



8 June 2011

Hon Julia Gillard  
Prime Minister  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

Dear Prime Minister,

Social Justice In Early Childhood (SJIEC) is a not for profit, politically active organisation working for social justice issues pertaining to the lives of children. Its members consist of early childhood teachers and educators, consultants, academics, researchers, managers, community people, and those generally interested in the rights of children. Although the group is Sydney based, we have both national and international members. As professionals in early childhood education, many of its members are involved in developing and implementing policies, written in the best interests of the child, as an integral part of their day to day work.

It is therefore with great concern that SJIEC views the current negotiations with Malaysia and other regional governments regarding the transfer of children to the uncertain fate of custody and processing in majority world countries.

Whilst deploring the dangers inherent in the business of people-smuggling, we believe any actions to consign minors who have arrived safely in Australian back to Malaysia (or any majority world country) is not in the best interests of the child and is a clear and abject breach of Australia's moral and legal obligations under the Convention on the Rights of the Child (CROC) and other international undertakings.

We vigorously oppose the transfer of unaccompanied children and vulnerable groups to anywhere outside Australia. Your Minister for Immigration already has guardianship responsibilities for many of these children, including a group of teenage girls from Vietnam, who would be at grave peril of being exposed to sex trafficking if removed from their current protection in Australia.

Malaysia's appalling record in human rights and adverse treatment of refugees, as a non-treaty country is well documented. How can Australia as a developed nation, and with abundant resources, contemplate this abhorrent action?

The Australian Human Rights Commission, The Refugee Council and many other Australian based organisations involved in human rights issues have communicated their opposition to your proposed course of action. In the past few days the United Nations High Commissioner for Refugees (UNHCR) and the United Nations (UN) Human Rights Commissioner have equally condemned Australia's proposals.

Off-shore processing is anathema to Australia's standing in the international Community. Why is your Government willing to fret about the cruel treatment of Australian exported cattle, and contemplate deporting already traumatised children to mistreatment (or worse) in a country with a notable absence of human rights and downright abuse of refugees through Government sanctioned vigilante RELA volunteers?

We also seek clarification on your Government's affirmation that all children currently being held in immigration detention will be given appropriate community release by the end of this month, with full health, education and emotional support.

Most importantly, SJIEC calls on you to abolish the retrograde step of a bi-lateral deal with Malaysia until a proper regional framework for controlling people-smuggling can be negotiated within the auspices of The Bali Process, with the full backing of the UN.

Yours faithfully,

Social Justice In Early Childhood group

[www.socialjusticeinearlychildhood.org](http://www.socialjusticeinearlychildhood.org)