

Dear Prime Minister

**Re: Australian-born children in Immigration Detention**

The Australian Government's assertion that it does not hold children in immigration detention in Australia is laudable. This is consistent with its ratification in 1990 of the *Convention on the Rights of the Child (CRC)*<sup>1</sup>. In particular 'in all actions concerning children, ... 'the best interests of the child shall be a primary consideration'. The Minister is to ensure that children should be detained only as a measure of last resort and this should be in the community under conditions that meet their requirements<sup>2</sup>.

The practice is however, that children are being held in immigration, which is clearly not in their best interests. An example: two young Australian-born girls who were taken with their parents in a dawn raid from their home in Biloela in March this year to a Melbourne Immigration Centre. They are still in detention 8 months later.

Recent medical reports from the Royal Children's Hospital Melbourne indicate that these conditions are inappropriate for these girls. These previously happy and healthy 3- and 1-year-old girls have now been found to be:

- suffering multiple vitamin deficiencies that have led to the 1-year old's teeth rotting. Their mother has only recently been allowed to cook for the family three times a week.
- severely isolated from other children and given restricted outside play time in their tiny concrete area.
- under constant guard which has resulted in disorganised attachment in the children as well as disturbed sleep patterns from nightly checks.
- clearly showing signs of psychological stress.

It is obvious from these medical reports that the best interests of these children are not being met. This ongoing detention is contrary to the CRC and to guidance provided for the Minister.

Additionally, they are stateless. Australia does not recognise them as being Australian, which is in conflict with the CRC. Neither are they recognised by Sri Lanka - the country from which their parents fled persecution and were given asylum by Australia in 2012-2013.

It is not safe for their parents to returned to Sri Lanka as they are Tamils. In 2017 the UN Special Rapporteur on Human Rights noted that a 'culture of torture' exists in Sri Lanka towards Tamils<sup>3</sup>. This is unlikely to change, and may even worsen, as the 'newly appointed' PM of SL oversaw the destruction of Tamil lands and death of 40,000 people in 2009.

Prime Minister given the above issues for these Australian-born children it would appear that the only course of action that will meet Australia's commitments to the CRC is to immediately provide Permanent Protection to these children and their parents, and return them to their home and community in Biloela. I implore you to ensure this is undertaken immediately before further harm is inflicted on these Australian-born girls.

Yours sincerely

Name:

Address:

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<sup>1</sup> *About Children's Rights*, Australian Human Rights Commission, <https://www.humanrights.gov.au/our-work/childrens-rights/about-childrens-rights>

<sup>2</sup> *Migration Amendment (Detention Arrangements) Bill 2005, Explanatory Memorandum*, Australian Government, House of Representatives 2005

<sup>3</sup> *Human rights and counter-terrorism: UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to Sri Lanka*, Office of the High Commissioner for Human Rights 14 July 2017

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Member for .....  
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Dear Assistant Minister

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