



INTERNATIONAL
COMMISSION
OF JURISTS

ICJ AUSTRALIA

GPO Box 173
Sydney NSW 2001
Australia

+61 (0)2 8249 3221

+61 (0)2 8249 3223

info@ICJ-Aust.org.au

WWW.ICJ-AUST.ORG.AU

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PRESS RELEASE

“The Minister for Immigration should be removed as Guardian of unaccompanied refugee children, to afford them some real protection on arrival in Australia” said The Honourable John Dowd AO QC, President of The International Commission of Jurists Australia.

“The purpose of the *Immigration (Guardian of Children) Act* 1946 is to provide unaccompanied minors with the same rights and protections that would normally flow from a parent-child relationship. A further purpose is to oblige the Minister to act in the same way as a parent would have toward that child. The recent High Court decision has made it abundantly clear that the Minister, as part of the present government, has manifestly failed his duty to the children involved. The Minister’s conflict of interest means that there is a need for legislative change to provide for an independent guardian for the unaccompanied refugee children to provide protection for them” said Mr Dowd.

“The political imperatives to create a political rather than a humanitarian solution for the government meant that the Minister did not exercise any of the legal and treaty obligations to which the children are entitled. Refugee advocates have for years been pressing successive governments for the appointment of some other person to be the lawful guardian for unaccompanied minors. It clearly has to be somebody who is not a Minister of the government and should be an independent person appointment under statutory authority to exercise proper guardianship” said Mr Dowd.

“The opposition should support the government if it is prepared to give this proper protection” said Mr Dowd

“The ICJ Australia stands opposed to offshore processing in any form whether they be minors or not. Mandatory detention should be abandoned by the government” said Mr Dowd.

John Dowd (02) 8249 3221
0439 625 007

Steve Mark 0438 244 129

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