

High Court decision blight on reputation  
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<http://www.theage.com.au/national/letters/trampling-over-scientific-method-20110120-19xyp.html?skin=text-only>

THE High Court's decision (The Age, 20/1) to refuse an injunction to release four Afghani children from detention is likely to seriously damage Australia's international reputation.

A central concern has been Australia's treatment of children in our immigration system. While you do not need to be an expert to appreciate that keeping already traumatised children in detention is deeply inhumane, there is now plenty of credible research to testify to the danger of such action.

Australian governments in different jurisdictions have also repeatedly failed to protect vulnerable children in state care and for whom it is acting in loco parentis. For many children, removal from their home actually places them at greater risk. As ombudsmen's and other reports attest, we have a very poor record in carrying out one of our most basic responsibilities: our duty of care towards the most vulnerable.

The recent High Court decision is also at odds with action by the Attorney-General's Department to showcase our humanitarianism, and specifically our commitment to the UN Convention on the Rights of the Child. This entails ensuring a child's right to adequate facilities and services, and to good health and rehabilitation, as well as an obligation for us to protect and care for vulnerable children.

The High Court's action regrettably does little to secure our reputation as a place where we take seriously our regard for the rule of law, which includes relevant international laws.

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