

## Media Release

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### GOVERNMENT UNWISE TO IGNORE UN REFUGEE REPORT

“The Federal Government has become very predictable when it comes to its response to the findings by international human rights experts. On every occasion we have seen a denial of the substance, an effort to introduce irrelevances and a challenge to the credibility of the author(s). It therefore comes as no surprise that the report by the UN High Commissioner for Human Rights’ special envoy, Justice PN Bhagawati, into the conditions in immigration detention centres received exactly the same treatment when it was released last night” said David Bitel, RCOA President.

“By taking this position, once again, the Government is showing that it is unable to countenance constructive criticism and that it places itself above the international bodies whose role it is to monitor and protect human rights.”

Justice Bhagawati came to this country at the invitation of the Government and with a clear mandate: to assess whether the conditions in immigration detention were consistent with internationally accepted human rights principles. Despite assertions to the contrary by the Government, it was not his role to consider the underlining policy, nor the Government’s right to detain unauthorised arrivals.

After consideration of the conditions in Woomera and discussions with many relevant parties, including immigration detainees and Government, Justice Bhagawati expressed concerns about a number of issues including:

- the length of detention;
- ongoing detention of people who cannot be returned;
- the lack of proper judicial review;
- the detention of children, including unaccompanied minors,
- the lack of information being provided to detainees;
- the use of separation detention; and
- the absence of proper independent monitoring and accountability mechanisms;

and concluded that the current conditions “could, in many ways, be considered inhumane and degrading” and are a breach of several international treaties.

Far from being the flawed document the Government would have us believe, any reader of the 20–page report will see that it is a considered document that also gives the Government considerable credit for recent advances and makes constructive suggestions about what needs to be done to enhance compliance.

Justice Bhagawati’s findings are consistent with those of all other human rights monitors, including the Human Rights and Equal Opportunity Commission. In fact, the only defence of the Government’s position comes from the Government itself.

“The Government does itself no favours by ignoring its critics” said David Bitel. “The issue will not go away until the Government adopts a mature and responsible approach and accepts the need for a substantial revision of its policy and practices in relation to immigration detention. It is the Government’s policy that is “fundamentally flawed”, not the report it now criticises. What a pity that the spirit of fair play being displayed by our athletes in Manchester has not rubbed off on our Government,” he concluded.