

# REFUGEE COUNCIL OF AUSTRALIA

INCORPORATED IN A.C.T. - ABN 87 956 673 083

37-47 ST JOHNS RD, GLEBE, NSW, 2037  
PO BOX 946, GLEBE, NSW, 2037  
TELEPHONE: (02) 9660 5300 • FAX: (02) 9660 5211  
info@refugeecouncil.org.au • www.refugeecouncil.org.au

## MEDIA RELEASE

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### Further Criticisms of Australia's Mandatory Detention Policy

Yet again, the Australian Government policy of Mandatory Detention of Asylum seekers who enter Australia unauthorized has been found to breach Australia's international human right obligations. "The finding comes as no surprise," said David Bitel, President of the Refugee Council.

It reaffirms the views of the Human Rights Committee in an earlier ruling, Australia's Human Rights Commissioner, and all of the major national and international NGOs including the Refugee Council of Australia, International Commission of Jurists, Amnesty International, and The National Council of Churches." The laws were introduced as a measure to deter unauthorized entry, but have been singularly unsuccessful for this purpose. Rather, at great financial expense to the Australian community, they perpetrate a gross human rights violation on the people detained, many of whom have been found to be genuine refugees thereby justifying Australian support and not punishment.

"The untold emotional and physical consequences on those detained and then released has yet to be fully quantified, but is immense. The policy shows contempt for Australia's so called compassionate reputation for those in need and is mean spirited and cruel." Mr. Bitel continued. "We are alone amongst Western democratic states in pursuing this unjust policy." As with the other debate concerning mandatory detention, which also attracted the strong criticism of the United Nations' Committee, it shows Australian politicians have come little distance since their forefathers who initiated Australia as a penal colony. More recently, the Australian Government has introduced a temporary protection visa regime for proven refugees, which gives them second-class rights. This breaches the spirit of Australia's obligations under the Refugee Convention and again shows how the interests of the most vulnerable are sidelined without thought being given to their long term welfare.

"It is time our politicians, charged with the moral leadership of this country, started to give true meaning to the principles they mouth emptily, and stopped fanning the fears of ordinary Australians with the rhetoric of so called invasions. The reality is that the number of people coming to Australia illegally

is tiny by all international comparisons". The international movement of asylum seekers fleeing the persecution of the world's dictators like Saddam Hussein and the Taleban of Afghanistan, is a highly complex issue and cannot be solved by simplistic policies like mandatory detention. The complex array of immigration controls Australia and other countries have developed may have the effect of forcing those genuinely fearing persecution into the hands of unscrupulous "people smugglers".

The Refugee Council of Australia has proposed an Alternative Detention Model, which the Government has refused to consider seriously. It must now do so. In the light of the findings of the United Nations Committee, Australia's international reputation as a good citizen of the world community is seriously at risk. It is in the interests of all Australians that we revert to a compassionate approach to our treatment of refugees.

Let the Government not yet again condemn the messenger and blame the victim.