

Baby Asha's release into community detention a positive step, but further action required

The announcement by the federal government that the baby known as 'Asha' will be placed in community detention, instead of being sent to Nauru, has been welcomed by the Law Council of Australia.

The Law Council has a long-held position that offshore immigration detention is an inappropriate place for children and alternatives must be pursued.

Law Council of Australia President Stuart Clark AM noted that while the federal government's position was a complex one, certain matters of principle must be adhered to.

"The Law Council acknowledges that the number of children in detention has been reduced in recent years and this is a positive thing," Mr Clark said.

"However, we remain deeply concerned about the protracted detention of asylum seekers and refugees both onshore and offshore, especially children.

"There is clear evidence that keeping children in detention leads to increased physical and mental harm

"The interests of the child must be a primary consideration. Detention of children for the purpose of determining their immigration status is unlikely to ever comply with this principle. The detention of children should be only for a period that is strictly necessary to conduct health, identity, and security checks.

"Indefinite detention – particularly in circumstances where the detainee has not committed, let alone been convicted, of any crime – is unacceptable and contrary to the rule of law. Steps must be taken to resolve the future of these detainees immediately.

"Australia should immediately stop sending children offshore and beyond the reach of Australia's standards of detention. If necessary, the movements of children can be restricted through community detention, where they can live under conditions appropriate for a child."

Mr Clark said the Law Council had laid out a range of measures that could be adopted in its detailed [Asylum Seeker Policy \(2014\)](#).

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