

# Australia: Asylum Under Threat

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Australia continues to be in the international spotlight as a result of its treatment of asylum seekers. Television images of caged men, women and children behind razor wire fencing in the desert have shocked human rights activists globally.

Australia's international reputation as an egalitarian model democracy is in tatters as commentators remind their readers of Australian xenophobia built on a history of dispossessed Aborigines and the discredited "white" Australia policy.

Despite being a very multicultural nation with an extensive immigration policy, which for the past fifty years has developed socially innovative settlement programs, the Australian Government has successfully denied its responsibility under the 1951 Refugee Convention. It has demonised asylum seekers mainly from Afghanistan, Iraq and Iran as "illegals" and "queue jumpers", so that a majority of the Australian people are convinced that it is only fair and reasonable to lock up the boatpeople arriving unannounced off the north west coast.

Australia has had a mandatory detention policy since 1994 when it was introduced by a Labour government, but it has been in the last two years that the policy has come under closer scrutiny as increased numbers of boat people have arrived. Larger numbers of Vietnamese people arrived in the 1970s and were integrated into the community, as were other groups fleeing persecution in the 1980s and 1990s. The Immigration Department admits it cannot trace up to 60,000 people arriving by plane who overstay their visas, but a few thousand boatpeople have sent the nation into a frenzy of persecution and vilification.

Last year's national election campaign witnessed gross abandonment of international obligations for the treatment of asylum seekers. Both sides of politics competed to "protect our national borders". The electorate was bombarded with misinformation about the potential criminality of boatpeople and the September 11<sup>th</sup> terrorist attacks further entrenched a cynical campaign of fear.

The arrival of a number of unseaworthy vessels last year resulted in draconian measures, supported almost unanimously in the Parliament, to further restrict the rights of asylum seekers. People rescued by the Norwegian ship "Tampa" were refused entry even though Australian authorities had requested the ships captain to go to their aid. There was a dramatic raid by Australian Special Forces to "secure" the situation and people were stranded in a political standoff for several days. Finally these desperate people, who had experienced near starvation and drowning, a military raid and days of uncertainty, crowded on the deck of a vessel with limited facilities, were shipped off by the Australian navy to an isolated Pacific island nation where they remain some six months later awaiting the outcome of their claim for asylum.

Australia now spends undisclosed millions of dollars paying Pacific nations to “hold” asylum seekers and has told the U.N.H.C.R it will not take all those being processed! Meanwhile navy patrols pick up further “unauthorised” arrivals and transfer them offshore in what is known as the “Pacific solution”. Two Australian islands (Christmas and Cocos) have been excised from Australia for the purposes of the Migration Act so that asylum seekers cannot claim legal rights under Australian law!

Meanwhile the situation in the desert detention camps are dependent on a private company employing mainly prison staff to “guard” the lives of detainees, many of whom are held for up to three years while their complex claims are processed. Allegations of mistreatment, including child abuse, have resulted in riots and hunger strikes. The despair and frustration of the asylum seekers at Woomera led to two weeks of hunger strikes among nearly 300 people, including children, with numerous involved in lip sewing and suicide threats.

There is increasing opposition to the way in which asylum seekers are treated. Churches, nongovernmental organisations and community leaders have been proactive in calling for a ‘Royal Commission of Enquiry’ and an end to the current policy of mandatory detention. The Opposition has finally retreated from its hard line stance and released a statement calling for the release of women and children, but mandatory sentencing remains a firm commitment.

There are signs of moderating attitudes in the community and much of the media has resisted the secrecy surrounding military involvement and the closed nature of detention camps by calling for independent scrutiny and a much more transparent policy.

There have been reassuring signs that a great many Australians are absolutely appalled at the behaviour and policies of their so-called leaders. Many new refugee groups have been formed to assist the nation-wide campaign of human rights advocacy and a wide variety of groups are organising street marches and vigils in support of the detainees. Lawyers and doctors have been vocal about the denial of rights and medical concerns. The ‘Human Rights and Equal Opportunity Commission’ recognised the work of a detainee to bring attention to the psychological impact of detention in the Australian Medical Journal. Unfortunately though he was not permitted to leave his Sydney detention centre to receive the award! ‘Rural Australians for Refugees’ called at the Norwegian Embassy on Human Rights Day to present an award to the Captain of the *Tampa*.

Toys and gifts in large numbers were sent to detention centres as Australians celebrated Christmas. During the recent hunger strikes a group of Australians organised a 48-hour famine in solidarity, while another group sent flowers to brighten the sparse environment.

Mary Robinson has requested that a special envoy inspect Woomera, but the Australian Government seems unlikely to permit this and despite the volume of criticism internationally and at home, there seems little prospect of policy reform. Australia remains on the Human Rights Watch list . . . what a national disgrace!

## **RECOMMENDATIONS TO CHOGM**

Establish a clear procedure for systematically monitoring the implementation of pledges made by Heads of Government and the mandates given to the Commonwealth's official bodies. It should without doubt evaluate and publicise the progress made by the Commonwealth and its member states towards achieving the target set for halving the proportion of people living in poverty by 2015; urge, more vehemently than ever before, and with the explicit intention of evaluating compliance at the next CHOGM, the ratification and incorporation into domestic law of the ICESCR, ICCPR, CEDAW, CRC as well as their optional protocols and the ILO fundamental conventions; create the post of Commonwealth High Commissioner for Human Rights, as repeatedly recommended by CHRI; expand the working role of CMAG so as to fulfill its true mandate and to serve as a custodian and spokesperson for all the rights of the people of the Commonwealth; and acknowledge that serious and persistent violations of economic, social and cultural rights come within its remit; strengthen the capacity of the Human Rights Unit, by increasing its resources and raising both its stature and autonomy within the Secretariat; set an example by adopting a stated policy on open governance within the Commonwealth Secretariat and other organs of the Official Commonwealth that not only makes information readily available but actively disseminates it in the interests of democratic functioning; and go beyond mere formal consultation with, to participation by, associations and NGOs at all levels of Commonwealth functioning. In order to underpin this the Secretary-General must signal his clear and unequivocal support for the unofficial Commonwealth and the importance of these networks for the longevity of the Commonwealth itself.