

Project SafeCom News and Updates

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1. Why Malcolm Turnbull must dump the citizenship bill

Far from making us safer, legislation allowing Australian citizenship to be stripped from dual nationals would make matters worse.

Sydney Morning Herald
October 4, 2015 - 9:00PM
George Williams

One of Malcolm Turnbull's early priorities is to reset the government's relationship with the Muslim community. Under Tony Abbott, relations reached their lowest ebb. Trust and respect frayed on both sides as the former prime minister attacked Islamic leaders and called for people to join "Team Australia".

This harmed, rather than assisted, the government's fight against terrorism. People who feel alienated and targeted are less likely to co-operate with government agencies such as the police and ASIO. Young people are also more prone to being radicalised when they feel isolated and at odds with society.

The government should take a strong line against politically motivated violence. However, it must also recognise the importance of social cohesion. Ultimately, a sense of worth and belonging may be the best defence against more young people deciding to fight in Iraq or Syria, or becoming radicalised at home.

Turnbull will no doubt shift the rhetoric from a sense of "us and them" to more inclusive language. This, though, will not be enough. Division has been fostered not only through words, but through the enactment of a succession of hard-line national security laws.

Australia gained some of its most extreme anti-terrorism laws under the Abbott government. These, for example, require the retention of the metadata of all citizens, and permit the jailing of journalists for reporting on matters in the public interest. When it comes to such laws, the Abbott era will go down as one of the most illiberal in Australia's history.

One response Turnbull can make now is to drop the proposal to strip citizenship from dual nationals. That bill is still in Parliament, and represents one of the Abbott government's worst misadventures.

The case against the bill has come from Turnbull himself. Cabinet leaks exposed his opposition, while in public he chose his words carefully in emphasising the need to preserve the rule of law and the freedoms of every Australian.

The bill is entirely inconsistent with such values. It would permit dual nationals of any age, including young children, to lose their Australian citizenship without being notified, let alone having a chance to put their case. The first time a person might hear of this is when they answer a knock on the door from a government official seeking to deport them.

All this would apply not only to terrorists, but also to minor offenders, such as a protester or graffiti artist who damaged federal property. The bill would even extend to the children of these people, in permitting their citizenship to be stripped.

The government described this as a "tough" measure, but did not put forward a sound case as to why it was needed. In fact, it might be counter-productive, especially in preventing Australians from coming home. People who might return to Australia and be convicted and imprisoned could instead be left at large overseas, perhaps with nowhere to go but to stick with Islamic State or another terrorist group.

A month ago, the Federal Parliament's joint committee on intelligence and security identified a long list of flaws with the bill, and recommended changes. However, it also took the remarkable step of finding that a key part of the bill should be made retrospective. It reached this view despite most submissions pointing out that this conflicted with the rule of law principle that no person should be subjected to a punishment that was not in the law at the time they committed their act.

The committee also made a hash of the constitutional problems with the bill. Many people, including me, pointed out that the bill could be struck down by the High Court because it breached the separation of powers. Instead of fixing this problem, the committee relied on assurances by Attorney-General George Brandis that the law would withstand challenge.

In fact, rather than being reassured by the Attorney-General, the committee should have been alarmed. Brandis wrote that he had received advice from the Solicitor-General that "there is a good prospect that a majority of the High Court would reject a constitutional challenge to the core aspects of the draft bill". This is hardly a ringing endorsement. In legal terms, it is as weak an assurance as might be imagined. It leaves open the possibility that there is an equally good prospect that the core parts of the bill will be struck down, and that the non-core parts are invalid.

All this provides a strong basis for Turnbull to dump the citizenship bill. Proceeding with the law will harm his attempts to repair relations with the Muslim community, while also compromising his public commitment to the rule of law. If nothing else, he can rely on the fact that the government's own legal advice shows that the bill might be struck down by the High Court.

<http://www.smh.com.au/comment/why-malcolm-turnbull-must-dump-the-citizenship-bill-20151004-gk0rgx.html>

2. UN drops plan to help move climate-change affected people

The Guardian
Oliver Milman
Wednesday 7 October 2015 11.20 AEDT

Australia opposed the plan for a group to assist migration, and it has been left off the draft agreement for UN climate talks in Paris

Australia's opposition to the creation of a body to help people escaping the ravages of climate change appears to have paid off, with the idea dropped from the draft agreement for the crucial UN climate talks in Paris.

A previous draft of the deal to be thrashed out by nations included a "climate change displacement coordination facility" that would provide "organised migration and planned relocation", as well as compensation, to people fleeing rising sea levels, extreme weather and ruined agriculture.

However, this reference has been removed in a revised text ahead of the December climate conference negotiations. Australia opposed the facility, although Guardian Australia understands the prime minister, Malcolm Turnbull, has shown interest in the issue of displacement.

"Australia does not see the creation of the climate change displacement coordination facility as the most effective or efficient way to progress meaningful international action to address the impacts of climate change," a Department of Foreign Affairs and Trade spokesman said. "Australia is already working closely with our Pacific partners on these important issues."

Australia had spent more than \$50m in climate resilience projects in the Pacific and contributed another \$200m to the Green Climate Fund.

Opposition to the coordination facility is not shared by Australia's traditional allies, with representatives from the US, British and French governments indicating they were open to the idea.

"Climate change is one of the most serious threats we face, not just to the environment, but to our economic prosperity, poverty eradication and global security, hitting developing countries the hardest," said a spokeswoman for Britain's Department of Energy and Climate Change.

Full story at <http://www.theguardian.com/environment/2015/oct/07/un-drops-plan-to-create-group-to-relocate-climate-change-affected-people>

3. Anti-Islam campaigner Geert Wilders video replicates controversial 'No Way' campaign

Sydney Morning Herald
October 6, 2015 - 6:57AM
Josephine Tovey

A controversial anti-immigration politician who was once banned from entering the United Kingdom and has said he "hates Islam" was apparently such a fan of Australia's border security policies that he not only praised them but also replicated one of our most contentious campaigns.

Dutch politician Geert Wilders, who plans to visit Australia this month for the launch of an anti-Islam political party, released a video earlier this year in which he stands in front of a backdrop showing a tiny boat being tossed in treacherous waves, and emblazoned with an emphatic slogan telling refugees and migrants, "No Way. You will not make the Netherlands home".

The backdrop and slogan are all but identical to a campaign that began in the dying days of the Rudd Labor government, which featured posters and newspaper ads declaring, "No Way. You will not make Australia home".

A video was released following the election of the Abbott government featuring General David Campbell, the Commander of Operation Sovereign Borders, telling asylum seekers: "If you travel by boat without a visa, you will not make Australia home."

In the Dutch video, Mr Wilders, who founded the Party for Freedom, stands in front of an almost identical backdrop to General Campbell - only the name of the country and a tiny map is different - to deliver his message. He describes those making the voyage to Europe from North Africa by boat as "fortune hunters" and praises Australia's policy of boat turn-backs.

"Australia tackles the problem in a more sophisticated way," he says. "The country sends refugees in safe ships back to the country of departure. And the Freedom Party says let's do it in the same way.

"Only then will the flow be stopped and the problem will disappear by itself. Only then will no people be drowned ... only then will Europe no longer be flooded with fortune-hunters."

Mr Wilders is a hugely divisive figure internationally, and was once banned from entering the United Kingdom because of his hardline views. He is due to speak at the launch of a new anti-Islam party in Australia in late October, called the Australian Liberty Alliance (ALA).

However, the ABC reported on Monday that his visa application appeared to have stalled, with the ALA president telling the broadcaster the government was "stonewalling" him.

A Department of Immigration spokeswoman would not comment to Fairfax Media as to whether Mr Wilders would be granted a visa, saying every application was treated on its merits.

Greens immigration spokeswoman Sarah Hanson-Young said Australia's approach to asylum seekers was an "international embarrassment" made worse by Mr Wilder's endorsement.

"We could be leading the world's humanitarian response, working with the international community to protect people seeking safety, but instead we are appealing to the hyper-conservative racists of the world," she said.

"It says a lot that Australia, a nation that proudly helped to shape the UN Refugee Convention, is now being held up by the likes of Mr Wilders as the beacon of brutality."

The Immigration Department spokeswoman would not comment on whether the department was taking any action over the video but confirmed no permission had been granted to use the words or images.

"The department was not approached by Dutch politician Geert Wilders, or anyone representing Mr Wilders, to seek permission to use the artwork or campaign slogan developed for the Australian government's anti-people smuggling No Way communication campaign," said the spokeswoman.

The Dutch video was released earlier this year but resurfaced in a recent segment of John Oliver's Last Week Tonight , which looked the poor treatment of refugees by some European countries. The similarity between the two campaigns was spotted by a Holland-based Associated Press reporter at the time.

Fairfax Media contacted the Dutch Party for Freedom for comment but did not receive a reply.

<http://www.smh.com.au/federal-politics/political-news/antiislam-campaigner-geert-wilders-video-replicates-controversial-no-way-campaign-20151001-gjzixg.html>

4. Julian Burnside: Why can't we know what's happening on Nauru and Manus Island?

The Border Force Act is intended to scare workers on Nauru and Manus Island into silence. It should never be a criminal offence to report a criminal offence

The Guardian
Julian Burnside
Thursday 8 October 2015 16.50 AEDT

The mistreatment of people detained on Nauru and Manus Island is notorious. The following facts are plain, even if they are not widely understood. Asylum seekers who tried to reach Australia by boat:

- have committed no offence;
- are removed to Manus or Nauru;
- are held in detention centres operated on behalf of, and paid for by, the Commonwealth government;
- are held in such degrading conditions that many fall into hopelessness and despair. This results in many incidents of self-harm and it causes others to abandon their claims for refugee protection. This appears to be the intended result.

The Commonwealth government, which has engaged in an extended orgy of self-congratulation for having "stopped the boats" is increasingly concerned to prevent ordinary Australians from learning about the way we treat asylum seekers in detention.

Successive Australian governments have actively prevented journalists from getting access to detention centres, here or offshore. These days, if a journalist wants a visa for Nauru, they will have to pay a \$7,000 application fee, and the fee is not refunded if the application is refused.

It is a fair inference that the Australian immigration department tells Nauru who should be allowed to travel there. For a journalist to access the detention centre on Manus is virtually impossible. Even a lawyer, who went there in order to speak to a client, was hustled out of the detention centre, and out of the country.

In short: the federal government is anxious to ensure that we know as little as possible about offshore detention.

With support from a meek Labor party (which has forfeited any claim to decency on this issue) the government introduced the Australian Border Force Act. It came into operation on 1 July this year. Among other things, it makes it a criminal offence, punishable by two years' jail, for a person who works in the detention system to disclose any fact they learn while working in the system.

In broad outline, it defines as an "entrusted person" anyone who works for the immigration department or a contractor to it; it is a criminal offence if an entrusted person "makes a record of, or discloses" protected information. "Protected information" is defined as "information that was obtained by a person in the person's capacity as an entrusted person". Strictly, that means that if a Transfield employee on Nauru wants to establish a relationship with a Wilson Security employee on Nauru and she writes down his mobile number, that would be a criminal offence.

More seriously, if a health worker employed by IHMS on Nauru becomes aware that a refugee child has been sexually assaulted by a Nauru local, it would be a criminal offence to report the fact of that sexual assault.

There is a defence provided by section 48 of the Act. It provides that an entrusted person may disclose protected information if:

- (a) the entrusted person reasonably believes that the disclosure is necessary to prevent or lessen a serious threat to the life or health of an individual; and
- (b) the disclosure is for the purposes of preventing or lessening that threat.

So, disclosing casual details for the purpose of being a nuisance is still a criminal offence. But disclosing the fact of sexual assaults, self-harm, cruel treatment etc would not be an offence if it was done for the genuine purpose of lessening a perceived serious threat to the life or health of other detainees.

It is fairly clear that all this is intended to discourage people in the detention system from speaking out. Fortunately, some have spoken out.

And, just in case the legislation has the chilling effect which is apparently intended, I will repeat the open offer I have previously made: if any worker in the detention system is prosecuted under the Australian Border Force Act, and if their conduct appears to be protected by section 48, I will make sure they get the best pro bono defence ever seen in this country.

I expect there will be a lot of lawyers eager to be part of the team. And the prosecution would be a public platform to expose the facts of the detention system, and its toxic effects. Because disclosing those facts will be central to the defence under section 48.

Earlier this month, the federal government called in the Australian federal police to investigate leaks of information from the Nauru detention centre. Significantly, the federal police have not been asked to investigate the rapes and beatings suffered by a number of detainees. The government says these are matters for the Nauru police who, so far, have shown no inclination to take any action at all.

From these facts, the following conclusions may be drawn:

- The Australian government is aware that the public in Australia would be shocked to learn of our intentional mistreatment of innocent people in the detention system;
- It is doing what it can to prevent information about the harshness of our detention system becoming generally known to the public;
- It is investigating whistleblowers in the hope that workers in the detention system will be afraid to disclose what is going on.

All Australians, whatever their views on asylum seekers, need to ask themselves whether the government should ever make it a criminal offence to report a criminal offence. And they should ask themselves why the government is hiding the facts from us. Why are they afraid of the public knowing what is being done to innocent people at vast expense to the taxpayer?

And why investigate whistleblowers instead of investigating the rape and assault of asylum seekers who have been put in harm's way by our government?

<http://www.theguardian.com/commentisfree/2015/oct/08/why-cant-we-know-whats-happening-on-nauru-and-manus-island>

5. Pamela Curr: The shame of Australia's offshore war on women

Rape, sexual assault and other forms of degradation typify detention for women in Australia's processing centres. They must have the right to live free from violence

The Guardian

Pamela Curr

Saturday 10 October 2015 11.46 AEDT

It came unexpectedly, this war on women. In 2012 we began to hear of unaccompanied women arriving on boats. This was previously the mode of transport for men, boys and families only. It seemed that women and girls in danger were waking to the possibilities of flight.

They arrived on Christmas Island, mainly from Somalia and Iran: women and girls who had never left their villages until al-Shabaab massacred their families, women avoiding forced marriages, physical and sexual violence in places where police or government wouldn't intervene.

Bravely they set out across the world in search of protection, often aided by mothers' or sisters' gold and jewellery, pooled to help them escape.

In some cases fathers too had sent their daughters away from the demands of mullahs and the threats of kidnappers. They all came from countries where the oppression of women is rife.

As the boats poured on to Christmas Island during 2013, temporary camps were set up with inadequate toilets and shelter. At first the war against women was waged in small ways: diminishing the women to the status of mendicants begging for rationed clothing, one pair of knickers each and sanitary items handed out piece by piece. These conditions were a warning of what was to come.

Two days before the federal election, a call came through from an immigration staffer on Christmas Island with words to the effect of: "I have done what I have been told until now but this is too much, I cannot do this."

She explained that they were told to separate the 50 pregnant women in the camp from their children and families. The women would be flown to Darwin where they would stay for the duration of their pregnancies. For some, this would be almost a full term. A call to the then-minister's office saw a reversal of this decision but the war wasn't called off.

While controversy raged about sending unaccompanied teenagers to Nauru, nothing was said about the transfer of approximately 80 unaccompanied women and girls to Nauru. Few knew about their existence at this time because "on water matters" extended secrecy to land, too.

The women languished without interviews or information about their future for months, until they could stand it no longer. They painted their sheets and hung these as banners on the fence, stood in silence or chanted their distress, day after day.

Conditions in the camps placed women at risk both day and night. After dark, male security guards roamed; by day the showers and toilets were regulated by guards sitting a metre from the flimsy curtain which was their only privacy.

As we know from consecutive inquiries, and now disclosures from women who were transferred to Australia, some were raped and most had to contend with daily sexual assaults.

"When I sit at the computer the guard comes and touches my breasts, if I speak, he closes computer." As another woman reminded me: you can't lock a tent. The contractors did nothing, although they saw and heard what was happening, because of the need to keep the Nauru community onside. Eventually the women's claims were processed and they were released.

Outside in the Nauru community the situation for women grew worse. They were allocated housing by Nauru and Australian governments. Then Connect – a consortium of the Multicultural Development Association (MDA) in Queensland and Adult Multicultural Education Services (Ames) in Victoria – was contracted to provide caseworkers to oversee any difficulties. The young single women were placed in isolated housing without security.

Late at night drunken locals knock down their doors with flimsy locks and invade their rooms. The women barricade themselves in the bathrooms and ring Connect for help: "I miscall her – I had no credit. She rang and said that she will ring me tomorrow. It was 3am. No help."

There is an 18-seater minibus to take people around the island but there are now 400 refugees in the community. The girls tell me that the Nauruan driver will not pick them up. This leaves them to walk home in the heat with shopping in one hand and in the other a big stick, to ward off the wild dogs who attack.

They are easy pickings for local men who bar the road, grab the women and drag them off into the bush. Some women make police statements about the attacks. Others keep quiet, fearing reprisal in a place where as Geoffrey Eames QC reported in the Senate Inquiry this year, "No Nauruan has been investigated or charged for an assault against a non-Nauruan".

The minister for immigration, Peter Dutton, and his shadow, Richard Marles, show little concern for the lack of protection and safety for refugee women condemned by Australian policy to live in Nauru.

So it is with the latest case: a Somali woman who was raped and who will likely be brought to Australia to have her pregnancy terminated. "If they can't receive medical assistance on Nauru or Manus, then we will look at what options are available to them, including coming to Australia," Dutton said on Friday.

"But I have been very clear also about the fact that people aren't going to settle in Australia if they have sought to come by boat."

In the face of a growing condemnation of sexual and physical violence against women in Australia and calls for respect for all women we are left to ask why refugee women in Nauru do not deserve the same. They too should have the right to live without violence. When will the war on women cease?

<http://www.theguardian.com/commentisfree/2015/oct/10/the-shame-of-australias-offshore-war-on-women>

6. The Saturday Paper: The next phase of the refugee debate

As a mother and her baby daughter test the legality of offshore detention, Peter Dutton looks to the possibility of a 'Philippines Solution'.

The Saturday Paper
Sophie Morris
Oct 10, 2015

She is known only as Plaintiff M68, a Bangladeshi asylum seeker who was brought to Australia from Nauru with health issues late in pregnancy. This week, she asked the High Court to save her and her now 10-month-old daughter from being forcibly returned to the island republic. The case challenges the legality of offshore detention and asks whether in funding the processing centres Australia is legally responsible for them.

"Australia should not be warehousing anyone on remote Pacific Islands," said Daniel Webb of the Human Rights Law Centre, which filed the case, "let alone newborn babies."

While little is known of her circumstances, Plaintiff M68's legal action has already forced changes to the law and to the operation of the detention centre on Nauru.

"Australia must shoulder responsibility for resettlement given legal, moral and practical imperatives."

But even as the government defends the offshore processing regime, Immigration Minister Peter Dutton is under growing pressure to find safe settlement options for more than 1600 asylum seekers stranded on Nauru and Papua New Guinea's Manus Island amid stories of rape and abuse.

The government is talking to countries, including the Philippines, about the possibility of resettling some there.

"You could be pretty sure they will have looked at the map of the region and said, 'Who is a signatory to the refugee convention?'" says Frank Brennan, professor of law at the Australian Catholic University.

"They will have said, 'Philippines is one of the few. Cambodia hasn't worked. We couldn't do it in Malaysia. Well then, do we look at something like the Philippines?'"

Even though only four refugees have taken up the Cambodia option, Dutton's spokesman insists it is still an alternative, adding that the government "continues to talk to a number of other nations about possible resettlement options".

When the original Pacific Solution was wound back under the Howard government from 2004, many asylum seekers who had been sent to Nauru and Manus were gradually brought to Australia.

The then immigration minister, Amanda Vanstone, said at the time that this showed Australia was committed to resettling its fair share of refugees from the offshore processing centres. The boats did not immediately start arriving again.

But neither the Coalition nor Labor will risk it this time. For a prime minister who says he likes to keep all options on the table, Malcolm Turnbull has categorically ruled out the possibility.

Full story at <https://www.thesaturdaypaper.com.au/news/politics/2015/10/10/the-next-phase-the-refugee-debate/14443956002484>

7. Crikey Editorial: Stop the secrecy

Crikey

Wednesday 7 October 2015

Stop the secrecy

In a government that has waged war on transparency, the Department of Immigration and Border Protection stands out as the most unjustifiably secretive agency in the Commonwealth.

From Operation Sovereign Borders and its absurd "on-water matters" to the department's attempts to silence those who reported abuse of children on Nauru and the gag on immigration detention whistleblowers that formed part of the establishment of the paramilitary "Australian Border Force", Immigration has become well known for its obsessive avoidance of scrutiny.

There has never been any reason for this secrecy -- it serves no national security function, but is instead used to hide the long trail of shattered bodies and wrecked lives created by the Australian government's immigration policies.

Australians deserve to know how asylum seeker boats were turned around and Indonesian sovereignty infringed, how Reza Barati was murdered on Manus Island, and how the healthcare provided to detainees in offshore detention is grossly inadequate. Most of all, we deserve to know the full extent of the human damage caused by our outsourcing of responsibility for asylum seekers to private sector providers and the governments of Papua New Guinea and Nauru, where sexual assault, child abuse and physical and other abuse of detainees are commonplace.

Today Crikey publishes information from an internal Immigration department document that outlines the surging number of legal cases by asylum seekers seeking compensation and redress from the Australian government. We also reveal that the Australian government knew about changes to Nauru's detention centre policy before the legislation was put to Nauruan parliament.

Every government department needs to be open and transparent. As national security bureaucrats like to say to the rest of us: if you've done nothing wrong you have nothing to hide.

<http://www.crikey.com.au/2015/10/07/stop-the-secrecy/>

8. When will the Turnbull government act on the sexual violence epidemic on Nauru?

Fairfax - Daily Life

October 7, 2015 - 8:41AM

Jenna Price

There is an epidemic of sexual violence on Nauru.

Pamela Curr, the detention and refugee rights advocate at the Asylum Seeker Resource Centre, has never observed anything like it before – every week, the longstanding campaigner hears of another catastrophic sexual assault on young refugee women on the island.

Today, Curr is distraught. Every day she is distraught but determined. Now, she is fighting for the right of a 23-year-old Somali woman to come to Australia. The woman, who was raped 11 weeks ago, is desperate to terminate the resulting pregnancy.

But the Australian government has so far refused to medically evacuate her.

"I cannot understand why this is happening now on Nauru - it is extraordinary," she says.

She says that the only reason she can find is that a few years ago, the mix of those who arrived on the island changed dramatically, from family groups to a huge influx of single women, mainly from Somalia and Iran. She estimates the number at somewhere between 80 and 100, young women who are now at risk of brutal gang rapes.

First, we knew of Nazanin, the young woman who was medically evacuated after she was raped – but her evacuation only took place after a concerted public campaign.

Then we heard of the young woman who was raped and then attacked with burning fuel. The bra she was wearing melted into her skin under the ferocity of the flames.

Another young woman was also raped, fell pregnant and allegedly, was able to procure medical help on Nauru.

Now this young Somali woman today who is pleading with the Australian government to allow her to come to Australia to have an abortion. She and her friend were both sexually assaulted but they say the police took four hours to come. Four hours.

Pamela Curr says the young women are housed in the more remote areas of the island and that isolation allows them to become even more vulnerable.

"The men stand across the roads and bar access, they pull at the women's clothes," she says. And it is in this atmosphere that the gang rapes occur.

On Tuesday, the government of Nauru issued a statement which said that refugees in the country "are in no physical danger and stories of locals attacking them are largely fabricated to further political agendas and influence the Australian government".

Yet, Nazanin was in a serious state of decline by the time she was evacuated. The woman with the burns to her breasts did not throw the fuel on herself. And the young Somali woman is pregnant.

George Newhouse, special counsel, Shine Lawyers, is representing the woman in her bid to come to Australia. He says she has requested a medical procedure from those who are in control of her life, the Australian government.

And of course, the longer she waits, the more damage will be done to her psychologically and physically.

"The failure of the Commonwealth to respond to the urgent and pressing needs of a traumatised woman appears cruel . . . and in my many years of experience, I have never seen the Department of Immigration conduct themselves this way. And I have seen a lot."

And even those who are medically evacuated suffer. Curr says that one of the young women now in Australia was rushed off the island and could not even pack her personal effects.

Nazanin, 23, is pining for her mother. Omid told Daily Life on Tuesday night that he was not only concerned for his sister, who is alone and unsupported in a hospital in Brisbane, he must now fear for his mother, Fezzeh. He says that she tried to take her own life on Saturday. Now she too is under 24 hour guard.

Omid says that as Nazanin was transferred to Australia, he and his mother were promised that they too would be able to come.

"The day after that, the government changed their position."

And now, Fezzeh and Nazanin have been separated and both are grieving.

"Ringing her is not enough, she needs her mother and brother for support," he says.

Omid has one plea to the Minister for Immigration, Peter Dutton.

"I'm praying to Mr Dutton. We don't expect, we don't want anything. My mother just wants to be beside her daughter.

"Be more kind with my family."

<http://www.dailylife.com.au/news-and-views/news-features/when-will-the-turnbull-government-act-on-the-sexual-violence-epidemic-on-nauru-20151006-gk2v6f.html>

7. Family of Iranian woman raped on Nauru at breaking point, say refugee advocates

ABC Radio CAF - The World Today

By Rachael Brown

Posted Mon 5 Oct 2015, 12:30pm

Refugee advocates are warning the Immigration Department the family of an Iranian woman who was raped on Nauru is now at breaking point.

Asylum seeker Nazanin is receiving treatment for kidney failure in a Brisbane hospital, after her rape and subsequent suicide attempts on Nauru.

Nazanin was on day-release from the Nauru detention centre in May when she was attacked.

It took authorities three weeks and imminent organ failure to transport the 23-year-old to a Brisbane Hospital.

Her mother and her 20-year-old brother, Omid, said the Immigration Department promised to send them to Brisbane to aid Nazanin's recovery but went back on its word.

Omid said his mother tried to commit suicide at the weekend because she could not bear the separation.

"It's really hard for her to bear any more," he said.

"Her daughter has deteriorated mentally and [is] laying on a bed in hospital.

"Even this morning, in front of the officers, she tried to harm herself but the officers were grabbing her hand.

"She's completely deteriorated, she's getting completely hopeless."

Omid said the three-minute phone calls every few days that the family is allowed with Nazanin are not enough, and just cause more pain.

"The last time that I talk with her she started screaming and crying and my mother just hang up the phone."

International Health Medical Services (IHMS) is the firm that delivers health care for Australian asylum seekers.

Two IHMS team leaders have reportedly resigned over the way the family have been treated.

Psychiatrist and international trauma specialist Dr Helen Driscoll said in a statement it was imperative for the family to be together.

"The fact that Nazanin and each family member is utterly crushed and the only option to ease intolerable suffering is suicide from total despair, is entirely predictable," she said.

"I hold IHMS and DIBP [Department of Immigration and Border Protection] responsible for their pending demise."

The Immigration Department has told the ABC it takes the health and welfare of transferees very seriously and said there had been no reports to the department of a suicide attempt.

<http://www.abc.net.au/news/2015-10-05/family-of-iranian-woman-raped-on-nauru-desperate/6827968>

8. MEDIA RELEASE: Urgent assistance needed for pregnant Somali refugee

Wednesday October 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

The Refugee Action Coalition has called for urgent assistance to be provided to a Somali refugee, "Abyan" on Nauru who became pregnant after allegedly being raped in August.

Despite repeated requests, the Immigration Department has refused the woman's request to arrange the termination of the pregnancy.

Although IHMS has overall responsibility for medical services for asylum seekers, they do not have that responsibility for those who are found to be refugees. Decisions regarding refugees, and whether they will be provided with care in Australia, are made by the Department of Immigration and Border Protection.

"We are extremely worried about Abyan's health," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "She is very sick and distressed and has been shamefully neglected by the Immigration Department, Nauru medical services and by Connect, the service providers on the island."

Abyan has not seen a doctor for four weeks, and has not left her accommodation. She has been so sick, that she has been subsisting on a diet of milk and water. She has lost 10 kilograms in the past month and now weighs only 66 kilos.

"Abyan's case is urgent. Her mental and physical health has been put at risk by the negligence of the Nauru service providers and by the Australian Immigration department.

"Immigration and Border Protection officers have no business acting as the moral police on Nauru or interfering with the rights and proper medical care of this Somali refugee.

"Malcolm Turnbull says he wants Australia to be known for its respect of women. But his government is showing no respect for the women under Australia's care on Nauru."

EMINENT PROFESSOR SAYS NAURU WOMAN "ENTITLED TO ABORTION"

Statement from Professor Caroline de Costa:

I have been informed that a woman asylum seeker at present living on Nauru is currently ten weeks pregnant as the result of an alleged rape. I am further informed that this woman has requested termination of her pregnancy through medical services and Border Force personnel on Nauru but that no arrangements have yet been made to comply with her request. I have had no direct contact with the woman herself or with any medical practitioner caring for her.

However as a specialist obstetrician and gynaecologist registered in Queensland and an academic with a longterm interest in abortion law, I can state unequivocally that if this woman's story is correct she would be lawfully entitled to termination of pregnancy in any jurisdiction in Australia except South Australia, the latter exception only because she has not resided in that state for the past two months. Furthermore safe surgical abortion is currently available to all women resident in Queensland, NSW and Victoria, all states accessible for transport for her from Nauru.

The earlier in pregnancy abortion is performed the safer it is. This woman who is under the care of the government of Australia should be transferred without delay to Australia, to a service where she can have appropriate consultation, examination and care from experienced and sympathetic professionals, an informed decision made by her, and termination of pregnancy performed if that is in fact her decision. She should also receive care appropriate for women following sexual assault. This is the standard of care we believe essential for women resident in Australia; it should also be provided for women supposedly under the protection of Australia.

Professor Caroline de Costa AM MBBS MPH PhD FRANZCOG FRCOG FRCS (Glas)
James Cook University School of Medicine

For more information contact Ian Rintoul 0417 275 713

For comment:

-- Dr Louise Newman: Prof Louise Newman AM, Director Centre for Women's Mental Health, The Royal Women's Hospital: 0418 453 447

-- Dr Mike Carrette : gynaecologist and abortion provider : 0419 973 086

-- Dr David Isaacs: paediatrician who worked on Nauru in December 2014, mobile no: 0419 288 998

-- George Newhouse (Abyan's lawyer): 0422 255 109

9. Refugee raped on Nauru begs Malcolm Turnbull to let her come to Australia for an abortion

Sydney Morning Herald
October 6, 2015 - 6:42PM
Latika Bourke

A 23-year-old "vulnerable and traumatised" Somali woman who was raped on Nauru is pleading with Prime Minister Malcolm Turnbull to allow her to come to Australia to have an abortion.

The woman, "Abyan" (not her real name) is one of two female Somali refugees who have requested help from Australia after being raped on the island. Last week the ABC's 7.30 broadcast distressing footage of the other victim, a 26-year-old woman known as "Namja" (not her real name), calling police for help after her rape - she says it took police four hours to answer her plea.

The 23-year-old woman is 11 or more weeks pregnant as a result of her rape and is begging to be allowed to come to Australia for an abortion. Lawyers acting on her behalf wrote to Mr Turnbull and Immigration Minister Peter Dutton demanding a response by 5pm AEDT Tuesday.

George Newhouse, special counsel at Shine Lawyers, has been making representations to the Commonwealth on the woman's behalf for one week but has had no response.

"Five o'clock has passed, we've had no response from the government," he said.

"I don't know what's wrong with the system but their failure to respond comes across as cruel and heartless.

"Time is quickly running out, this is not a joke, a traumatised and vulnerable woman's health and safety is stake."

Mr Newhouse called on Mr Turnbull to back his condemnation of violence against women with action.

"The Prime Minister wants Australia to be known as a country that respects women, well, we can start with start with this poor soul," he said.

Asked for comment on Tuesday the Prime Minister's Office referred the matter to the Immigration Minister's office. A spokesman for Mr Dutton said the Immigration Department was aware of the allegations of sexual assault but would not discuss individual cases because of privacy.

"All pregnant women receive professional and coordinated health care," the spokesman said.

"The Department of Immigration and Border Protection is aware of an allegation of sexual assault. Various supports are provided to alleged victims through the government of Nauru Sexual Assault Unit and service providers. Alleged victims are also supported to provide a report to the Nauruan Police Force."

On Tuesday the government of Nauru issued a statement which said: "The government of Nauru says refugees in the country are in no physical danger and stories of locals attacking them are largely fabricated to further political agendas and influence the Australian government."

Mr Turnbull has previously described the rape allegations as "very alarming" and has said Australia is working closely with Nauru to ensure the safety of refugees living on Nauru.

Under Australia's harsh border policies, which are supported by both the Coalition and the Labor Party, asylum seekers who travel to Australia by boat are banished to offshore detention camps on Nauru and Papua New Guinea.

Even if found to be refugees they will never be allowed to resettle in Australia because the Liberal and Labor parties say this would encourage more people to get on boats. The last recorded boat arrival was June 2014, according to Department of Immigration statistics.

<http://www.smh.com.au/federal-politics/political-news/refugee-raped-on-nauru-begs-malcolm-turnbull-to-let-her-come-to-australia-for-an-abortion-20151006-gk2o3y.html>

10. Bill Shorten says refugee raped on Nauru should be allowed to come to Australia for an abortion

Sydney Morning Herald
October 7, 2015 - 11:08AM
Latika Bourke

Opposition Leader Bill Shorten says he is "deeply shocked" by reports a 23-year old Somali refugee who says she was raped on Nauru cannot come to Australia for an abortion and has described her case as a "travesty of justice".

Lawyers acting for the woman, "Abyan" (not her real name) say she is 11 or more weeks pregnant and wants a termination.

Abyan and another Somali refugee, Namja (not her real name) whose claims for protection were found valid say they were raped on Nauru where they are being resettled under Australia's harsh border protection laws.

Last week the ABC's 730 broadcast distressing footage of Namja calling police for help after the alleged sexual assault. Namja told the ABC it took police stationed on the tiny island took more than four hours to respond.

Abyan's Sydney based lawyer George Newhouse has written to Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton pleading for Abyan to be allowed to come to Australia for a termination and post sexual assault care.

Mr Shorten on Tuesday said that after speaking to Abyan's lawyers there was no question as to whether she should be allowed to come to Australia for medical care.

"Frankly I'm deeply shocked at reports that a 23-year old person, indirectly in Australia's care in Nauru, cannot get medical treatment they require urgently," he said.

"For me this is a black-and-white matter, it's not a matter of governments acting like robots with no hearts.

"If this woman requires medical treatment - I've spoken to her lawyers today, she does - if she's gone without medical treatment for four weeks she should get the medical treatment in Australia and anything else is a travesty of justice," he said.

Mr Turnbull has previously described the alleged rapes on Nauru as "very alarming" and said the Australian government is working with the Nauruan authorities to ensure the security of refugees resettled on Nauru.

Mr Newhouse is urging the Prime Minister to make good on his strong condemnation of violence against women by granting Abyan permission to come to Australia for medical care.

"The Prime Minister wants Australia to be known as a country that respects women, well, we can start with start with this poor soul," he said.

Mr Turnbull's office referred the matter to Mr Dutton who said through a spokesman: "All pregnant women receive professional and co-ordinated health care."

<http://www.smh.com.au/federal-politics/political-news/bill-shorten-says-refugee-raped-on-nauru-should-be-allowed-to-come-to-australia-for-an-abortion-20151006-gk2z2bh.html>

11. Shorten demands Government help alleged Nauru rape victim seeking abortion

ABC News Online

By political reporter Anna Henderson

Posted Wed 7 Oct 2015, 12:48pm

The Government must stop acting like "robots with no hearts" and allow a pregnant alleged rape victim to come to Australia for medical treatment, Opposition Leader Bill Shorten says.

Lawyers acting for the 23-year-old Somali woman say her pregnancy was the result of a "horrific" sexual assault in July and she is trying to reach Australia to get an abortion.

She is not being named in order to protect her identity. Her refugee claim has been processed and she is living outside the detention centre on Nauru.

"Our client has been subjected to a horrific sexual assault," lawyer George Newhouse said.

"She's currently unable to leave her small room, she's extremely scared and vulnerable and she's trying to deal with the fact that she's now pregnant after this vicious assault."

Mr Newhouse has written to the Prime Minister, Immigration Minister, Minister for Women and the secretary of the Immigration Department Mike Pezzullo, calling for the woman to be moved to Australia urgently.

"Firstly, the United Nations say that it's actually illegal to have a termination on Nauru," Mr Newhouse said.

"Secondly, the hospital facilities and medical practitioners are not equipped to perform such a termination on the island."

The woman's case was first raised as part of a 7.30 story last month.

Mr Newhouse said his client is believed to be between 11 and 14 weeks pregnant and is in a "terrible state".

He said she is not eating and has lost 10 kilograms since becoming pregnant.

"It is just cruel and inhumane to leave a woman in this situation," she said.

Even if she is allowed to come to Australia she will most likely have to secure a late-term termination.

Mr Newhouse was a former Labor candidate for Prime Minister Malcolm Turnbull's seat of Wentworth in 2007.

Mr Shorten said he had been in contact with Mr Newhouse and the matter was "black and white".

"Frankly, I'm deeply shocked at reports that a 23-year-old person indirectly in Australia's care in Nauru cannot get medical treatment that they require urgently," Mr Shorten said.

"It's not a matter of governments acting like robots with no hearts.

"If this woman requires medical treatment — I've spoken to her lawyers today, she does — if she's gone without medical treatment for four weeks, she should get the medical treatment in Australia. Anything else is a travesty of justice."

The Prime Minister and Immigration Minister have been contacted for comment.

Greens immigration spokeswoman Sarah Hanson-Young has also raised concern about the woman, and said she must be urgently transferred to Australia.

<http://www.abc.net.au/news/2015-10-07/labor-calls-on-government-to-help-alleged-nauru-rape-victim/6834514>

12. Nauru: mother of alleged gang-rape victim attempts suicide

Victim's brother says his mother 'desperate' after being told she cannot see her daughter, who has been in hospital in Brisbane since August

The Guardian
Ben Doherty
Wednesday 7 October 2015 15.05 AEDT

The mother of an Iranian asylum seeker allegedly gang-raped on Nauru has tried to kill herself, having been told she cannot see her unwell daughter.

The mother, Farrah, has been placed in isolation under 24-hour watch since the suicide attempt on Saturday, her fourth. That also means she is separated from her son, who is held in another part of the detention centre.

Farrah's daughter, Nazanin, was allegedly gang-raped by up to three men on Nauru in May.

Nazanin, 23, was found at 9pm on 16 May having been missing on the tiny island for more than three hours. She was naked, disoriented, and badly beaten.

She had bruises and bite marks on her body, and told police she had been attacked and raped.

No one has been charged.

After the attack, Nazanin's health deteriorated precipitously. She began to refuse to eat or drink, and attempted suicide.

Workers on the island have told Guardian Australia camp managers resisted moving Nazanin to Australia even as she went into organ failure, but came under sustained pressure from doctors who warned she would die if she was not moved.

Nazanin was moved to Brisbane in August, where she remains in hospital.

Her mother, Farrah, and her 20-year-old brother, Omid, were told they could join their daughter and sister in Australia, but have now been told they must stay on Nauru.

Omid told Guardian Australia on Wednesday that his family was not seeking exceptional consideration of their refugee claim, but just to be together.

"My mother is in desperation. She wants to be close to support her daughter, who is very sick. She just wants to help her get better.

"When they took her they said we would go the next day, but then they say no. Now it has been five weeks we are separated and my mother is mentally very unwell. My mother does not change her clothes, and she cries all the time. She tries to harm herself.

"My mother and sister can only talk on the phone for short time every second day, and now my sister she just screams and cries on the phone. She cannot speak any more. She just screams and cries and my mother cannot help her."

Farrah's suicide attempt has focused further scrutiny on the safety of asylum seekers and refugees on Nauru.

Two Somali women have reported being raped on the island in recent months.

One, aged 23, is nearly three months pregnant as a result of the alleged rape, and has pleaded with the Australian government to be allowed to come to Australia to terminate the pregnancy.

The request has, so far, been denied, despite entreaties to the government from lawyers, health professionals and the opposition leader, Bill Shorten.

Two 17-year-old refugee boys were allegedly beaten and robbed by local men last week.

The Nauruan justice minister, David Adeang, said refugees living in the Nauruan community were not in physical danger and that reports of locals attacking them were "largely fabricated".

"There is no gun violence in Nauru. People are not dying from domestic violence and our police don't even have to be armed, so let's get some perspective into this discussion," he said.

"In some ways Nauru is safer than Australia."

Nauru has promised all refugee determinations will be finalised within a week.

Guardian Australia has approached the Nauru government and Australia's Department of Immigration and Border Protection for comment over Nazanin's circumstances and the progress of investigations into her assault.

---->>>> *Guardian Australia has chosen not to give the surname of Nazanin and her family.*

<http://www.theguardian.com/australia-news/2015/oct/07/nauru-mother-of-alleged-gang-rape-victim-attempts-suicide>

13. Thousands sign online petition demanding a rape victim on Nauru be allowed to come to Australia for an abortion

Sydney Morning Herald
October 8, 2015 - 8:54AM
Latika Bourke

Opposition Leader Bill Shorten says it's time Prime Minister Malcolm Turnbull showed some compassion and allowed a Somali refugee who says she was raped on Nauru to come to Australia for an abortion.

Nearly 35,000 people have signed an online petition calling on Mr Turnbull to act in less than 24 hours, following Fairfax Media's report on the woman's plea to Australia for medical care.

The Prime Minister has maintained a three-day silence on the issue and his office has referred the matter to the Immigration Minister Peter Dutton.

Abyan (not her real name) is between 11 and 14 weeks pregnant and through her lawyer has written to Mr Turnbull and Mr Dutton begging to be allowed to come to Australia for an abortion. They gave the government until 5pm on Tuesday to respond but have had no response.

Nathan Elvery from petition website Change.org said the petition in support of the woman generated over 5000 signatures in the first three hours alone.

"The plea posted on Change.org by the young woman's lawyer is clearly resonating with the public, and demonstrating the national sentiment on the urgency of this issue," he said.

"Momentum for this petition...is growing, and quickly becoming a measure of how Malcolm Turnbull will engage with the public having their say on issues online."

Mr Shorten said on Thursday he was "stunned and surprised" at Mr Turnbull's dithering on the issue, given the government had been aware of the case for weeks.

"This has gone on too long," he said.

"It's time for Mr Turnbull and his Liberal Party to show some compassion.

"I'm genuinely stunned and surprised that the government is still refusing to act to help this young woman get the right medical care."

A spokesman for Mr Dutton has previously said: "All pregnant women receive professional and co-ordinated health care."

Fairfax Media understands Abyan, a 23-year old woman who fled persecution in Somalia needs culturally appropriate specialist medical treatment for a termination which is not available on Nauru.

Furthermore, the government of Nauru forbids abortions. Abyan and another Somali woman, "Namjan" (not her real name) say they were raped on the tiny island where they were held in detention and then permanently resettled because they came to Australia by boat.

The ABC's 730 recently broadcast footage of Namjan's distressing phone call to the Nauruan police immediately after the alleged sexual assault. She says it took police more than four hours to respond.

<http://www.smh.com.au/federal-politics/political-news/thousands-sign-online-petition-demanding-a-rape-victim-on-nauru-be-allowed-to-come-to-australia-for-an-abortion-20151007-gk3u4e.html>

14. Royal Children's Hospital doctors refuse to return children to detention

Fairfax - Daily Life
October 11, 2015 - 7:28AM
Chloe Booker

Doctors at the Royal Children's Hospital are refusing to send back asylum seeker children to detention centres amid a showdown with the Immigration Department.

News Corp is reporting the doctors are concerned about the welfare of their dozens of patients and say it would be unethical to discharge them to unsafe conditions that could compromise their health.

Defying new federal laws threatening two years' jail for health workers who speak out against immigration detention centre conditions, more than 400 of the hospital's doctors stood together on Friday demanding children be released from detention.

"We see a whole range of physical, mental, emotional and social disturbances that are really severe and we have no hope of improving these things when we have to discharge our patients back into detention," one paediatrician told News Corp.

The outlet reported that it understood the issue was sparked by a month-long standoff between doctors and authorities over the release of a child with a range of health issues this year.

Staff have also been outraged at immigration guards placed at the entrances of some patients' rooms for 24 hours a day.

Immigration Minister Peter Dutton told News Corp he would not support a change in government policy.

"I understand the concern of doctors, but the Defence and Border Force staff on our vessels who were pulling dead kids out of the water don't want the boats to restart," he said.

News Corp reported dozens of asylum seeker children have been taken to the hospital in the past year, with most in detention for between 18 months and two years.

Royal Children's Hospital chairman Rob Knowles told News Corp he supported the doctors' stand to protect the health and safety of children.

"The work of RCH doctors and nurses is highly valued by the Victorian community, and has made this hospital a global leader in adolescent and child health," he said.

"It is not surprising these same specialists would be concerned about the detention of children, on the basis that detention can have severe detrimental impacts on children's health.

"Our staff have consistently acted responsibly and in a considered manner in relation to the treatment of children in detention, and I support their right to have a responsible, considered opinion on this significant matter of public interest."

<http://www.dailylife.com.au/news-and-views/news-features/royal-childrens-hospital-doctors-refuse-to-return-children-to-detention-20151010-gk63xm.html>

15. Hospital doctors protest to demand release of children from detention

AMA calls on Malcolm Turnbull to heed concerns at Melbourne's Royal Children's hospital about discharging asylum seeker children back to unsafe conditions

The Guardian
Helen Davidson
Sunday 11 October 2015 13.56 AEDT

Doctors are calling on Malcolm Turnbull to heed concerns at Melbourne's Royal Children's hospital about discharging asylum seeker children back into detention.

Hospital doctors are placed in an "invidious position" often at odds with their ethical and legal obligations when discharging children back to immigration detention, the vice-president of the Australian Medical Association has said.

The comments come as hundreds of staff from Melbourne's Royal Children's hospital (RCH) have protested to demand an end to the continuing detention of almost 200 children in centres on Nauru and the Australian mainland, the Herald Sun reported.

The AMA is backing staff at the hospital who say it would be unethical to send children back to unsafe conditions, noting the difficult position doctors are placed in when discharging a child back into the environment that evidently caused the harm.

It says it will contact the prime minister and the immigration minister, Peter Dutton, urging them to intervene with a compassionate and humane solution.

But reports the doctors would flatly refuse to discharge children have been hosed down.

It has become “almost normal” for children in detention brought to hospitals around the country to present with severe health issues including mental illness, behavioural problems, bed wetting and trauma, said Dr Tom Connell, head of general medicine at RCH, in a pre-recorded statement.

“At the children’s hospital our team find it almost impossible to treat these children effectively while they remain detained.”

An RCH paediatrician, Prof Paul Monagle, said: “What we see from children in detention is a whole range of physical, mental, emotional and social disturbances that are really severe, and we have no hope of improving things if we’re sending those children back to detention.

“Many of the children we’re seeing have spent more than half their life in detention. This is all they know and it is not what children should know. Children should be safe in a community with their family, not in detention.”

In February the peak psychiatrists’ body said children should be kept in detention for no longer than three days.

In an opinion piece published by News Corp on Sunday, the doctors called for “moral leadership on this issue to find a solution, quickly — to use alternatives to detention and to stop the harm”.

The AMA’s vice-president, Dr Stephen Parnis, said the circumstances around doctors treating detained children in hospitals were legally and ethically complicated.

Reports the RCH doctors would simply refuse to discharge children back to detention were overblown, he said, and he expressed concern it would create a reluctance in the immigration department to send children to hospital.

But the environment a child came from was “often” an important factor in assessing whether or not to discharge a child from hospital.

“Part of that assessment is what are the causative factors to what’s presenting before them,” Parnis told Guardian Australia. “It’s no surprise I think to most Australians that children who are in immigration detention have a substantially higher rate of things like mental illness, failure to thrive – which is a medical term – and depression.

“They are in an environment which is completely counterintuitive to a natural environment. It’s a logical extension that you try to remove them.”

Doctors are legally obliged to notify social services if they believe a child is at risk but children presenting to hospital from detention are wards of the state, which creates a “dichotomy”.

“The current circumstances we’ve placed doctors in offers an invidious position,” Parnis said. “It’s quite distressing.”

The AMA was “certainly supportive of the notion of getting all children out of detention”, he said, and “principally concerned about the healthcare of all asylum seekers who are in the care of the Australian government”.

In a statement to the Herald Sun the immigration minister, Peter Dutton, said he understood the Melbourne doctors’ concerns, “but the Defence and Border Force staff on our vessels who were pulling dead kids out of the water don’t want the boats to restart.”

The federal government has committed to getting all children out of detention but has been criticised for the length of time it is taking and condemned for the continuing treatment of children in detention.

Laws introduced this year threaten up to two years in jail for health and care professionals working in the detention network who disclose information about conditions inside the facilities. They were roundly criticised by medical professionals in Australia and internationally.

While the RCH staff are unlikely to be affected by the laws, Parnis reiterated the AMA’s objections. “As I understand it the Border Force Act talks about these penalties for people who provide care within the confines of federal jurisdiction,” he said.

“The government and the opposition have both said there are other aspects of federal law where whistleblowers are protected but we take little comfort in that.”

<http://www.theguardian.com/australia-news/2015/oct/11/hospital-doctors-protest-to-demand-release-of-children-from-detention>

16. Children 'almost impossible to treat' while detained, Royal Children's Hospital doctors say

ABC News Online

Posted Sun 11 Oct 2015, 7:21am

Doctors from Melbourne's Royal Children's Hospital (RCH) have called on the Federal Government to end the practice of keeping children in detention, saying they cannot effectively treat them.

Almost 1,000 doctors, nurses and clinical support staff across the RCH have joined the call.

In a pre-recorded statement provided to the ABC, hospital paediatrician Professor Paul Monagle said doctors were treating children who had spent more than half their life in immigration detention centres.

"In children from detention, our team see children with nightmares, bed wetting, and severe behaviour problems, children from detention develop anxiety and depression," he said.

"It's become so common that it's almost normal in children from detention to have these symptoms.

"At the Children's Hospital, our team find it's almost impossible to treat these children effectively while they remain detained."

According to the Australian Border Force's most recent report, published on August 31, there are currently 93 children being held on Nauru and 104 children in detention in Australia.

There are 405 children living in Australia in community detention.

Professor Monagle said the doctors had no hope of improving the situation if children they treat were sent back to detention.

"What we see from children in detention is a whole range of physical, mental, emotional and social disturbances that are really severe and we have no hope of improving things if we are sending those children back to detention," he said.

The call comes after an open letter signed by more than 1,200 people, including Australian of the Year Rosie Batty, urged Prime Minister Malcolm Turnbull to shut down the Manus Island and Nauru immigration detention centres.

They argued that conditions at the offshore centres perpetuate violence against women, children, families and gay men.

Ms Batty wrote in the letter: "Those who care about violence against women and children need to care about what happens to people elsewhere under our care."

'Life-long' effects on children

RCH consultant paediatrician Dr Kate Thomson-Bowe said detention had life-long effects on children.

"The emotional development of children is affected, their speech and learning can be affected and the anxiety and mental health consequences can start from very early childhood and we see that has an impact on their development long term," she said.

"Children need a lot of security and opportunity to play in order to develop normally.

"The environment of a detention centre is so far from what develops normal opportunity, the families don't have the opportunity to play together, the children are subject to rules and regulations that no typical child is subjected to."

Victorian Health Minister Jill Hennessy tweeted in support of the RCH staff, saying they were "acting in the best interests of their patients".

The hospital's head of general medicine Dr Tom Connell called on the Federal Government to end the practice.

"What we need now is for moral leadership on this issue to recognise that this is a significant problem and to move towards steps to remove children from detention," he said.

<http://www.abc.net.au/news/2015-10-11/royal-childrens-hospital-doctors-children-detention/6844458>

17. Liberal Russell Broadbent calls for end to 'unacceptable' detention of children

Backbencher says public opinion has shifted on mandatory detention of asylum seekers, that 'the Australian people are standing up and saying nup, not on'

The Guardian
Shalailah Medhora
Monday 12 October 2015 13.58 AEDT

Liberal backbencher Russell Broadbent has thrown down the gauntlet to his own side of politics by labelling the indefinite detention of asylum seeker children "unacceptable".

Broadbent told ABC Radio on Monday morning that public opinion has shifted on the indefinite detention of asylum seekers, warning that politicians must keep up.

"Long-term indefinite detention is not good enough in this country. It always comes to this; I knew it would come to this. It's come to this again. The Australian people standing up and saying nup, not on. Not in our country," he said.

"Indefinite detention is not acceptable, we've been through this before," the backbencher said. "Women and children in detention behind razor wire in this country or locked away on an island is unacceptable."

He was not swayed by Nauru's recent decision to allow asylum seekers free movement on the island at all times, saying that being detained on Nauru was itself a problem.

Broadbent was responding to a protest mounted by medical staff at the Royal Children's Hospital in Melbourne over the weekend. Around 1,000 staff members protested against the return of minors to offshore detention facilities, saying they can not effectively be treated while locked up.

"These people are not leftie activists," Broadbent said. "The Australian people, through the children's hospital, have shifted. And they've said, our detention policies are not good enough."

"When the people shift, the politicians will shift and they will understand they need to do something in regard to long-term detention. I know the government is going to enormous efforts to resolve this issue in this nation," he said. "I know the prime minister himself would like to see children out of detention. I think the government are going to every length they possibly can to do this."

Broadbent has spoken out against his own side's asylum seeker policies.

In 2006, Broadbent crossed the floor and voted with Labor against the excision of Christmas Island for migration purposes. The legislation passed the House of Representatives, but was pulled when another Liberal backbencher, Judith Troeth, threatened to cross the floor of the Senate and vote it down.

Similar policy was then enacted when Labor was in office, in 2012.

The Greens have praised Broadbent's intervention into the debate on immigration policy, with party leader Richard Di Natale echoing his sentiment that a shift has taken place in the public perception of asylum seekers.

"I think there's a real shift going on in the Australian community, and Malcolm Turnbull better listen," Di Natale warned.

The prime minister acknowledged that the government's border protection measures were "tough", but said that they worked in preventing asylum seekers from risking their lives on unsafe boats to get to Australia.

"Nobody wants to have children in detention: not me, not any member in this House, not any Australian. We have been working very hard to reduce those numbers," Turnbull said during question time.

"We recognise that our border protection policy is tough. We recognise many would see it as harsh. But it has been proven to be the only way to stop those deaths at sea and to ensure that our sovereignty and our borders are safe."

On Monday, Labor introduced a private members bill for the mandatory reporting of child abuse in onshore and offshore detention centres.

The bill will require detention centre staff to report suspected incidents of child abuse to the border force, who would then report it to local law enforcement authorities.

"The most important asset any nation has is its children," the shadow immigration minister, Richard Marles, told the House of Representatives on Monday. "Immigration detention is absolutely no place for children."

"Where children are in the care of our nation, we must take our obligations seriously and we must fulfil them very carefully," he said, adding that the government must process claims quickly so that families do not "languish" in offshore detention centres.

Labor joined forces with the Coalition in June to vote down Green amendments on a bill on the funding of offshore processing that would have required the mandatory reporting of child abuse.

The Greens said that Labor was "playing catch-ups" on the policy, but questioned why they did not act when the amendment was before the Senate.

"They realise that we were right," Greens senator Sarah Hanson-Young told reporters on Monday. "I'm thankful that the Labor party has seen sense."

A spokeswoman for Marles said that the Greens amendment in the June bill was about the legality of offshore processing and "had nothing to do with mandatory reporting or conditions".

"It was purely about closing a loophole," the spokeswoman said of the bill. "We indicated at the time we would be happy to look at this issue as a stand-alone."

The Greens will introduce legislation to the parliament to release all asylum seeker children from detention.

"Members of parliament often say they don't want children behind bars, but talk is cheap. We need to change the law to ensure that children are protected and not detained," Greens senator Sarah Hanson-Young said. "The detention of children is institutionalised abuse and every day that those kids are left in there is another day of harm."

<http://www.theguardian.com/australia-news/2015/oct/12/liberal-russell-broadbent-calls-for-end-to-unacceptable-detention-of-children>

18. Liberal backbencher Russell Broadbent says Government needs to act following doctors' protest

ABC News Online

By political reporter Stephanie Anderson

First posted Mon 12 Oct 2015, 5:23am

Updated Mon 12 Oct 2015, 6:18am

A Coalition backbencher says his Federal Government colleagues have to act on immigration detention, amid concerns from doctors at Melbourne's Royal Children's Hospital (RCH).

Almost 1,000 doctors, nurses and clinical support staff from the RCH have called on the Turnbull Government to end the practise of detaining children in immigration facilities, saying they cannot be effectively treated.

Staff did not deny reports over the weekend that they were refusing to discharge children back into immigration facilities, saying they were ethically obliged to have a "serious discussion" on a case-by-case basis.

Coalition backbencher Russell Broadbent described the current situation as unacceptable.

Mr Broadbent told Radio National that despite Nauru's "open" centre policy, children effectively remained in detention.

"Women and children in detention, behind razor wire in this country or locked away on an island, is unacceptable," he said.

"The Australian people, through the Royal Children's Hospital, have shifted. They've said our detention policies are not good enough."

Mr Broadbent said he supported the Government's turn-back policy, but said it must change in response to public opinion.

He said RCH staff were not "lefty activists" and their actions represented the Australian people.

"When the people shift, the politicians will shift," he said.

"They will understand they need to do something ... I know the Prime Minister Malcolm Turnbull is doing his utmost to stop the people smugglers, turn the boats back, but we have to do something with the issue of people in long-term detention.

"That's unacceptable, so they have to find a way through."

I won't support change in policy: Dutton

Immigration Minister Peter Dutton has previously said there would be no change in policy.

"I understand the concern of doctors, but the Defence and Border Force staff on our vessels who were pulling dead kids out of the water don't want the boats to re-start," he said in a statement.

"My support is with the Defence and Border Force staff and I won't be supporting a change in the policy."

RCH doctors said they were treating children who had spent more than half their life in immigration detention centres.

The hospital's head of general medicine, Dr Tom Connell, told the ABC that his team treated children with anxiety, depression and "severe behaviour problems".

"It's become so common that it's almost normal in children from detention to have these symptoms," he said.

"At the Children's Hospital, our team find it's almost impossible to treat these children effectively while they remain detained."

According to the Australian Border Force's most recent report, published on August 31, there are currently 93 children being held on Nauru and 104 children in detention in Australia.

<http://www.abc.net.au/news/2015-10-12/backbencher-says-government-has-to-act-on-immigration-detention/6845492>

19. Asylum seeker rallies across Australia draw thousands in support of refugees

Crowds in Sydney, Canberra, Melbourne, Brisbane and Perth respond to call for national day of protest against Australia's mandatory detention policies

The Guardian

Helen Davidson and agencies

Sunday 11 October 2015 18.45 AEDT

Thousands of people in Australian cities have responded to a national call to rally in support of refugees and to push for the end of mandatory detention.

There were large crowds in Sydney, including unions and various social and political groups, gathered peacefully at Town Hall on Sunday afternoon.

They waved banners reading "welcome refugees from Syria" and "Close Manus. Close Nauru. Welcome refugees", while waiting to hear from speakers including Greens senator Lee Rhiannon and Syrian refugee Abdul Hakim .

Mounted police and other officers were on patrol but there were no signs of trouble at the rally, which was part of a national campaign organised by the Refugee Action Coalition (RAC).

Melbourne and Canberra also had large protests, with estimates between 1,000 and 2,000 people at each.

Chris Breen, an organiser of the Melbourne event, told Guardian Australia the rally was peaceful, and that he'd heard from a number of "very angry" speakers, including former refugees, politicians and union representatives.

The rallies called for the end of boat turnbacks, closure of the Manus Island and Nauru detention centres and an increase in Australia's refugee intake. They also demonstrated against the Border Force Act, which could mean up to two years jail time for detention centre workers who disclose information about conditions.

Similar rallies are also planned in Brisbane and Perth.

RAC spokesman Ian Rintoul , speaking before the rallies, said: "The government has no answer to the gaping resettlement hole in its offshore processing arrangements."

Rintoul pointed to news that the federal government was in talks with the Philippines about taking refugees for resettlement. A similar deal with Cambodia has seen just four people move to the impoverished south-east Asian nation, at a cost of \$55m.

"Attempting to bribe yet another poor regional country to violate the rights of asylum seekers will only lead to Australia trashing its already tarnished international image," said Rintoul.

"There is no reason to believe that any more refugees will agree to the Philippines than have agreed to Cambodia."

It was also reported on Sunday that hundreds of doctors at the Royal Children's hospital in Melbourne had called for the end of the detention of children, noting the ethical difficulties in discharging patients back to an environment which caused them harm.

The rallies followed duelling protests in Bendigo on Saturday, where a heavy police presence kept pro-diversity and anti-mosque demonstrators apart.

<http://www.theguardian.com/world/2015/oct/11/asylum-seeker-rallies-across-australia-draw-thousands-in-support-of-refugees>

20. Refugee whistleblower will tell Canberra rally he saw a child bashed on Nauru

WA Today
October 8, 2015 - 11:07PM
Ross Peake

A whistleblower will give a harrowing account of seeing a toddler bashed at the Nauru detention camp, when he speaks to a rally on Sunday.

Tobias Gunn is opening up on his work with Save the Children Australia, when he was trying to help asylum seekers at the notorious camp.

Despite reporting the abuse to authorities, the alleged perpetrator was not charged, he said.

He is now extremely concerned the opening up of the camp means women and children who have been abused will come face-to-face in the small community with the alleged perpetrators.

Along with other speakers at Sunday's rally in Canberra, Mr Gunn will urge Prime Minister Malcolm Turnbull to abandon mandatory detention of asylum seekers who arrive by boat.

He said he witnessed inappropriate sexualised behaviour by children on Nauru.

Guards made sexual advances to under-aged girls and subjected them to verbal sexualised abuse, he said.

Mr Gunn and a co-worker witnessed a four year old girl running, apparently terrified, from a guard.

"He caught up with her and, with his left hand, hit her in the back of the head with enough force to lift her off her feet and she smacked into the ground," Mr Gunn said.

"She was so terrified she immediately crawled into the fetal position and wouldn't stop screaming.

"The guard was extremely abusive towards me and my co-worker and told us to f--- off."

Mr Gunn said Wilson Security had to produce information to the Senate inquiry into Nauru, about cases of alleged abuse.

"When this case came back, they stated they had insufficient information to find the perpetrator," he said.

"But there were two witnesses, we had his name and there was a security response to the incident which involved the second in command.

"My statement was cross-examined with the abuser's course of events, so Wilson security had interviewed him, they also had his name on the roster sheet for the security station outside the recreation tent.

"It is horrific how the system did not deal with these people.

"With the camp now open, it's only a matter of time before families come into contact with their abusers and the abusers have access to their victims again, which is extremely concerning when there's been cases of sexual abuse."

Wilson Security told the Senate inquiry it was concerned about the incident and said excessive force by its staff was not tolerated.

The rally will hear an audio recording from another former worker with Save The Children, Jane, who wishes to be identified by only her first name.

"I think what Australia doesn't know at this stage is the systematic day-to-day inhumanities and abuses that are happening to most if not all of the asylum seekers," she said.

This included having to walk up to 100 metres to a water tap and being given lower quality food than that served to staff.

"Sometimes the catering staff can't identify what meat is being served to asylum seekers," she said.

She said a pre-teen girl who said she had been sexually abused was put with her family in a holding area in close proximity to the alleged perpetrator, while awaiting transport off the island

"One manager said to myself and another staff member he had no understanding of child protection," Jane said.

Meanwhile, thousands of people have signed an online petition demanding a rape victim on Nauru be allowed to come to Australia for an abortion, after her plight was revealed by Fairfax Media.

In March, an independent review into sexual abuse inside the detention centre on Nauru found evidence of rape, sexual assault of minors and guards trading marijuana for sexual favours from female detainees.

<http://www.watoday.com.au/act-news/refugee-whistle-blower-will-tell-canberra-rally-he-saw-a-child-bashed-on-nauru-20151007-gk3xc6.html>

21. Hundreds rally in Canberra's CBD in support of asylum seekers

ABC News Online

Posted Sun 11 Oct 2015, 1:37pm

More than 300 people have rallied in Canberra's CBD in support of asylum seekers who are being held in detention centres on Manus island and Nauru.

The pro-refugee rally saw scores of religious groups, education institutions, unions and community organisations converge on Garema Place.

The rally was part of a national day of action to condemn the Federal Government's policies and treatment of refugees.

Whistleblower Tobais Gunn told the crowd of the horrors he saw while working with Save the Children Australia at the Nauru detention camp.

He said he was haunted by the physical and emotional abuse he witnessed, including the bashing of a toddler and the sexual advances made by guards to young girls.

"Why did we as Australian's put vulnerable people in a system of institutionalised abuse called indefinite detention?" he said.

"A palace where every month two children are sexually abused, every week two children lose hope and self harm, a place where every second day a child is assaulted.

"A place where almost half of the physical and sexual abuses are at the hands of commonwealth employees."

The rally called for the Government and opposition to reconsider their refugee policies.

"We need to demand from both parties, Labor and Liberal, to stop using this topic for pathetic point scoring, to do what they have lost sight of their job to lead," Mr Gunn said.

"Let's not turn a blind eye. History will look back on this and how we acted. Our very own children will ask us, 'how did you let this happen?'"

Mr Gunn said the plans to process all asylum seekers on Nauru were a "very small step in the right direction".

"However let me tell you from experience, it is little better," he said.

"These people still have no future, it will be a five-year visa until they are moved onto a third unknown country."

Along with Mr Gunn, speakers including Australian Muslim Voice ACT's president Diana Abdul Rahman and Unions ACT president Alex white addressed the vocal crowd.

<http://www.abc.net.au/news/2015-10-11/hundreds-rally-in-support-of-asylum-seekers-in-canberra/6845020>

22. Peter Dutton says Australia will move pregnant rape victim from Nauru if advised by doctors

ABC News Online

By political reporter Anna Henderson

Posted Fri 9 Oct 2015, 1:40pm

The Australian Government will move a pregnant rape victim from Nauru to Australia for medical treatment if doctors advise it, Immigration Minister Peter Dutton says.

Lawyers acting for the 23-year-old Somali refugee allege her pregnancy was the result of a "horrific" sexual assault in July and she is trying to reach Australia to get an abortion.

The woman's case was first raised as part of a story on the ABC's 7.30 program last month. She is not being named in order to protect her identity.

So far the Australian Government has blocked the request but the Immigration Minister was questioned about her plight today.

"I don't want to comment in relation to the individual cases," Mr Dutton told reporters in Canberra.

"We make judgments based on the medical advice. If people need to come to our country for it, they will. That has been the past practice, it is the current practice, and it will continue into the future."

Mr Dutton said there were clear-cut guidelines he would follow in approving the movement of a refugee from Nauru for medical help.

"There hasn't been a case where the doctors have said to me that this person needs to come to Australia for medical assistance and we haven't provided that support," he said.

"If there was a complicated pregnancy, for example, or an assault where that person couldn't be given appropriate medical attention on Nauru, we bring those people back all the time.

"We have done that over a long period of time."

He also highlighted some challenges the Government faced in allowing a transfer to take place.

"In many cases there can be other medical issues which aren't related to the incidents and that may, for example, impact on the ability to transfer those people by air," he said.

The woman was originally held in the offshore detention centre on Nauru before being freed to resettle in the community.

'She's extremely scared and vulnerable'

Prime Minister Malcolm Turnbull has stressed people placed in offshore detention will not be able to relocate to Australia permanently under any circumstances.

"Those who seek to come to Australia illegally on boats via people smuggling will not be resettled in Australia," Mr Turnbull said.

"Whether they are planning a voyage today, or whether they are in Nauru or Manus now."

Labor has accused the Government of acting like "robots with no hearts" for refusing to allow the woman to fly to Australia to receive treatment.

The woman's lawyer said her condition had deteriorated and she had lost about 10 kilograms since falling pregnant in July.

"She's currently unable to leave her small room, she's extremely scared and vulnerable and she's trying to deal with the fact that she's now pregnant after this vicious assault," her lawyer, George Newhouse, said earlier this week.

Mr Newhouse has written to the Prime Minister, Immigration Minister, Minister for Women and the secretary of the Immigration Department, Mike Pezzullo, calling for the woman to be moved to Australia urgently.

He said that according to the United Nations, it is illegal to have a pregnancy terminated in Nauru and that the Australian Government has a duty of care to act immediately.

The Government has also encouraged the woman to make a formal report to Nauruan police, but her lawyers said she saw that as fruitless and did not believe local officers would act on her allegations.

<http://www.abc.net.au/news/2015-10-09/dutton-responds-to-calls-to-move-rape-victim-to-australia/6842482>

23. Somali victim of Nauru rape likely to receive abortion in Australia, says Peter Dutton

Immigration Minister Peter Dutton has given strong hints a Somali refugee who says she was raped on Nauru and wants an abortion will be brought to Australia for the specialist treatment but has hit out at the public campaign supporting her request, saying it is of no help to her case.

And he stressed that any refugee flown to the mainland for medical treatment would never be allowed to permanently resettle in Australia, in accordance with the government's tough border protection policies, aimed at stopping the boats.

But the minister also indicated the 23-year old woman, known as Abyan, was not yet in a condition to travel for her care. Abyan's lawyers this week said she had lost 10 kilograms due to the trauma of being raped on Nauru and left pregnant with no word from the Australian government about whether her wish for a termination would be granted.

Prime Minister Malcolm Turnbull refused to provide further details but a later media conference in Sydney said: "Her needs are very well understood by the government."

Abyan wants to come to Australia for an abortion because terminations are illegal on Nauru. It is understood she also requires culturally sensitive medical treatment. But a deadline her lawyers set for the government at 5pm on Tuesday expired with no response.

Since then, an online petition, established by her Sydney based lawyer George Newhouse demanding action from Prime Minister Malcolm Turnbull has amassed 55,000 signatures. Opposition Leader Bill Shorten has also intervened, demanding mercy for Abyan and that her request be granted.

But the minister said on Friday the public pleas for action had had no effect on his decision making and that refugees are regularly flown to Papua New Guinea and Australia for treatment they cannot obtain on Nauru.

"My interest is in making sure that we do the right thing by the individual," he told reporters at Parliament House.

"If people require medical assistance, they will receive it. Whether it is on Nauru or in Australia, they will receive it," he said.

Mr Dutton said while he did not want to comment on Abyan's individual case, there were instances where additional medical issues meant a refugee needing care was unable to fly for treatment.

"When the doctors advise us they can, they will then travel," he said.

And he took aim at the online campaign in support of Abyan's plea.

"No amount of campaigns, calls to my office, petitions, anything else will change my position in relation to that," the minister said.

Abyan is one of two Somali women who say they were raped by Nauruan men. The ABC's 7.30 report last week broadcast distressing footage recorded by the other woman, Namjan (not her real name) which document her calls to police for help. They say it took the Nauruan authorities four hours to respond.

On Friday Mr Newhouse said Shine Lawyers were in communication with the Commonwealth government and not at liberty to say more than that at this stage. This is being seen as an important breakthrough because previously Mr Newhouse had complained of not receiving a response from the government.

Malcolm Turnbull a pull factor

The minister's response came during a wide-ranging press conference he gave updating the situation in offshore detention camps and Operation Sovereign Borders.

Mr Dutton said the last attempted boat voyage carrying asylum seekers to Australia was made in August. The head of Operation Sovereign Borders Major-General Andrew Bottrell said the boat and its passengers were safely returned to Indonesia. The last successful boat journey was in June 2014.

General Bottrell and Mr Dutton said people smugglers in Indonesia were using the change of the Australian prime ministership from Tony Abbott, a social conservative, to Malcolm Turnbull, a social progressive, as an opportunity to reopen their trade.

"It is true that there is a lot of talk within Indonesia and other places, where people smugglers try to sell their product, that somehow a change in leadership here in Australia will result in an opportunity for people to arrive again on boats," Mr Dutton confirmed.

"I want to reiterate today in the strongest possible terms that the resolve of the PM and myself, the whole of NSC [the National Security Committee], the whole of the cabinet and of the government is to make sure that we don't allow deaths at sea to recommence," he said.

There were no attempted or successful boat voyages in September, the month of the leadership change.

Composition of the detention centres hardening

The minister said that one of the effects of stopping the boats is that the population mix in the Christmas Island detention centre is "changing dramatically".

"We have seen an increase in the number of visa cancellations, so the population within our detention centres, including on Christmas Island, has become hardened."

"The population on Christmas Island detention centre will include increasingly people with significant criminal history. There is no question about that," the minister said.

<http://www.smh.com.au/federal-politics/political-news/somali-victim-of-nauru-rape-likely-to-receive-abortion-in-australia-says-peter-dutton-20151009-gk547k.html>

24. Somali refugee raped on Nauru brought to Australia for pregnancy termination

The 23-year-old woman, who had for several weeks been requesting transfer but had been refused, was flown to Brisbane late on Sunday

The Guardian
Ben Doherty
Monday 12 October 2015 13.19 AEDT

A Somali refugee raped on Nauru has been brought to Australia to terminate the resultant pregnancy at her request.

The 23-year-old woman had for several weeks been requesting to be transferred to Australia to abort the pregnancy, but had been refused.

In July, Guardian Australia revealed the government had changed its policy and would no longer fly patients needing advanced medical care to Australia.

However, in the face of growing public and political pressure over the woman's increasingly critical situation, the government flew her to Brisbane late on Sunday.

The woman could not have the pregnancy terminated anywhere in Australia's offshore detention network.

According to the UN, abortion is illegal on Nauru except in circumstances to save the life or preserve the health of the mother. There is no clause for the termination of a pregnancy resulting from rape.

In addition, an abortion on Nauru requires the approval of two physicians and the written consent of the woman's spouse.

On Papua New Guinea, abortion is legal only earlier than 12 weeks into a pregnancy. The woman is understood to be about 14 weeks pregnant.

George Newhouse from Shine Lawyers, who is acting for the woman, said she was "relieved that there has been a resolution to this sensitive matter".

"She is now in Australia and the commonwealth government has agreed to provide her with medical treatment. Our client has asked us to thank concerned Australians for their support and the prime minister and the minister for immigration for their understanding.

"We will continue to monitor the situation and to ensure our client receives the treatment and care she requires."

The woman has been suffering serious health complaints, which had complicated plans to move her.

Traumatized by the rape, and distressed by the inaction around her situation, she was not eating or drinking, and had reportedly lost more than 10 kilograms.

Last week, opposition leader Bill Shorten had demanded the woman be brought to Australia. On Monday, Greens senator Sarah Hanson-Young, who has also been outspoken in support of the woman, said the government should have acted sooner to assist the woman's "distressing situation".

“Thankfully, that young woman has been transferred to Australia and she will receive the medical help that she needs.”

In July, a leaked document from International Health and Medical Services – the health services contractor on Nauru – revealed that asylum seekers and refugees held on Nauru and Manus Island would no longer be flown to Australia for advanced medical care.

Instead they would be sent to the Pacific International hospital in the Papua New Guinean capital, Port Moresby.

The policy change was designed to prevent people from taking the opportunity of being on Australian soil to launch legal action to prevent their return to offshore detention.

The immigration minister, Peter Dutton, declined to comment specifically on the Somali woman’s case but said on Friday “if people require medical assistance, they will receive it. Whether it is on Nauru or in Australia, they will receive it.”

“But I have been very clear also about the fact that people aren’t going to settle in Australia if they have sought to come by boat. People – at the appropriate time – will return back to Nauru, that is the government’s policy.

“If they can’t receive medical assistance on Nauru or Manus, then we will look at what options are available to them, including coming to Australia.”

Dutton said in certain cases other medical issues had prevented people from travelling. “When the doctors advise us they can, they will then travel.”

No one on Nauru has been arrested or charged over the woman’s rape.

<http://www.theguardian.com/world/2015/oct/12/somali-refugee-raped-on-nauru-brought-to-australia-for-pregnancy-termination>

25. Refugee who says she was raped on Nauru thanks government, supporters over abortion treatment

Sydney Morning Herald
October 12, 2015 - 12:51PM
Latika Bourke

The Somali refugee who says she was raped on Nauru has thanked Australians who rallied to her cause and helped convince the government to bring her to the mainland for an abortion.

News of her arrival in Australia came as Nauruan police rejected claims made by a second Somali refugee she was also raped on the island where, under Australian government policy, asylum seekers who come by boat are sent for processing and resettlement.

The 23-year old woman, known as Abyan, is now more than 12 weeks pregnant and had been pleading with the government behind the scenes for a week but had not had any response to her request to have a termination in Australia. Abortions are forbidden on Nauru.

Fairfax Media first highlighted her case last week, after her requests for help went unanswered by the federal government. More than 61,000 Australians have since signed a petition calling on the government to allow Abyan to come to Australia for the specialist medical treatment she required.

On Friday Immigration Minister Peter Dutton gave strong hints she would be brought to Australia for an abortion and Prime Minister Malcolm Turnbull said her needs were "well understood" by the government.

Fairfax Media has confirmed Abyan is now in detention accommodation in Australia and awaiting treatment.

Her Sydney-based lawyer, George Newhouse from Shine Lawyers, told Fairfax Media on Monday Abyan was grateful for the support of those Australians who supported her plea for help and to the Prime Minister and minister for granting her request.

"Our client is relieved that there has been a resolution to this sensitive matter," he said.

"She is now in Australia and the Commonwealth Government has agreed to provide her with medical treatment."

"Our client has asked us to thank concerned Australians for their support and the PM and the Minister for Immigration for their understanding."

"We will continue to monitor the situation and to ensure our client receives the treatment and care she requires," he said.

Abyan is one of two women who have reported being raped on Nauru by local men. The ABC's 7.30 broadcast distressing footage of what 26-year old Namjan (not her real name) says is her call to police after being raped. Nauruan authorities have closed her case saying there is no evidence to support her allegations.

<http://www.smh.com.au/federal-politics/political-news/refugee-who-says-she-was-raped-on-nauru-thanks-government-supporters-over-abortion-request-20151012-gk6ot1.html>

26. Nauru police say not enough evidence to prove Somali woman was raped on the island

ABC-TV - 7.30

By Hayden Cooper

First posted Mon 12 Oct 2015, 10:23am

Updated Mon 12 Oct 2015, 10:40am

Nauruan police say there is not enough evidence to prove that a 26-year-old Somali woman was raped on the island.

The woman's case was raised last month on 7.30, with the program obtaining a video recording of the harrowing emergency call she made after the alleged incident on August 21.

Known as "Najma", the woman reported to police that two Nauruan men had dragged her into the bushes and raped her.

She said it took the Nauruan police four hours to arrive.

Now the government of Nauru has issued a press release stating that a full investigation has been conducted into the alleged rape.

It said the inquiries by police at the scene found no evidence of the victim's clothes being ripped or shredded, and no visible cuts or abrasions.

Police also said they were unable to locate the "cave" into which the woman said she was dragged during the attack, and that a medical examination was conducted after the incident, but evidence of the rape could not be found.

"There was no lacerations or bruising around the vaginal region and a spermatozoa test on the victim after a vaginal swab proved negative", the statement said.

But in an extraordinary breach of privacy, the real name of the alleged rape victim has been released by the Nauruan Government's Australian PR agent.

Mercer PR distributed the government press release this morning, and attached to the email was a police file of the incident which includes the woman's name.

When contacted by the ABC, a spokesman for Mercer PR said the government of Nauru, and the country's police force had authorised the release of the alleged victim's identity.

However, when reporting on the case last month, 7.30 did not reveal the woman's name as she feared reprisals for speaking out.

Second woman brought to Australia for abortion

In a separate development, the ABC has confirmed that a second woman who featured in the same 7.30 investigation has now been brought to Australia for an abortion.

Known as Abyan, the 23-year-old woman is reportedly 11 weeks pregnant, after being raped in the Nauruan community.

The woman's lawyer George Newhouse has expressed his relief that the woman has been brought to Australia for treatment.

"Our client is relieved that there has been a resolution to this sensitive matter. She is now in Australia and the Commonwealth Government has agreed to provide her with medical treatment," he said.

"Our client has asked us to thank concerned Australians for their support and the PM and the Minister for Immigration for their understanding.

"We will continue to monitor the situation and to ensure our client receives the treatment and care she requires."

Ability of Nauru police to investigate called into question

Since the report was broadcast, Somali refugee women in the Nauruan community have reported threats of violence directed at them by local Nauruan men.

The ability of the Nauruan police force to investigate serious crimes has been called into question repeatedly in recent months.

The island's former resident magistrate, Peter Law told RN Breakfast last week that Nauruan police are influenced by the country's government.

"Nauruan police have not shown any independence. They are politicised and that's a regrettable fact," he said.

"The Nauruan police force needs a lot of support and training from professional expertise outside the country."

A recent Senate inquiry found heard that detention centre operators had referred 50 cases to Nauruan Police in recent years, but just five convictions had been obtained.

Prime Minister Malcolm Turnbull described the allegation of rape made in the 7.30 story as "alarming", and the Australian Government has promised more support for Nauruan authorities.

Nauruan police say they have now recommended that "Najma's" case be closed due to "insufficient evidence".

<http://www.abc.net.au/news/2015-10-12/not-enough-evidence-to-prove-rape-nauru-police-say/6846814>

27. Nauru police close case on Somali refugee allegedly raped and bashed on Nauru

Sydney Morning Herald
October 12, 2015 - 11:44AM
Nicole Hasham

Nauru police have dismissed the story of a Somali refugee who claimed she was raped and bashed by two men on the island, saying there was no evidence of injuries or the presence of a cave where the alleged attack took place.

The case attracted widespread media attention in Australia after the ABC's 7.30 program broadcast a distressing video of the 26-year-old refugee's call to police, and said the police took four hours to respond to the woman's call for help.

Prime Minister Malcolm Turnbull described the allegations as "alarming", and the incident increased pressure on the government to improve conditions faced by asylum seekers and refugees in offshore detention camps.

A statement released on Monday by the Nauru government said the Nauru Police Force had conducted a "full investigation" but closed the case due to insufficient evidence.

The finding is likely to provoke renewed criticism of the police force by refugee advocates, who say the agency is under-trained and ill-equipped - claims the police deny.

Initial police inquiries at the scene "found no evidence of the victim's clothes being ripped or shredded and no visible cuts or abrasions to the body indicating the presence of an attack", the statement said.

It said police found the woman hiding in bushes. The woman alleged she was set upon by two men while walking home to the Nibok refugee camp, was dragged inside a cave and raped by two men in three separate acts, lasting around 25 minutes.

"Two police units also scoured the area looking for a cave but found nothing resembling where she claimed she had been dragged inside," the statement said.

The woman alleged she was bashed with an unknown object to the right side of her head.

The statement said the victim was taken to hospital and received a thorough medical examination, where the presiding physician found "no laceration or obvious bruising" on her body.

"There [were] no lacerations or bruising around the vaginal region and a spermatozoa test on the victim after a vaginal swab proved negative," the statement said.

Police said the victim was unable to identify the men, claiming only that they were wearing gloves, covered their faces with t-shirts, were of muscular build and spoke in Nauruan.

The investigating officer recommended to the Department of Public Prosecutions the case be closed due to insufficient evidence. The prosecutor made a similar recommendation.

"The Nauru Police Force will reopen the investigation if new evidence becomes known and has appealed to anyone with any knowledge of this alleged incident to come forward," the statement said.

A Senate inquiry into the Nauru centre in August found local police, which are reportedly under-resourced, had laid charges in just five out of 50 cases referred to them.

It said the department and the AFP should fully audit all criminal conduct allegations from the Nauru facility.

Nauru police reject claims they are under-resourced and not qualified to conduct investigations.

The federal government says it is acting to improve the safety of refugees on Nauru, including deploying Australian Federal Police to mentor local police and establishing a gender violence unit in the local police force.

<http://www.smh.com.au/federal-politics/political-news/nauru-police-close-case-on-somali-refugee-allegedly-raped-and-bashed-on-nauru-20151012-gk6prl.html>

28. MEDIA RELEASE: Nauru govt covering up rape cases and intimidating Nauru women

Monday October 12, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

The Refugee Action Coalition has condemned the Nauru government's public release of a Nauruan police brief of a rape case highlighted on the ABC's 7.30 program last month.

"The Nauru government's press release is a shocking attempt to intimidate women refugees on Nauru. To publicly release this woman's name has not only revealed the government's contempt of her basic right to privacy, but it has also put her at risk of retribution," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"It is the worst kind of a blame-the-victim mentality passing as an official response and a scandalous attempt to cover-up the scale of sexual assault and rape on Nauru and the general inaction of the Nauruan authorities in such cases," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The fact is that there are three well-documented allegations of brutal rapes on Nauru since May this year. In none of those cases has there been any proper police investigation. In one of the cases, in May, the police took four days to even admit there had been a sexual assault.

"Numerous other allegations of sexual assault have not been investigated by the Nauru police. But we are expected to believe this particular allegation has been properly investigated. It is too convenient. Coming just a day after another alleged rape victim was flown off Nauru, the report has all the hallmarks of an orchestrated media campaign.

"The release of police report simply confirms that a complete lack of sensitivity to sexual assault at the highest levels of the Nauru government. It is no wonder that the police do not take the allegations seriously.

"The police report uses tainted assumptions such as lack of torn clothing or lack of abrasions as being lack of evidence of rape. Even at a basic level, tearing off clothes does not mean that clothes are torn.

"We know from the Moss inquiry and the Senate inquiry that the police are not responsive to allegations of sexual abuse. The Nauru government is desperate to cover-up the epidemic levels of sexual violence on Nauru and its inability and unwillingness to take measure to provide basic security for the refugees in Nauru.

"The police and the government owe this woman and the women of Nauru an apology."

For more information contact Ian Rintoul 0417 275 713

29. Flood of litigation as outstanding asylum claims processed

Crikey
Wednesday 7 October 2015
Josh Taylor, Crikey journalist

The Department of Immigration and Border Protection is predicting its already heavy litigation workload will grow as the government begins processing the 30,000 outstanding asylum seeker claims before the department.

A total of 30,000 asylum seekers who came to Australia by boat under the former Labor government between 2012 and 2013 have yet to have their asylum seeker claims processed. The government had been waiting the passage of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act. The legislation, among other things, reintroduced temporary protection visas and fast-tracked processing of refugee applications for those who arrived in Australia by boat, with limited grounds for review of decisions made on asylum seeker claims.

The claims are assessed by a new authority known as the Immigration Assessment Authority. In introducing the legislation, then-immigration minister Scott Morrison said the new system was designed to stop asylum seekers "exploiting" the review process.

"This new approach to review will discourage asylum seekers who attempt to exploit the current review process by presenting manufactured claims or evidence to bolster their original unsuccessful claims only after they learn why they were found not to be refugees by the department. This behaviour has on numerous occasions led to considerable delay while new claims are explored. These measures will support a robust and timely process, better prioritise and assess claims and afford a differentiated approach depending on the characteristics of the claims."

After the legislation passed in April, the government had said that 4500 of the 30,000 claims had begun to be processed, but according to an internal DIBP document seen by Crikey, very few of these cases have yet to make it to the courts.

As of the end of September, the department stated there were 3858 cases before the courts or the Administrative Appeals Tribunal. These cases can range from matters regarding citizenship and immigration to freedom of information and more. There had been a "sustained upward trend" in active legal matters being handled by the department since December 2010, and it will only be getting worse.

Although there are, as of the end of July, fewer than 1000 cases related to "illegal maritime arrival (IMA) litigants" before the courts, the department stated this would rise significantly as the 30,000 outstanding claims began to be processed:

"In relation to the relatively low number of illegal maritime arrival (IMA) litigants, it is noted there has been no procedure in place for the processing of IMA protection claims since 13 August 2012. The IMA litigation caseload is expected to rise significantly following processing of approximately 30,000 IMAs, under the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014."

<http://www.crikey.com.au/2015/10/07/flood-of-litigation-as-outstanding-asylum-claims-processed/>

30. MEDIA RELEASE: Refugee Action Coalition rejects Nauru government criticisms

Tuesday October 6, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

The Refugee Action Coalition rejects the assertions of the Nauruan government made in a press release specifically attacking the Refugee Action Coalition.

"The press release was nothing more than self-serving rhetoric designed to cover-up the serious levels of violence on the island," said Ian Rintoul, spokesperson for the Refugee Action Coalition. .

The Nauru government has a history of publishing misleading press releases regarding the treatment of refugees meant to be in their care.

In March they denied the police violence when arresting peaceful refugee protesters. They specifically denied arresting children during those protests until their own police and court reports revealed otherwise.

The abuse of women, children and men held in custody at that time is well documented.

Despite the claims made in the press release about domestic violence, the Nauru government stands condemned by its own publications that admit the high level of domestic violence on Nauru.

The Nauru country plan published in July 2014, by the Pacific Forum says, "...there is a general consensus that domestic violence, including sexual and physical violence against children and against women is a growing problem on the island."

Nauru's own, Nauru's Universal Periodic Review in January 2011 recorded that domestic violence was 'systemic' on the island.

Tragically it is the official attitude of the government denying basic rights to refugees that encourages a minority on Nauru to regard refugees as literally second-class citizens who can be preyed upon with impunity.

Local Nauruans have broken into the house that accommodates unaccompanied minors, sometimes with violent and threatening behaviour at least six times in the last 12 months, the latest incident only in August.

On the case of the attacks on the two boys reported by the Refugee Action Coalition, it was other local Nauruans who witnessed the attacks and called the police. But the police have never interviewed those local witnesses.

Nor is it co-incidental that the Nauruan police have not investigated the series of rapes of refugee women on the island. In May, the Nauruan police denied for four days that an Iranian woman had been raped, before finally admitting the truth.

The New Zealand government has recently withdrawn funding to Nauru's judicial system because it is not independent and accountable and because of their growing concern at civil rights abuses on the island.

"It is to the eternal shame of the Australian government that it has been rendered mute in the face of the abuses on Nauru," said Rintoul, "But their silence is evidence of their own complicity."

Neither the Australian nor the Nauruan government will face up to it, but the facts are on the side of the Refugee Action Coalition.

For more information contact Ian Rintoul 0417 275 713

31. National audit office to investigate asylum seeker healthcare in detention

Audit office will review relationship between IHMS and government and assess whether contracts support the 'effective and efficient delivery of health services'

The Guardian
Paul Farrell, Bridie Jabour and Nick Evershed
Wednesday 7 October 2015 13.05 AEDT

The Australian National Audit Office is conducting a sweeping audit of asylum seeker healthcare and the relationship between the immigration department and the multinational company that provides medical services.

The ANAO began the audit in July 2015 with a focus on the contractual measurements in place between the immigration department and International Health and Medical Services (IHMS), which is a subsidiary of global healthcare giant International SOS.

The announcement of the audit followed a series of articles from Guardian Australia looking at IHMS and its relationship with the immigration department. It revealed the tension at the heart of IHMS between meeting clinical care objectives and fulfilling its commercial objectives under its contracts with the government agency.

An information sheet seen by Guardian Australia said the audit would assess the effectiveness of the immigration department's administration of services in onshore detention centres.

According to the ANAO sheet, the audit will assess whether "a robust contract is in place to support the effective and efficient delivery of health services".

It will also examine whether IHMS is providing health services in line with these contractual requirements, and whether "effective arrangements have been established to monitor health services provision and manage IHMS's performance."

The information page said: "The ANAO has wide information-gathering powers that provide access to commonwealth premises, documents and information. The access and information gathering powers are balanced by strict confidentiality provisions."

Fieldwork to gather information for the audit began in July 2015, and is expected to continue until the end of October 2015.

Guardian Australia's investigation uncovered that IHMS failed to meet medical targets, included incorrect data in reports, did not undertake working with children checks for staff in Perth and admitted internally that it was "inevitable" fraud would be committed as it tried to meet government standards.

IHMS also encouraged staff to "grab from the excuse bag" to help it meet health targets set by the immigration department.

Then prime minister Tony Abbott said the immigration minister, Peter Dutton, would look at the representations that fraud would occur. A further investigation found staff were deployed on Manus Island without police checks in what appeared to be

an attempt to mislead the immigration department. Both the company and the immigration department were investigating the allegations.

The Greens senator Sarah Hanson-Young referred a series of allegations arising from the reports to the Australian federal police for investigation.

The ANAO is inviting public submissions to the audit, which are confidential.

The audit is likely to be tabled in parliament in June 2016.

<http://www.theguardian.com/australia-news/2015/oct/07/national-audit-office-to-investigate-asylum-seeker-healthcare-in-detention>