Henshaw and Law’s deportation was followed by the resignation of the former chief justice, Geoffrey Eames, as well as the solicitor general Stephen Bliim.

While his legal case is a civil claim relating to seeking damages, his claim was later amended to include the contempt of court charges against the Nauruan president, Baron Waqa and the justice minister, David Adeang, following the deportations.

Further concerns continue to be raised about Nauru, with the blocking of several websites including Facebook and the recent deportation of the general manager of telecommunications provider Digicell.

The Nauruan government and Adeang have not responded to requests for comment.

<http://www.theguardian.com/world/2015/jun/02/nauru-blocks-visa-of-australian-barrister-for-deportee-and-asylum-seekers>

27. Australian law groups urge Coalition to pressure Nauru over growing legal crisis

Barrister denied visa shortly before he was to appear for asylum seekers in cases involving the president, Baron Waqa, and justice minister, David Adeang

The Guardian
Paul Farrell
Tuesday 2 June 2015 18.15 AEST

Australia’s peak legal bodies have called on the federal government to intervene in the growing legal crisis on Nauru after a senior Australian lawyer scheduled to appear for asylum seekers on the island was denied a visa.

Jay Williams, a barrister, was denied a visa by the Nauru government shortly before he was scheduled to appear in two cases on the island, one of which could see the president, Baron Waqa, and the justice minister, David Adeang, face contempt of court charges.

The second case relates to the lawfulness of the detention of more than 1,000 asylum seekers at the Australian-run detention centre on the island.

The visa decision is being challenged in a fresh judicial review, where it is being argued that the Nauruan justice secretary “exercised power for an improper purpose” in an attempt to “pervert the course of justice”.

The Australian Bar Association president, Fiona McLeod, said the asylum seekers held in detention were still in Australia’s care, and should be afforded proper legal representation.

“These recent developments are most concerning,” she said. “They indicate a continued pattern by the Nauru government of failing to observe the rule of law, which commenced with the sacking of magistrate Peter Law and their failure to renew the visa of the chief justice, Geoffrey Eames, over a year ago.

“It’s vital that clients, including those placed in the care of the Australian government, have access to legal representation, and the Australian Bar Association would urge the Australian government to intervene to ensure that this occurs.”

The president of the Australian section of the international commission of jurists, John Boyd, also called on the government to place pressure on Nauru to allow Williams to enter the country.

“The Australian government should bring pressure to bear to allow a visa to be granted for Mr Williams to have access to the court,” he said.

“Australia has a duty of care in respect of these people and neither the Australian government nor the Nauruan government should be scared of the rule of law.”

Major concerns about the state of democracy on Nauru continued to be raised by opposition MPs and human rights groups.

Recently the government also blocked access to Facebook and other websites, and deported the general manager of telecommunications provider Digicell.

The Nauru government has continued to object to concerns about the island, and has rejected criticism of the nation.

<http://www.theguardian.com/world/2015/jun/02/australian-law-groups-urge-coalition-to-pressure-nauru-over-growing-legal-crisis>

28. Asylum seeker worker tells of abuse of children as young as two on Nauru

Former Save the Children’s Viktoria Vibhakar details cases of sexual and physical abuse of children as young as two for Senate inquiry into Australia’s offshore detention of children

The Guardian
Paul Farrell
Friday 5 June 2015 16.09 AEST

Devastating cases of sexual and physical abuse of asylum seekers’ children as young as two have been laid bare by a former senior child protection worker at the Australian-run detention centre in an explosive submission to a Senate inquiry.

Former Save the Children employee Viktoria Vibhakar has written an extensive submission to the ongoing Senate inquiry into allegations of abuse on Nauru, detailing allegations of sexual assaults on asylum seeker.

At the heart of her allegations are a failure by the contracted service providers and the immigration department to respond adequately to protect vulnerable asylum seekers from violent and sexual assaults, despite a range of recommendations by carers and medical staff to mitigate risks.

While some of the allegations are consistent with other evidence that has come out of Nauru, these new cases of abuse represent the most devastating dossier yet of the mismanagement and neglect on the island.

“The government has known about the alleged sexual assault, exploitation and harassment of women and children in the Nauru RPC [regional processing centre] since at least November 2013,” she said.

A series of 30 separate case studies Vibhakar presented to the inquiry lay bare the gravity of the allegations and include documentary evidence in the form of emails and incident reports to support her claims, including:

- A Save the Children manager requested that serious allegations of sexual assault of an adolescent asylum seeker in November 2013 be withheld from reporting to the Nauru police force. Text from an email included in the submission said: “I have told CP [child protection] they are NOT to contact the police and that any such action should be disc with you first. The family have not asked for this to happen but it is thought that if they understand the process, they may be more comfortable about taking such action or better prepare them if such action is taken. What are your thoughts?”
- In a response from Save the Children, the company does not deny the allegation that it requested the assault not be reported. But it said the company had “worked very hard to fulfil its obligations to advocate for children and families” on the island.
- The mother of the same asylum seeker was denied an opportunity to send a letter to then immigration minister Scott Morrison about the sexual assault through “formal channels” between the immigration department and Save the Children. The company said the letter from the asylum seeker’s mother was not prevented from being sent to Morrison by other means.
- A four-year-old girl who began exhibiting behaviour consistent with a child who had been sexually assaulted, including sexualised dancing and pulling her pants down to invite adults to insert their finger into her anus. Despite child protection workers assessing her to be at “high risk of ongoing sexual abuse”, the submission said the immigration department did not remove her from detention.
- An immigration department official said allowing an eight-year-old girl who alleged she was sexually assaulted to Skype her father on her birthday would “set a crazy precedent”. The girl was later permitted to Skype her father, but the immigration officer stressed it should be emphasised that the birthday was only coincidental. The girl later became suicidal, but she was only medically evacuated seven months after the initial allegations were raised.
- Two male asylum seekers approached a five-year-old asylum seeker and one “moved his index finger in and out of his mouth” and pointed at the boy, according to an incident report filed at the centre.

- Child asylum seekers were beaten at the Nauru school with a wooden ruler. Guardian Australia has verified independently that several child asylum seekers have been subject to corporal punishment at the school.
- The investigations that occurred into child protection matters on the island were conducted by Wilson Security staff who were “not professional qualified or trained” to interview alleged victims of assaults and sexual abuse and delayed investigations. Vibhakar said an incident report had been filed about a 10-year-old asylum seeker who was dragged forcibly from a school, but Wilson Security only interviewed the asylum seekers a month later.
- A four-year-old asylum seeker was struck by a Wilson Security guard on the back of her head in a blow that “lifted her off her feet”, according to a Save the Children incident report.
- A commonwealth employee brought a knife into the detention centre and made comments about “killing and eating cats and dogs”. Vibhakar said he “appeared mentally compromised”.
- A Save the Children employee was terminated following a subsequent discovery of a failure to meet the obligations under the working with children check or criminal record check.

Vibhakar also said she raised concerns about the lack of child protection legislation on Nauru and the absence of working with children checks.

She also said the child protection policy created by Save the Children was only developed in May 2014 – and added that contractors employed before that date had not been required to sign the new policy.

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

She concludes there is irrefutable evidence that the immigration department and the government has been aware of the growing body of allegations of serious assaults since at least November 2013, contrary to comments by the immigration minister, Peter Dutton.

“I believe that the information and evidence provided in this submission demonstrate that the government’s knowledge of assault allegations in the Nauru detention facility occurred well before ‘late 2014’ as minister Dutton has stated publicly.”

Save the Children responded to the submission and said it contained a number of assertions that “either factually incorrect or which require material clarification”.

It does not address why the child protection policy and code of conduct was not signed by earlier employees on the island.

Save the Children confirmed that the working with children check for one employee had been denied.

Wilson Security said in its submission that it was concerned about many of the allegations raised by Vibhakar – but at no point does it expressly object to Vibhakar’s characterisation of many of the serious allegations raised.

In numerous incidents, it adds that it holds no records relating to specific events referenced by Vibhakar.

The Senate inquiry is continuing to publish explosive submissions about sexual assault allegations at the detention centre, and the responses of the Australian companies involved.

On Thursday, it was also revealed in a submission that Greens senator Sarah Hanson-Young was placed under extensive surveillance while visiting the island.

<http://www.theguardian.com/australia-news/2015/jun/05/former-asylum-seeker-worker-tells-of-abuse-of-two-year-old-children-on-nauru>

29. Former guard on Nauru details allegations against 'corrupt and incompetent' Wilson Security

ABC News Online

By the National Reporting Team's Lisa Main

First posted Thu 4 Jun 2015, 3:50pm

Updated Thu 4 Jun 2015, 4:32pm

A former staff member has accused the Australian company responsible for security at Nauru's detention centre of "corrupt management" and "deceptive conduct".

In a submission to a Senate inquiry into the regional processing centre, the whistleblower details security protocol failings and describes a "culture of cover-ups" among Wilson Security managers.

Allegations cover the period from July 2013 to December 2014.

They include claims Wilson managers shredded reports that raised "concerns of safety" and conducted surveillance on Greens senator Sarah Hanson-Young when she visited the island in December 2013.

In the submission, the former employee alleges a Wilson Security supervisor gave orders to spy on the senator, handing over her room number along with her vehicle registration.

It said during the operation Senator Hanson-Young was given the codename Raven.

In response to the submission Wilson Security strongly denied that it had spied on the senator.

It said it was aware of individuals who attended her hotel at the same time, but their primary motivation was "the security of the senator".

"This activity was not authorised by Wilson Security," the response said.

The company added the matter was investigated and those involved had been disciplined for "acting beyond their brief".

Senator Hanson-Young is seeking a full explanation and said the core values of Australia's democracy were called into question when MPs were spied on.

"A company contracted by the Australian Government, under scrutiny for its poor management of detention centres where women and children are abused, now spying on a senator of the Australian Parliament. Some very serious questions need to be answered," she said.

"After seeking legal advice and consulting senior counsel, I will be referring this matter to the parliamentary privileges committee as serious breach of the law."

Wilson executives were grilled for more than an hour taking 50 questions on notice at the first Senate committee hearing on Nauru on May 19.

The company strongly rejected allegations that it took part in the "abuse of asylum seekers, corruption, cover-ups, discrimination and deceptive conduct".

Wilson Security is expected to reappear in front of the Senate committee this month.

Guards planning to use 'unreasonable force'

In July 2013 security guards were faced with a full-scale riot in the centre in which several buildings were burned to the ground causing \$60 million in damage. Four people were hospitalised.

According to the whistleblower, guards were called to respond to a disturbance and are heard saying "we go to Charlie 2 and take c***s down".

The whistleblower, who alleges to have seen a video of the incident, says it was obvious the guards were planning to use "unreasonable force" on asylum seekers.

During the riot Nauruan police were called into the centre to take charge.

When briefed on the chain of command, the Wilson guards are heard saying: "I don't understand Nauruan so I'm just gonna say he told me to do everything ... I'm fairly confident he gave me that direction."

Wilson Security said it was concerned by the allegation but was not aware of the video footage.

General manager John Rodgers told the Senate committee video cameras are worn by emergency response guards at times of "heightened risk".

Wilson security contract manager Brett McDonald explained that when the cameras are activated, a Wilson investigator views the footage to determine if there is relevant information.

If so, it is passed onto the Department of Immigration and Border Protection. If not, the footage is deleted.

'Military imposters' on staff

It is alleged "approximately five" employees of Wilson Security are military imposters, those who wrongly claim they have served in the Australian Defence Force.

Military imposters face federal charges under the Defence Act and are subject to six months' imprisonment.

In the submission, the former guard claims to have an email proving human resources at Wilson were aware of at least one military imposter who remains on staff.

Responding to the allegation, Wilson said it was "aware of one incident where one employee misled colleagues as to his professional background" and that the person had been disciplined.

Wilson's human resources general manager Lara Donnini was not directly asked about the allegation in the Senate hearing but said Wilson staff were subject to rigorous pre-employment screening, including police checks, drug and alcohol tests and working-with-children checks.

Enhanced power for guards

The allegations come as a controversial law enhancing the powers of security guards in detention centres passed the House of Representatives last month.

The bill enables guards to cause "grievous bodily harm" if they "reasonably believe" it is necessary to protect life or prevent injury.

Former judge of the Victorian Court of Appeal Stephen Charles QC said the law allowed security guards to use lethal force "with impunity" because it would be "almost impossible" for them to face prosecution in the courts.

"The guards at detention centres are inadequately trained. Police or prison wardens have a considerable degree of training before they are given the right to use such force," he said.

"If you tell someone they can use force and the guard knows it's virtually impossible for detainees to access a lawyer or a journalist, then what are the real limits on a guard using excessive force?"

Senator Hanson-Young says she is also concerned about the bill.

"It gives guards who have the equivalent training as a nightclub bouncer free range to use physical force against people in detention centres, and that includes women and children," she said.

"Common sense would suggest this isn't a good idea."

The former Wilson guard who spent a year-and-a-half working at Nauru's detention centre says the increased powers are "unnecessary".

"The laws are quite scary, and if implemented would likely encourage a complete abuse of power by guards," he said.

'Our island, our rules'

Transfield subcontracts security to Wilson on Nauru. The security company employs 370 expatriate and 456 local staff.

In the submission, the former guard claims tension between local Nauruan security guards and those employed from abroad creates operational problems. It is a culture of "our island, our rules", he said.

"If the local Nauruan security guards didn't like what was happening, they would routinely threaten to directly call the Nauruan government or even the president to have our visas cancelled," he said.

According to the submission, a Wilson supervisor reportedly conceded that "if a local [Nauruan] employee has a problem with you, they do not need to follow the chain of command, they can go straight to the government and cancel your visa". The former guard alleges seven Wilson staff had their visas cancelled by the Nauruan government.

Settled refugees 'not safe' on Nauru

Safety concerns remain for the approximately 488 refugees, including 77 children, who have been settled on Nauru.

In the submission the former guard says he received "distressed phone calls" at 3:00am from a female refugee claiming a local Nauruan was trying to break into her room.

Former magistrate on Nauru Peter Law says he does not have confidence in the local authorities to deal with the threats faced by asylum seekers who have been settled in Nauru.

"They are not safe, and although there have been a number of violent incidents reported, I have not heard about anyone being charged," he said.

Nauru: 'No longer a democracy'

The current Senate inquiry into operations on Nauru follows a turbulent period of sackings, police investigations and official reviews.

Five Nauruan MPs are currently facing indefinite suspension from parliament, three were suspended for speaking to the foreign media, while the other two were suspended for defending the MPs' right to speak to foreign media.

The Nauruan government recently strengthened its capacity to deal with critics by passing sweeping laws which could see anyone who causes "emotional distress" jailed if the statement is likely to "threaten national defence, public safety, public health or public morality".

Mr Law describes the new measures as "draconian" and will silence any critic of the government. He said Nauru could only be described as a "rogue state". "This places beyond doubt that Nauru is no longer a democracy," he said.

More than 60 submissions have been made to the inquiry and so far 36 submissions have been published.

<http://www.abc.net.au/news/2015-06-04/nauru-whistleblower-details-allegations-against-wilson-security/6478492>

30. MEDIA RELEASE: Concerns mount over Nauru hospital conditions

-- CONCERNS MOUNT OVER NAURU HOSPITAL CONDITIONS
-- NAURU DOCTOR RECOMMENDS TREATMENT OFFSHORE

Monday June 1, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Refugee advocates continue to urge the Immigration Minister to make immediate arrangements to bring Erfan, the 11 year-old with the broken arm to Australia for urgent surgery.

Even the resident doctor at the Nauru hospital now recommends offshore treatment, after another cast was placed on Erfan's arm yesterday (1 June 2015): "I would strongly recommend early referral offshore for MRI, assessment by a Paediatric Orthopaedic Surgeon and ORIF." (ORIF is 'Open reduction and internal fixation'.)

"We are extremely concerned at the conditions in the Nauru hospital. We don't believe that Erfan can be safely operated on on Nauru," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

A video (attached) taken at the time of Erfan's treatment at the hospital yesterday clearly shows the insect infestation in the treatment room. Other photos of Erfan and the Nauru hospital are attached.

Erfan's mother has also expressed her concerns, "I am very worried about my son to be operated on in Nauru. The power is gone four or five times a day, almost every day, and the hospital does not have a generator. How can they do it?"

Doctors for Refugees has also expressed their concerns, saying, "We ask that Minister Peter Dutton expedite his transfer to the Australian mainland for urgent surgery to prevent permanent disability."

Similarly, the Refugee Action Coalition is calling for the Minister to bring Erfan and other refugees who need urgent treatment to the mainland where they can get the medical attention they need.

For more information contact Ian Rintoul 0417 275 713

31. MEDIA RELEASE: Advocates call to bring 11-y/o Nauru refugee to Australia

ADVOCATES CALL ON MINISTER TO BRING 11 YEAR-OLD REFUGEE TO AUSTRALIA TO SAVE HIS ARM

Monday June 1, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Refugee advocates are calling for the Immigration Minister to act immediately to bring an 11 year-old Iranian refugee to Australia for an urgent operation to reset his broken arm.

The 11 year old broke his arm when he fell off his bike on Nauru on 4 May. A cast was put on the arm on 5 May at the Nauruan hospital. But an x-ray two weeks later showed the bones were hopelessly out of alignment. (see photo attached).

The boy is a victim of Australian government policy that provides different levels of care to those who are asylum seekers (and in detention) from those who are found to be refugees and living outside detention on Nauru.

When, medical contractor IHMS thought Erfan was an asylum seekers, his parents had been told he would be sent to Australia for an urgent operation to reset his arm. However, when it was discovered that his family were refugees, they were told that Erfan would be treated on Nauru.

Australian doctors have expressed their concerns at the delayed treatment.

The Nauru government has now requested that a "a specialist medical team from Australia be sent to Nauru to treat this boy as soon as possible."

This is implicit admission that Erfan's medical treatment has so far been deficient and that the expertise for the necessary operation does not exist on Nauru.

"While providing an Australian medical team to Nauru would be a significant step forward, we have no confidence that Erfan can be properly treated in the conditions that exist on Nauru," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"There are serious questions marks over the risks of the operation itself and perhaps even high concerns at the post-operative care including the risk of infection and rehabilitation. Hospital conditions are well below anything acceptable in Australia.

"The circumstances of Erfan only highlight the serious lack of medical care available for refugees on Nauru. The fact is that as refugees, they are at a distinct disadvantage, as the Australian government maintains the fiction that Nauru has responsibility for the refugees."

There are others who need urgent medical care. A 36 year-old Iranian female refugee, Tahereh, has been receiving morphine injections for over a year for a back injury suffered when she fell in the showers inside the detention centre.

Now doctors have recommended that she have an MRI -- but there is no MRI facility on Nauru. How long is Tahereh expected to suffer?

Another Somali female refugee has had gynaecological problems for months and has a identifiable mass on her ovary but has been left untreated.

"The Minister must act urgently to bring Erfan and the others that need urgent medical help to Australia where they can receive the medical help they need," said Rintoul.

For more information contact Ian Rintoul 0417 275 713

32. Doctors say Nauru refugee boy could be disabled without urgent surgery on arm

A two-week window for surgery for his specific type of fracture has passed and the 11-year-old Iranian boy is in severe pain, according to Doctors for Refugees

The Guardian
Sunday 31 May 2015 17.54 AEST

Australian doctors fear an 11-year-old refugee boy living in the community on Nauru could be permanently disabled if he does not receive urgent surgery on his arm.

Doctors for Refugees co-founder Dr Barri Phatarfod is concerned those resettled on the island are not getting access to appropriate medical care.

She cited the case of an Iranian boy who fractured his left arm on 4 May.

It is not known how the injury occurred, but his arm has been reset in a cast and the boy is still in severe pain.

A two-week window for surgery for this specific type of fracture had passed and, a month on, the International Health and Medical Services (IHMS) and Nauru doctors had still not decided whether to operate, Phatarfod said.

She said 11 Australian doctors, including an orthopaedic surgeon, a radiologist and an emergency physician familiar with the case, have all said surgery is required otherwise he will lose complete function of his arm.

She said if the bones are left to heal as they are, he risks losing the ability to rotate his forearm.

IHMS re-examined the boy on Friday, but it is not known whether he has been booked in for surgery or whether the procedure can be done on Nauru.

Comment has been sought from IHMS and the office of the immigration minister, Peter Dutton.

A spokesman for the Nauru government said they would provide comment on Monday.

The case comes as doctors at the Australian Medical Association national conference in Brisbane this weekend vowed to ramp up a campaign against new federal laws that prevent them from blowing the whistle on failures in detention centre health care.

<http://www.theguardian.com/australia-news/2015/may/31/doctors-say-nauru-refugee-boy-could-be-disabled-without-urgent-surgery-on-arm>

33. 11yo Iranian refugee with broken arm on Nauru will be sent to India, not Australia, for medical treatment, mother says

ABC News Online

By political reporter Matthew Doran

First posted Thu 4 Jun 2015, 3:09am

Updated Thu 4 Jun 2015, 5:32am

The mother of an 11-year-old Iranian refugee on Nauru, who has had a broken arm for a month, has told the ABC her son will be flown to India rather than Australia for medical treatment.

This morning, a spokesman for Immigration Minister Peter Dutton disputed the statement, saying there are no such plans.

But the mother said she had received a phone call telling her plans were being made for her family to be sent to India.

Erfan Paridari's mother said he suffered the injury after falling off his bike last month.

He received treatment at the local hospital, but staff there did not set the bones in his arm properly.

His mother said he had been in constant pain ever since, and needed urgent surgery or he risked permanent disability.

She said the exact timing of the move was yet to be confirmed as documents needed to be arranged to allow them to travel.

The Refugee Action Coalition's Ian Rintoul was also in contact with the family, and said the lack of detail was worrying.

"They just got a bare message that they'll have to wait for the travel documents to India," Mr Rintoul said.

"It doesn't really settle any of the immediate questions — why there should be a continued delay to go to India, what kind of treatment they're actually going to get in India, where they're going to be treated, what arrangements are being made for post-operative care and rehabilitation."

Mr Rintoul said the timing of the travel plans was suspicious, particularly if the Australian Government was behind the decision.

"I don't think there's any doubt it's been the publicity and the pressure on [Immigration Minister] Peter Dutton that something urgently needs to be done to ensure that Erfan's not permanently disabled," he said.

"I think we've just got a whole piece of avoidance strategy by Peter Dutton, embarrassed into actually having to do something about the boy's broken arm, but ensuring or trying to ensure at least that Australia is not involved.

"Erfan could've been brought to Australia yesterday ... He should've been brought two weeks ago when it became evident that the bones were not properly set, were misaligned.

"But because he is a refugee and not an asylum seeker, the Government refused to take responsibility."

Greens Senator Sarah Hanson-Young said if the claims were true, it was incomprehensible.

"If this is the case, the Government really needs to clarify," Senator Hanson-Young said.

"You couldn't make this stuff up, what on earth is going on?"

"This is a family who are found to be refugees, they are genuine refugees, they've been dumped on Nauru by this Government, the boy needs medical assistance, just bring him to Australia and let him be relieved from the suffering of a broken arm."

Senator Hanson-Young said Australian taxpayers would be left to foot the bill if the transfer went ahead.

"If it's true, it's just total madness," she said.

"You've got to wonder how much it's costing the Australian taxpayer, because of course the deal that Australia has with Nauru is that all costs of those that are found to be genuine refugees left on Nauru, the Australian Government has to foot the bill.

"I've never heard of this happening before."

<http://www.abc.net.au/news/2015-06-04/iranian-refugee-on-nauru-with-broken-arm-to-go-to-india/6520114>

34. 11yo Iranian refugee on Nauru won't be sent to India for medical treatment on broken arm, Immigration Minister Peter Dutton says

ABC News Online

By political reporter Matthew Doran

First posted Thu 4 Jun 2015, 3:09am

Updated Thu 4 Jun 2015, 8:41am

Immigration Minister Peter Dutton has denied claims a child detained on Nauru is to be taken to India for treatment for a broken arm.

The mother of an 11-year-old Iranian refugee on Nauru, who has had a broken arm for a month, told the ABC yesterday her son would be flown to India rather than Australia for medical treatment.

But Mr Dutton disputed the statement, saying there were no such plans.

"It's not true and we have medical services that are available in Nauru and the Nauruan government obviously has the system up there to provide people with support that need it when it comes to medical attention," he said.

"We will provide support otherwise, but the story about going to India is not true."

Erfan Paridari's mother said her son suffered the injury after falling off his bike last month.

He received treatment at the local hospital, but staff there did not set the bones in his arm properly.

His mother said he had been in constant pain ever since, and needed urgent surgery or he risked permanent disability.

She said she had received a phone call telling her plans were being made for her family to be sent to India.

She said the exact timing of the move was yet to be confirmed as documents needed to be arranged to allow them to travel.

Earlier, the Refugee Action Coalition's Ian Rintoul — who was also in contact with the family — said the lack of detail was worrying.

"They just got a bare message that they'll have to wait for the travel documents to India," Mr Rintoul said.

"It doesn't really settle any of the immediate questions — why there should be a continued delay to go to India, what kind of treatment they're actually going to get in India, where they're going to be treated, what arrangements are being made for post-operative care and rehabilitation."

Mr Rintoul said the timing of the travel plans was suspicious, particularly if the Australian Government was behind the decision.

"I don't think there's any doubt it's been the publicity and the pressure on [Immigration Minister] Peter Dutton that something urgently needs to be done to ensure that Erfan's not permanently disabled," he said.

"I think we've just got a whole piece of avoidance strategy by Peter Dutton, embarrassed into actually having to do something about the boy's broken arm, but ensuring or trying to ensure at least that Australia is not involved.

"Erfan could have been brought to Australia yesterday ... He should have been brought two weeks ago when it became evident that the bones were not properly set, were misaligned.

"But because he is a refugee and not an asylum seeker, the Government refused to take responsibility."

Greens senator Sarah Hanson-Young said if the claims were true, it was incomprehensible.

"You couldn't make this stuff up, what on earth is going on?" Senator Hanson-Young said

"This is a family who are found to be refugees, they are genuine refugees, they've been dumped on Nauru by this Government, the boy needs medical assistance — just bring him to Australia and let him be relieved from the suffering of a broken arm."

Senator Hanson-Young said Australian taxpayers would be left to foot the bill if the transfer went ahead.

"You've got to wonder how much it's costing the Australian taxpayer, because of course the deal that Australia has with Nauru is that all costs of those that are found to be genuine refugees left on Nauru, the Australian Government has to foot the bill," she said.

"I've never heard of this happening before."

<http://www.abc.net.au/news/2015-06-04/immigration-minister-denies-refugee-on-nauru-to-go-to-india/6520114>

35. Private Health Provider 'Brushed Off' Concerns About 11-Year-Old Refugee On Nauru

A doctor who drew attention to the badly injured boy was referred back to the hospital that initially ignored his complaints. Max Chalmers reports.

New Matilda
3 Jun 2015
By Max Chalmers

The private company tasked with providing medical care to asylum seekers and refugees has been accused of 'brushing off' concerns about an 11-year-old refugee incorrectly told he did not need surgery, potentially leaving him with a permanent impairment.

After suffering a fracture to his arm, the boy had been seen at the Republic of Nauru Hospital and advised surgery would not be needed.

But when the boy's x-rays were sent to refugee advocates in Australia, who forwarded them to doctors, it became obvious the initial medical response had been woefully inadequate.

Dr Barri Phatarfod, co-founder of Doctors For Refugees, showed the x-ray to 11 specialists, all of whom agreed surgery was necessary.

When Dr Phatarfod raised the issue with International Health and Medical Services (IHMS), the company contracted to provide health services to refugees on the island and asylum seekers in its detention centre, the response was underwhelming.

"IHMS dismissed us and told us to take it up with Nauru hospital," Dr Phatarfod told New Matilda.

In an email sent to Dr Phatarfod, IHMS Director of Corporate Affairs Sybil Wishart advised her to contact the Republic of Nauru Hospital with concerns, despite the fact IHMS runs a clinic for refugees who have been released from detention and are living in the community.

"IHMS provides a primary care service for Refugees in Nauru. Accident and emergency cases, such as this one, are managed by the Republic of Nauru Hospital," the email said.

Dr Phatarfod described the response as a 'brushing off', and said she was not satisfied by the referral to the Nauruan hospital.

"They were the ones who said his arm was fine when it wasn't," she said.

Since the boy's injury was made public, the Nauruan Government has contacted the Australian Government to ask for assistance in providing a specialist team to deal with the situation.

Earlier in the year, Minister for Immigration Peter Dutton defended health care provided to asylum seekers and refugees on Nauru, comparing it favourably to that provided in Australia.

Dr Phatarfod said IHMS should have asked the Department of Immigration to medically evacuate the boy to a location where he could receive the operation.

When contacted by phone for comment, IHMS's Sybil Wishart told New Matilda "we have to direct all questions to the Department of Immigration and Border Protection".

But asked what actions she took after being contacted by Dr Phatarfod, Wishart echoed a phrase used liberally by Transfield Services at a recent Senate Inquiry.

"I'll take that question on notice," she said.

IHMS has a \$438 million contract with the Department of Immigration to provide onshore immigration detention health services over a five-year period.

Professor David Isaacs is a Paediatrician at Westmead Hospital who inspected health services on Nauru in December last year, on behalf of IHMS.

"When I got there I was so horrified I felt I had to speak out," he told New Matilda.

While unsure of the quality of care being provided in the Republic of Nauru Hospital, Isaacs described it as "grotty".

"It's not the sort of place you'd be very unhappy to take your child," he said.

New Matilda understands the 11-year-old boy remains on Nauru, along with around 400 others who have been moved out of detention.

"The case highlights the Department hasn't really thought too much about what to do with the people in the community [on Nauru]," Dr Phatarfod said.

"While they're tossing back and forward saying 'it's Nauru's responsibly', they're saying 'we don't really have the facilities to do anything'."

In a follow up email to New Matilda, Wishart said: "As discussed with Dr Barri Phatarfod, IHMS is contracted to provide a GP level of service to refugees on Nauru, with the Government of Nauru responsible for the provision of all secondary medical services.

For all enquiries as to this young man's medical care you are advised to contact the Department of Immigration and Border Protection and/or the Government of Nauru directly."

<https://newmatilda.com//2015/06/03/private-health-provider-brushed-concerns-about-11-year-old-refugee-nauru>

36. Nauru refugee Erfan Paridari's mother pleads for 11yo to have injured arm treated off the island

ABC Radio CAF - AM
By Sarah Farnsworth
Posted Sat 6 Jun 2015, 12:42pm

The mother of an 11-year-old boy with a severely broken arm on Nauru is calling on the Federal Government to allow her son to leave the island to undergo surgery.

Erfan Paridari broke his arm when he fell off his bike last month and requires urgent surgery to prevent further damage to his arm.

The boy lives in the Nauru community, outside of the detention centre, after his family were granted refugee status.

Erfan's arm was set at the Nauru Hospital, but Australian specialists consulted by the group Doctors for Refugees say without corrective surgery, he will lose the full use of his arm.

The boy's mother, Maryam, said immigration officials told her Australia has agreed to send doctors to provide treatment, but she does not want the surgery to be carried out at Nauru Hospital because it is poorly equipped and has unsanitary conditions.

"They will send a team from Australia, but I repeat: I was made angry because I know Nauru Hospital is not qualified to do operation on my son's arm," she told AM.

"Erfan needs an MRI. In Nauru, [they] don't have MRI.

"Send Erfan anywhere, because not in Nauru, I don't like in Nauru. In Nauru, I need to send Erfan anywhere."

During the week, the Nauru government said its request for a medical team had been granted, but Immigration Minister Peter Dutton and the Department refused to confirm that was happening.

Mr Dutton told 2GB radio this week there were medical services available in Nauru.

"The Nauruan government obviously has the system up there to provide people with support that need it when it comes to medical attention," he said.

'The conditions are not sufficiently clean'

Sydney-based paediatrician Dr David Isaac, who visited Nauru in December and has been outspoken about the conditions on the island, said he understood Ms Paridari's panic.

"She's had some treatment, which everyone said, 'Trust us, we're doctors', and the treatment has not been successful," he said.

"Now she's been told, 'Oh, well, they didn't do it successfully but we'll do it successfully because we're also doctors'.

"What would you feel in that setting, in a foreign country, with no-one telling you what's going on? I think it's completely understandable."

Dr Isaac said the conditions of the hospital are inadequate.

"I don't think you'd want to have your forearm set there or your child's forearm set there," he said.

"I don't think Mr Peter Dutton would want to have his child's arm set there.

"The conditions are not sufficiently clean for any of us to be happy."

Mr Dutton has again been asked to confirm whether a medical team is being sent to Nauru.

His office is yet to respond to Saturday AM's requests for comment.

<http://www.abc.net.au/news/2015-06-06/refugee-pleads-for-son-injured-arm-treated-anywhere-but-nauru/6527100>

37. MEDIA RELEASE: Minister must stop playing politics with Erfan's arm

Saturday June 6, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Refugee advocates are maintaining their call for the Immigration Minister to bring the 11 year-old Iranian refugee from Nauru to Australia for an urgent operation to reset his broken arm.

Having dropped India, the latest proposal is for the government to send a Sydney doctor to Nauru to operate on the boy's arm.

"The government is trying to bully Erfan's parents into agreeing to have the operation on Nauru, even though the equipment and facilities to safely and successfully operate are not available there," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

On Monday, 1 June, even the resident doctor on Nauru, Dr Bwabwa Oten, told Doctors for Refugees, "I would strongly recommend early referral offshore for MRI, assessment by a Paediatric Orthopaedic Surgeon and ORIF."

Erfan has been in pain, since setting his broken arm was botched by doctors at the Nauru hospital on 5 May.

"It is time the Minister stopped playing politics with Erfan's arm and brought him to Australia. Immigration officials told Erfan's parents that there was no other option but to operate on Nauru. But that is not true. A female Connect case worker who broke her hand 10 days ago on Nauru was immediately medivacced to Australia for treatment." said Rintoul.

"If Nauru was unacceptable for the Connect worker, it is unacceptable for Erfan. The only reason Erfan hasn't been brought to Australia is that he is a refugee. When IHMS thought he was an asylum seeker, Erfan's parents were told that he would be taken to Australia.

"It is a shocking case of the Minister, abandoning common sense and trying to score political points at the expense of a boy's arm and the anxiety of the boy's parents. Delaying Erfan's treatment in this way, is unforgivable."

For more information contact Ian Rintoul 0417 275 713

38. MEDIA RELEASE: Grave concerns for Manus hunger striker

Monday June 1, 2015
Refugee Action Coalition
Ian Rintoul mobile 0417 275 713
Jeanie Walker mobile 0414 534 917

The Refugee Action Coalition has serious concerns for the welfare of an Iraqi hunger striker on Manus Island.

The 31 year-old man has been on hunger strike for 53 days and has lost 19 kgs. He can no longer walk and is transported in a wheel chair.

"We are extremely concerned at the mistreatment he has received at the hands of Wilson security guards," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"He was held in isolation for two days from Saturday to Monday with the air-conditioner turned down -- a technique that comes straight from the Guantanamo Bay torture manual."

"We believe that such techniques are being used to try to break his hunger strike and to force him to eat and drink. It seems that such torture techniques are being sanctioned by IHMS, the detention medical provider. His treatment and his detention are gross violations of his human rights.

"The scene is being set for yet another tragedy on Manus Island. Immigration, Transfield and IHMS have a duty of care for the asylum seekers but they are complicit in his torture."

For more information contact Ian Rintoul 0417 275 713. For photographs contact Jeanie Walker 0414 534 917

39. Refugee 'bashed' by guards on Manus Island for missing transit centre curfew

ABC News Online
By Papua New Guinea correspondent Liam Cochrane
First posted Tue 2 Jun 2015, 3:32pm
Updated Tue 2 Jun 2015, 3:34pm

Security guards on Manus Island have reportedly assaulted a refugee for not returning to the East Lorengau transit centre by the 6:00pm curfew.

The Iranian man was at a local restaurant at around 10:00pm when guards from the transit centre assaulted him and took him back to the Australian-funded accommodation.

"Suddenly some PNG [Papua New Guinea] immigration people injured him and very forcibly they took him to car for going back to his accommodation," said a source, speaking on condition of anonymity due to the sensitive matter of refugee issues on the island.

"[They] hit him and his face become dark blue."

Manus Island Provincial Police Commander Alex N'Drasal confirmed the assault took place and said he was interviewing the PNG guards believed to be involved.

The Lorengau General Hospital told the ABC it had not treated a refugee for assault-related injuries in the last 24 hours.

The refugee is one of a small group of men who have had their asylum claim processed, have left detention and are awaiting permanent resettlement in another part of Papua New Guinea.

However, the PNG Government has not formed a policy for resettling refugees and is giving them no indication how long they will be kept on Manus Island.

While free from the Australian-run detention centre on the Lombrum Naval Base, the refugees are expected to return to the East Lorengau transit centre between 6:00pm and 6:00am.

Legal basis for curfew unclear

"Where is [the] law, I don't know?" asked one refugee at the East Lorengau centre.

The ABC is seeking comment from PNG's Ministry of Immigration and Australia's Department of Immigration and Border Protection.

Last week, PNG passed amendments to laws dealing with foreigners in immigration detention.

"The Migration [Amendment] Bill provides expanded powers to manage refugee relocation centres and places of immigration detention, and introduces for the first time a clear definition of immigration detention," Foreign Minister Rimbink Pato said in a statement released on May 28.

"Minister Pato also stated that the Government is working to ensure that public servants and officers, as well as contracted security staff, have the powers and legal certainty necessary to discharge these responsibilities."

The night curfew on Manus Island is part of wider restrictions for the refugees awaiting resettlement.

In March, Iranian refugee Reza Mollagholipour was denied permission to leave Manus Island to attend job interviews he had organised in PNG's capital Port Moresby.

Earlier this year Mr Mollagholipour expressed optimism about finding a job and starting a new life in Papua New Guinea but in recent weeks has told the ABC he is losing hope.

PNG's prime minister Peter O'Neill said last month that 129 asylum seekers had been granted refugee status, while more than 400 had returned to their home countries.

To date, no refugee has been resettled in PNG.

<http://www.abc.net.au/news/2015-06-02/refugee-bashed-on-manus-island-for-missing-curfew/6515988>

40. MEDIA RELEASE: Refugee bashed on Manus for staying late at the pub

Wednesday June 3, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

An Iranian refugee has been bashed by two PNG immigration officers for staying late at the pub on Monday night (1 June, 2015). Photos attached.

Mohsen was repeatedly punched and manhandled, by the immigration officers as they abused him and threatened to kill him.

However, the assault was witnessed by several supportive locals at the pub.

After a complaint about the assault, police attended the East Lorengau compound, yesterday, 2 June, but were unable to locate the immigration officers allegedly involved in the assault.

In spite of being found to be refugees, a curfew between 6.00pm and 6.00am is in place for those refugees who are living outside the detention centre. They are also banned from working or leaving Manus Island.

Around 40 refugees are presently being accommodated in East Lorengau and immigration authorities are pressuring refugees inside the detention to join them by restricting their access to medical, and phone and other services.

The assault comes less than two weeks since another refugee was seized by immigration officers and jailed in the Lorengau prison for daring to ask for a refugee visa.

Only one such document has ever been issued to any refugee.

"We do not have freedom here brother," one refugee at East Lorengau told the Refugee Action Coalition.

NO RESETTLEMENT

Earlier this year a refugee was prevented from travelling to Port Moresby in March this year. In the letter (attached), the PNG immigration department admits, that '...there is currently no government sanctioned arrangement in place for your integration and resettlement in PNG.'

The letter -- dated 27 March - also says that the PNG government 'is working very hard to ensure this policy in place within the next month.' Two months later, there is no sign of any resettlement policy.

Around 100 refugees in the Manus detention centre, particularly those who were the victims of the violent attack in February 2014 that left Reza Barati dead, are refusing to be shifted to the accommodation at East Lorengau for fears of their own safety.

Witnesses to the death of Reza Barati are still being threatened by immigration authorities and by PNG locals. Tensions are rising on Manus Island because pre-trial hearings for the two PNG nationals charged with the murder of Reza Barati have begun.

For more information contact Ian Rintoul 0417 275 713

41. Family remains in detention despite asylum claim granted last year, Ombudsman's report find

ABC News Online

By political reporter Matthew Doran

First posted Mon 1 Jun 2015, 10:25pm

Updated Tue 2 Jun 2015, 4:14am

A family of four has been in detention for more than four-and-a-half years despite having their asylum claim granted in June last year, according to the Commonwealth and Immigration Ombudsman.

The Ombudsman has undertaken a snapshot of the current detention situation across the nation.

Among the asylum seekers assessed were a 33-year-old woman and her children, aged between 10 and 17 years old.

They arrived in Australia by boat in July 2010, and their application for protection was granted in June last year.

However they remained in community detention awaiting the outcome of the mother's security assessment.

An assessment was also undertaken on six children, born in detention between November 2012 and February 2013.

Their parents arrived on boats after the middle of August 2012.

"The Ombudsman notes that these six children have been held in detention with their families for over two years with no processing of their protection claims," the report stated.

"The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental and physical health prolonged detention may pose to children and their families.

"Without an assessment of the claims of these children and their families to determine if they are found to engage Australia's protection obligations, it appears likely that they will remain in detention for an indefinite period."has

<http://www.abc.net.au/news/2015-06-02/families-held-in-detention-for-years-due-to-processing-delays/6513438>

42. Ombudsman slams government for long detention rates

The Age

June 2, 2015 - 12:29AM

Sarah Whyte

Asylum seekers, including mothers and their children, are spending nearly five years in Australian immigration detention facilities, as the time in detention has soared to one of the longest rates in the world.

The Commonwealth and Immigration Ombudsman has slammed the government for its prolonged detention of asylum seekers after finding children are being born, and remain, in detention facilities waiting for their families' claims of protection to be processed or for their security assessments to be cleared.

According to the Ombudsman's assessments, one 33-year-old woman known as "Ms X" and her three children, "Master Z", aged 17, "Master Q", 14, and "Miss W", 10, have remained in community detention for four and a half years, or 1643 days. The family has been found to be owed protection by Australia, but the mother is awaiting her "security assessment", the report says.

The May 27 report, which is designed to be a "snapshot in time" of immigration detention, also shows six children had been born in detention between November 2012 and February 2013. All six children live in community detention with their families, but not one of their families' claims have been processed, it says.

"The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to mental and physical health prolonged detention may pose to children and their families," the report says.

"Without an assessment of claims of these children and their families to determine if they are found to engage Australia's protection obligations, it appears likely that they will remain in detention for an indefinite period."

A 37-year-old man spent 1827 days in detention, which is more than five years. He was released from immigration detention in December last year on a bridging visa without the ability to work.

During Senate estimates last week, it was revealed that longest time in detention for a child was 1774 days, which is nearly five years.

A spokesman for the Darwin Asylum Seeker Support and Advocacy Network, DASSAN, said he was aware of a number of families who had been kept at Wickham Point in Darwin for up to four years.

"Those families are not told why they are still in detention or what can be done to secure their release," Ben Pynt said.

Under former immigration minister Scott Morrison, the processing of claims was paused until the amendments to the Migration Act were passed. They were passed in December last year.

A spokeswoman for Immigration Minister Peter Dutton said that processing had now begun and "several individuals" in the Ombudsman's report have since been granted temporary visas and were living in the community. The minister did not say which cases had been dealt with.

According to the estimates hearing, of the 30,448 asylum seekers who arrived by boat under the Labor government, only 600 have begun to have their protection claims assessed. According to Michael Manthorpe, deputy secretary of the Visa and Citizenship Services Group, it could take three years for these claims to be processed.

The latest Immigration statistics also show 1195 people have remained in held detention and community detention for longer than 730 days, or two years.

But Mr Dutton's spokeswoman said a new "fast-track assessment" process would allow officials to "quickly and appropriately manage different types of claims".

Grant Mitchell, director of the International Detention Coalition, said Australia had one of the longest immigration detention rates in the world.

"The big problem in Australia is that there is no time limit to how long people can be kept in immigration detention," he said.

"Australia is unique that it lacks court oversight on decisions, leaving it in the hands of the minister's discretion, which is highly problematic," he said. "We are lagging far behind."

In Sweden, asylum seekers can be held in immigration detention for a maximum of five days, while a child can be held for only three days under Swedish law, Mr Mitchell said. He also said New Zealand recently adopted laws that limit the duration of immigration detention to 14 days before a judge must make a decision.

<http://www.theage.com.au/federal-politics/political-news/ombudsman-slams-government-for-long-detention-rates-20150601-ghe3i9.html>

43. Asylum seeker boat crashes onto reef after being turned back by Australian ship: Indonesian police

ABC News Online

By Indonesia correspondent George Roberts

First posted Tue 2 Jun 2015, 3:49am

Updated Tue 2 Jun 2015, 4:02am

Indonesian police say a boat carrying 65 asylum seekers has crashed onto a reef after being turned back by Australian authorities.

Those aboard — 54 Sri Lankans, 10 Bangladeshis, one person from Myanmar and five additional crew — told Indonesian police they were trying to get to New Zealand.

There were four women and three toddlers on board.

They are now being held on Rote Island off West Timor after crashing onto a reef near the remote Landuti Island.

One of the crew members fled from police and has not been located.

Island chief of police senior commissioner Hidayat told the ABC the latest boat was intercepted by an Australian border patrol after setting off from West Java on May 5.

The asylum seekers told police they were transferred onto a more seaworthy wooden boat, given dried fruit, biscuits, fuel and life jackets and escorted back to Indonesian waters.

The asylum seekers were found Monday by fishermen after the crash.

They will be transferred to Kupang in West Timor on Tuesday.

The Australian Government is yet to respond to the claims.

Malaysia, Indonesia and Thailand recently ended the practice of turning asylum seeker boats away.

<http://www.abc.net.au/news/2015-06-02/asylum-seeker-boat-crashes-onto-reef-after-being-turned-back/6513520>

44. Australia turned back 65 people on boat, including a pregnant woman, police chief says

Sydney Morning Herald
June 2, 2015 - 9:45AM
Jewel Topsfield
With Karuni Rompies

Australian customs turned back 65 people, including a pregnant woman, after their boat reached Australian waters last Tuesday, according to an Indonesian police chief.

The 65 people from Bangladesh, Sri Lanka and Myanmar, who reportedly claimed to be asylum seekers, are in detention on the Indonesian island of Rote.

Fishermen spotted two boats floating near an island in the West Rote district, 500 kilometres north-east of the Australian coast, on Sunday.

"They looked exhausted," Rote police chief Hidayat said. "One female passenger is pregnant – we took her immediately to the hospital but she is ok now."

Mr Hidayat said the migrants told him they had been caught by Australian customs on May 26, put in two blue and white boats, and sent back into Indonesian waters.

"The Australians provided them with food, drinks and sufficient fuel to reach Indonesian land," Mr Hidayat said.

He said the passengers included four women and three toddlers. Of the 65, 54 were from Sri Lanka, 10 from Bangladesh and one from Myanmar.

They had started out from Pelabuhan Ratu in West Java on May 24 and were intercepted by Australian customs two days later.

Mr Hidayat said Indonesian police had arrested four of the six crew members. The captain, Yohanes, ran away. "He's part of the smuggler network in Jakarta, according to the boat crews," Mr Hidayat said. There was confusion over the whereabouts of the sixth crew member, with some suggesting he was with Australian customs, although it was unclear what that meant.

West Timor Care Foundation chairman Ferdi Tanoni said the migrants were expected to be transferred on Tuesday to Kupang, West Timor's largest town and the capital of Nusa Tenggara Timur province.

"According to the chief of immigration, the information they received was that these people wanted to go to Australia to ask for asylum," Mr Tanoni told Fairfax Media.

Although there is an immigration detention centre on Kupang, Mr Tanoni said it was full and the asylum seekers were likely to be accommodated in hotels.

A spokesman for Immigration spokesman Peter Dutton said: "The Australian does not comment on matters associated with on-water operations."

The Australian navy has repeatedly turned back boats with asylum seekers on board after Prime Minister Tony Abbott came to power in 2013 vowing to "stop the boats".

The hardline tactic was also initially employed by Malaysia and Indonesia during the recent humanitarian crisis in the Bay of Bengal after boatloads of Rohingya and Bangladeshi migrants were stranded at sea following a Thai crackdown on people trafficking.

The crackdown led to people smugglers abandoning the boats at sea, leading to deaths and starvation.

Malaysia and Indonesia later agreed to assist the migrants and asylum seekers and provide shelter for up to a year but insisted the international community had to help with their resettlement.

<http://www.smh.com.au/world/australia-turned-back-65-people-on-boat-including-a-pregnant-woman-police-chief-says-20150601-ghei6y.html>

45. Australia Turns Back Asylum Seeker Boat Capable Of Reaching New Zealand

International Business Times

By Reissa Su

June 04 2015 4:29 PM

The Australian navy has turned back a boat filled with asylum seekers who were "clearly capable" of reaching New Zealand. Asylum seekers had arrived in eastern Indonesia after the Australian navy intercepted their boat and pushed them back to Indonesian waters, according to Indonesian police.

The Australian navy detected the boats of about 65 migrants from Bangladesh, Sri Lanka and Myanmar. "According to their testimony, they were pushed backed by the Australian navy and immigration after they were interrogated," said an Indonesian police official in the country's Rote Island.

The asylum seekers were spotted by Indonesian residents after their boat sunk last Sunday. New Zealand Prime Minister John Key said the government had received word that the boat could have made it to New Zealand shores, reports 3News.

"We have a warning system if you like, or a way we deal with this, we have the officials group that meets and goes through the varying different stages and what the options available to us are," said Mr Key. He added that the boat was proof of his past statement about people smugglers acquiring more robust boats.

New Zealand Labour leader Andrew Little said Mr Key's comments were just a "distraction." He believe the risk or threat of refugee boats arriving in New Zealand is low and there was no need for people to panic.

Little said when Parliament passed the Immigration Amendment Bill in 2012, there was already talks of refugees possibly entering the country from Indonesia and the rest of Asia. The Labour leader it has never happened.

Meanwhile, Greens senator Sarah Hanson-Young said Australia continues to not take responsibility for asylum seekers in the region. ABC reports that children were among the 54 Sri Lankans and 10 Bangladeshis on board the boat that the Australian navy had turned around.

The Australian government continued to resist taking any asylum seeker during the regional crisis and prompted criticism from Indonesia. Hanson-Young said the Abbott government was risking the lives of asylum seekers with its policy of turning back boats.

<http://www.ibtimes.com.au/australia-turns-back-asylum-seeker-boat-capable-reaching-new-zealand-1451104>

46. Asylum seekers in reef crash detained in Indonesia after being turned back by Australian ship

ABC News Online

By Indonesia correspondent George Roberts

Posted Wed 3 Jun 2015, 5:04am

A group of asylum seekers whose boat ran aground in Indonesia after being turned back by Australian authorities has been transferred to immigration detention.

The 65 people from Sri Lanka, Bangladesh and Myanmar were spotted by Indonesian fishermen on Monday after crashing onto a reef near remote Rote Island. Those on board told police on they were trying to get to New Zealand, but were intercepted by Australian authorities and escorted back to Indonesia.

The asylum seekers said the Australians gave them food, fuel and life jackets before transferring them to a more seaworthy boat. Indonesian police have transferred the asylum seekers to West Timor, where they are being held by immigration officials at a hotel in Kupang.

Indonesia, Thailand, and Malaysia recently abandoned conducting boat turnbacks and agreed to offer asylum seekers temporary protection.

<http://www.abc.net.au/news/2015-06-03/asylum-seekers-transferred-to-immigration-detention-after-being/6516774>