

# REFUGEE COUNCIL OF AUSTRALIA

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## MEDIA RELEASE

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### TRYING TO DEFEND THE INDEFENSIBLE

Once again the Australian Government has come out with its stock standard response to any criticism about its detention policy: 'We don't agree'. Its detailed response to the UN Working Group on Arbitrary Detention report into immigration detention conditions in Australia, longer than the report itself, is – like the carefully planted media stories earlier this week – a particularly disturbing and futile attempt to deflect attention away from the fact that Australia is doing the wrong thing.

The response from our Government is particularly alarming. The UN Working Group on Arbitrary Detention, headed up by distinguished French jurist, Mr Louis Joinet, is arguably the most authoritative group to consider Australia's detention policies. The Working Group has been specially mandated by the UN to undertake assessments of prisons and detention centres. Earlier this year they visited Australia to conduct their own investigation after being denied access for some years.

In its report, the Working Group admitted to being disturbed by what they saw and what they heard. They raise concerns about the automatic, indiscriminate and non-reviewable nature of the detention of asylum seekers, about the potential for the detention to be indefinite and about the impact of detention on the psychological well being of detainees. More serious, they suggested, was the absence of a proper domestic human rights protection framework and the practice of effectively preventing access to the courts to challenge detention. The latter, they note, is something not practiced by any other country in the world.

"If Australia's policies are so good, why is it that the Working Group concludes that Australia's practices are not compliant with international standards, and why is it that this finding is consistent with every other expert opinion on our detention regime?" asks Margaret Piper, RCOA Executive Director.

“Minister Ruddock, in his defence, suggests that there should be greater focus on ‘egregious human rights abuses elsewhere in the world’ without pausing to reflect that in the last 12 months the major human rights watchdogs have seen it necessary to focus their attention on Australia. And every one of them has found our policies to be fundamentally flawed” she continued. “Saying that others are nastier than us is no response to these findings. An abuse of human rights is an abuse – and when the victim is someone who came to this country in search of protection – it is arguably an egregious abuse”.

“We have also heard in recent days about improvements in the conditions in the detention centres. The images portrayed are a far cry from the reality and the fact remains that the addition of the odd DVD or play station cannot take away from the fact that the policy of non-reviewable mandatory detention is wrong and both the laws in this country and our treatment of asylum seekers are in breach of our international treaty obligations.”

The Refugee Council renews its call for a Judicial Inquiry into the Australia’s detention policy and the conditions in detention centres. “If the Government is so convinced that it has right on its side, it should prove this to the Australian public” concluded Margaret Piper.