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MEDIA RELEASE

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DETENTION REFORMS: A MISSED OPPORTUNITY

What an achievement it would have been if the Australian Government had chosen to announce major reform of detention policy today to mark World Refugee Day! After all, they had the blueprint presented to them in the Private Members Bills proposed by Petro Georgiou. If enacted, the Bills would have addressed the major criticisms being levelled against Australia by human rights bodies the world over and would have brought an end to policies that have caused tremendous suffering to refugees and asylum seekers.

Instead of taking this principled step, the Prime Minister has chosen merely to tinker around the edges.

“As welcome as the changes announced on Friday are”, said David Bitel, RCOA’s president, “they do not go to the core of the problems that beset Australia’s detention policy. Not only has the Prime Minister failed to seize the chance to enact necessary reform, he has also left the door wide open for the unresolved problems to continue to fester.”

It is conceded that a number of the concessions made by the Prime Minister will have a positive impact on the lives of asylum seekers and other detainees, not least:

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provision for community-based options for families, thus doing away with the requirement that families be separated for children to be released into the community;

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the time limits set on processing asylum claims, provided that safeguards are put in place to ensure that the quality of decision making and procedural fairness are not compromised by expedited processing;

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increased oversight of detention by the Commonwealth Ombudsman;

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enhanced interdepartmental vigilance making the Minister for Immigration more accountable for prolonged detention;

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the deadline on completion of processing Further Protection Visa applications.

The changes, however, leave the fundamental problems with the system in place. The changes:

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do not address the areas identified as being breaches of the human rights treaties to which Australia is a signatory, namely the mandatory and non-reviewable nature of the detention policy;

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do not prevent people being detained for prolonged periods;

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do not provide solutions for people whose legitimate need for protection falls outside the Refugee Convention – in particular people who are stateless or would face torture or gross human rights abuses if returned to their country of origin;

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do not put an end to the counterproductive and damaging use of Temporary Protection Visas for Convention refugees;

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do not guarantee the structural changes within DIMIA that will prevent further abuse.

“Until these core issues are addressed,” Mr Bitel concluded, “all of the fine work Australia is doing in other areas of refugee assistance will continue to be tarnished and World Refugee Day will be overshadowed by the cloud of an opportunity missed.”

22nd June 2005

FAMILIES REAL WINNERS IN DETENTION REFORMS

“Families with children are the real winners from the Migration Amendment (Detention Arrangements) Bill 2005 introduced into Parliament last night,” said the Refugee Council of Australia’s president, David Bitel.

The Bill reflects Australia’s obligations under the Convention on the Rights of the Child to ensure that children are only detained as a matter of last resort. It makes provision for children, with both of their parents, to live in the community while an assessment is made of their claims for refugee status or any other migration outcome.

“This is a very positive development,” continued David Bitel. “No longer will families be faced with the agonising prospect of deciding whether to separate to give the children a chance of normality or keep the family together in the unnatural confines of the detention centre. Families living together in the community will be able to provide a much less stressful and more natural environment for their children, thereby alleviating tension within the family and preventing the psychological damage we have seen done to children who have spent prolonged periods in detention. Those allowed to reside in the community will also be free from the stringent constraints on movement and significant supervision and surveillance imposed under Residential Housing Project arrangements.

“Another welcome aspect of the Bill is the provision made for oversight. While we still do not have the review powers that are required under international law, the combination of the enhanced powers given to the Federal Ombudsman and the promised top-level implementation committee headed by the Secretary of the Department of Prime Minister and Cabinet go a long way towards improved transparency and protecting against abuses,” said Mr Bitel.

The Council also welcomes changes to the detention laws to the extent that they provide a real potential for release of long-term detainees into the community. “This has the real capacity to limit the suffering of people who have been subject for far too long to the destructive consequences of the policy.”

“The Council reiterates its disappointment that the government was not prepared to implement all of the reforms contained in Petro Georgiou’s Private Members Bills. This being said, it is important to acknowledge the positive elements in the Migration Amendment (Detention Arrangements) Bill and

commend the courage of the Liberal Backbenchers whose hard work and committed advocacy have taken us this far,” Mr Bitel stressed.

“There are two challenges that lie ahead. The first is to ensure that the Bill is implemented in good faith in a timely manner. The second is to not lose sight of the fact that there are many more areas of Australia’s asylum policy in need of reform, not least in relation to the use of temporary protection for Convention Refugees. Until this happens, not only will vulnerable refugees and asylum seekers suffer, but so too will Australians who want to live in a country that is just and compassionate,” Mr Bitel concluded.

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