



Refugee Council of Australia

MEDIA RELEASE

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SRI LANKAN ASYLUM SEEKERS MUST GET A FAIR HEARING

Australia must give a full and fair hearing to any asylum claims from Sri Lankan citizens in view of the widespread conflict and human rights abuses within their country, the Refugee Council of Australia says.

Refugee Council president John Gibson said the Australian Government had a clear obligation under the 1951 Refugee Convention to ensure that the 83 Sri Lankan men rescued by the Australian Navy off Christmas Island had the opportunity to make an asylum claim and to have the claim properly heard.

“Australia cannot, as suggested in press reports today, consider returning any asylum seekers to Indonesia and then to Sri Lanka without giving them a chance to put their case for protection,” Mr Gibson said.

“The 30-year conflict in Sri Lanka has rapidly worsened in the past year. In December, UNHCR appealed to governments around the world to give asylum claims from Sri Lankan citizens a fair hearing, in view of the bombings, terrorist attacks, extra-judicial killings, abductions, rapes, communal violence and other forms of persecution taking place in many parts of the country,” Mr Gibson said.

“In October, a research team from Melbourne’s Hotham Mission visited Sri Lanka and documented the widespread nature of the human rights abuses occurring within the country.

“The conflict between government forces, the Tamil Tigers and other factions has led to more than 500,000 Sri Lankans becoming internally displaced. Another 16,000 people have fled to India in the past year.”

Mr Gibson said the Refugee Council remained firm in its view that any asylum claim made to Australia should be processed on Australian territory.

“The system of refugee status determination within Australia is generally very fair, as it includes opportunities for administrative and judicial review and, in most cases, adequate access to independent advice and support during the claims process,” he said.

“The aim of an effective refugee status determination system is not to approve asylum claims willy-nilly but to ensure that those in most need of protection from persecution are given it. Currently 20 to 30 per cent of people making asylum claims are found to have a need for protection.

“The offshore processing conducted on Nauru greatly increases the likelihood of people being returned to danger, as claimants are denied access to independent administrative and judicial review of the initial decision and have very little access to legal advice and support.

“The so-called ‘Pacific Solution’ remains an outrageously expensive, lengthy and unfair system for handling asylum claims.

“The Australian Government should take a fair, humane, fiscally responsible and common sense approach and ensure any asylum claims are processed on Australian soil.”