



**Australian  
Human Rights  
Commission**

**President**

Professor Gillian Triggs

22 January 2014

Senator the Hon George Brandis QC  
Attorney-General  
Parliament House  
Canberra ACT 2600

By email:

Dear Attorney,

### **Inquiry into Children in Immigration Detention**

I am writing to advise that the Commission has decided to conduct an inquiry into children in immigration detention.

This year marks the 10 year anniversary of the Commission's 2004 report: *A last resort? National inquiry into children in immigration detention* (National Inquiry). Since the National Inquiry there have been significant positive developments including the removal of children from high security Immigration Detention Centres, the creation of the Community Detention system and the use of bridging visas for asylum seekers who arrive by boat.

There are currently, however, more children in immigration detention facilities than during the National Inquiry (1028 as of 31 December 2013 including 460 on Christmas Island) and key concerns remain.

A copy of the terms of reference for the inquiry is attached. I intend to conclude the inquiry by the end of 2014.

The inquiry will review progress that has been made during the 10 years since *A last resort?* and will assess whether the laws, policies and practices relating to children in immigration detention meet Australia's international human rights obligations.

I have also written today to the Minister for Immigration and Border Protection to advise him of the inquiry. Please do not hesitate to contact me if you would like to discuss any issue relating to this inquiry.

Yours sincerely,

Gillian Triggs  
**President**

Cc: Joshua Faulks, Human Rights Adviser, AGO  
David Fredericks, Deputy Secretary, Civil Justice & Legal Services Group AGD  
John Reid, First Assistant Secretary, International Law and Human Rights Division AGD  
Stephen Bouwhuis, Assistant Secretary, Human Rights Policy Branch AGD

## ***National Inquiry into Children in Immigration Detention***

### **Terms of reference**

The President will inquire into the impact of immigration detention on the health, well-being and development of children. The President will assess whether laws, policies and practices relating to children in immigration detention meet Australia's international human rights obligations, with particular attention to:

- the appropriateness of facilities in which children are detained;
- the impact of the length of detention on children;
- measures to ensure the safety of children;
- provision of education, recreation, maternal and infant health services;
- the separation of families across detention facilities in Australia;
- the guardianship of unaccompanied children in detention in Australia;
- assessments conducted prior to transferring children to be detained in 'regional processing countries'; and
- progress that has been made during the 10 years since the Commission's 2004 report: *A last resort? National Inquiry into Children in Immigration Detention*.

'Children' means any person under the age of 18.

Community detention is not part of the scope of this inquiry.

The National Children's Commissioner will provide technical advice to the inquiry on the implementation of the Convention on the Rights of the Child.

