



# Refugee Council of Australia

4 October 2014

## **Australia condemned as nations focus on global refugee crisis**

Non-government organisations (NGOs) working with displaced people around the world have singled out Australia for strong criticism as senior officials of governments and the United Nations High Commissioner for Refugees (UNHCR) met to discuss responses to the largest displacement crisis in more than 65 years.

In a joint statement on refugee protection coordinated by the International Council of Voluntary Agencies, the world's NGOs told the 2014 UNHCR Executive Committee meeting in Geneva that they remain "deeply disturbed by the continuing deterioration of protection standards for asylum seekers in Australia".

The five-day UNHCR Executive Committee meeting which concluded yesterday (Friday night Australian time) brought together government representatives from 94 nations to discuss international refugee needs and to set the agenda for UNHCR's work for the following 12 months.

The meeting focused on the need for nations to share responsibility for assisting more than 50 million people displaced by persecution and conflict, the highest number of displaced people and refugees since World War II. Delegates discussed the needs of 10 million Syrians displaced internally and in neighbouring countries, the rapidly deteriorating situation in Iraq, the displacement of 2.5 million people in the past nine months in new crises across Africa and the desperate circumstances of more than 6 million refugees in seriously protracted situations.

The NGO statement on protection raised concerns related to the Syrian crisis, issues in Kenya and the Horn of Africa and the movement of unaccompanied children from Central America but its clearest and strongest criticism was of actions taken by the Australian Government.

"Thousands of asylum seekers, including children, remain in arbitrary, indefinite detention in Australia and in offshore detention centres under conditions that constitute cruel, inhuman and degrading treatment. The deaths of two asylum seekers held at the Manus Island detention centre this year – one beaten to death, one succumbing to a treatable illness – have unequivocally demonstrated the risks of sending asylum seekers to countries which are not equipped to provide protection and support to people fleeing persecution," the NGO statement said.

"Despite this, Australia has signed a deal to transfer refugees to Cambodia, a country that faces major challenges in protecting the rights of its own citizens and has very little capacity to provide protection and support to refugees. We strongly support the High Commissioner's statement condemning this agreement as responsibility shifting and not responsibility sharing. As noted by the High Commissioner: 'Refugees are persons who are fleeing persecution or the life-threatening effects of armed conflict. They are entitled to better treatment than being shipped from one country to the next'."

NGOs expressed alarm at "the increasingly extreme measures used by Australia to block access to protection, including screening asylum seekers at sea, turning back boats to Indonesia and forcibly returning asylum seekers to Sri Lanka".

"Deterrence will never solve the complex protection challenges that compel asylum seekers to risk their lives at sea. We urge Australia to abandon its current policies and begin to work more constructively with its neighbours to lift standards of protection and provide durable solutions for refugees in Asia."

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On the third day of the Executive Committee meeting (early Thursday Australian time), Australia attempted to explain its new resettlement deal with Cambodia and its turning back of asylum seekers.

In a forum where speakers referred to the need to share responsibility with nations in the Middle East, Africa and Asia currently hosting millions or hundreds of thousands of refugees, the Australian statement justified the new resettlement with Cambodia by suggesting that the international community should not “restrict the burden of resettlement responsibility to a small group of wealthy nations”.

“Protection is not economic migration, it is about providing refuge from persecution and it is imperative that countries with established programs assist others who wish to join the community of refugee resettlement nations to do so,” the Australian Government statement said. “That is why the Australian Government announced that it had signed a memorandum of understanding with Cambodia that will provide for permanent resettlement in Cambodia and we commend Cambodia for its humanitarian ambition and readiness to offer protection to the world’s most vulnerable people. We are proud to have Cambodia’s partnership.

“There also needs to be a higher tolerance for innovation and new approaches to the increasing challenges we face. We need to be careful not to get stuck in our institutional ways. Australia has a range of policies designed to support the orderly movement to our country and through our region. We have established and lead the growth of long-term and effective partnerships that support the development of significant resettlement capacity in the Asia-Pacific. We are very grateful for the support of the governments of the Republic of Nauru and Papua New Guinea, each of which are establishing their own resettlement programs with Australia’s support.”

The Australian Government justified its turning back of asylum seekers by saying that it was seeking “to limit the influence of people smugglers and prevent loss of life”.

“Although some may find the Australian Government’s policies and actions in connection to these issues challenging, such action has been taken in the face of a moral and policy dilemma. Australia’s success in preventing people smuggling ventures from reaching our shores has yielded a significant humanitarian dividend. In two years, the Australian Government has increased our Special Humanitarian Program from 500 to 5,000 places. In our offshore resettlement program of 11,000 we are dedicating 4,400 places to vulnerable people from Syria and Iraq,” the Australian Government statement said.

The Australian Government made no reference to the cut of 6000 places per annum to its offshore Refugee Program, the program through which UNHCR refers refugees for resettlement from host states with large populations of refugees in protracted situations.

The Australian statement did draw gentle criticism from the UN High Commissioner for Refugees, Antonio Guterres. Praising Australia’s “exemplary” resettlement program, the cooperation between different levels of government and the “absolutely remarkable” role of Australian civil society, Mr Guterres said he understood and sometimes had to discuss the “moral and policy dilemmas” referred to in the Australian statement.

“We believe that it is important to make sure that we crack down on smuggling and trafficking and that we don’t make life easy for smugglers and traffickers but we also believe it is important that those that are in need of protection get effectively the protection they need and, I would say, quality protection. In regards to quality protection, I don’t think it’s possible to have a better quality protection than in Australia itself. And that is why we sometimes have a difference of opinion,” Mr Guterres said.

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## **AUSTRALIA'S STATEMENT TO THE GENERAL DEBATE, 2014 UNHCR EXECUTIVE COMMITTEE MEETING, 1 OCTOBER 2014**

Thank you, Mr Chair.

The global protection environment is now more complex than ever and new protection concerns continue to emerge. The global refugee population is at the highest level since World War II with more than 50 million people displaced around the world. Australia acknowledges that UNHCR and its humanitarian partners are under immense pressure to meet escalating protection needs and we commend your efforts. We welcome UNHCR's reinvigorated approach to protracted refugee situations. Recent crises have demonstrated that our best response to displacement and protection need are achieved together.

Australia commends the immense generosity of countries of first asylum across the globe. We also praise the efforts of UNHCR and other humanitarian agencies providing life-saving assistance to those fleeing violence in Syria. A reality of conflict AND displacement is, however, that many of those who have fled their homelands can never return. We must provide enduring pathways to safety for those who have been permanently displaced and cannot restrict the burden of resettlement responsibility to a small group of wealthy nations. Protection is not economic migration, it is about providing refuge from persecution and it is imperative that countries with established programs assist others who wish to join the community of refugee resettlement nations to do so.

That is why the Australian Government announced that it had signed a memorandum of understanding with Cambodia that will provide for permanent resettlement in Cambodia and we commend Cambodia for its humanitarian ambition and readiness to offer protection to the world's most vulnerable people. We are proud to have Cambodia's partnership.

Australia has a long history of providing protection to the world's most vulnerable displaced people and since 1947 has given the opportunity for a new life to more than 800,000 refugees and people in humanitarian need. Australia's multicultural success, where nearly half of our population is either born overseas or has one parent born outside Australia, is founded upon the community's confidence that we manage our borders in an orderly way. Australia is deeply saddened by the recent deaths of asylum seekers in the Mediterranean Sea. These events underscore the complex moral and political challenge all governments face in implementing appropriate protection policies.

Australia's actions seek to limit the influence of people smugglers and prevent loss of life. Although some may find the Australian Government's policies and actions in connection to these issues challenging, such action has been taken in the face of a moral and policy dilemma. Australia's success in preventing people smuggling ventures from reaching our shores has yielded a significant humanitarian dividend. In two years, the Australian Government has increased our Special Humanitarian Program from 500 to 5,000 places. In our offshore resettlement program of 11,000 we are dedicating 4,400 places to vulnerable people from Syria and Iraq.

The individual responses of the international community to situations where a protection need emerges must be tailored more and more to the specific circumstances of our regions. One size does not fit all. Whilst Australia has and is accepting people from all over the world for resettlement under the regular UNHCR program, secondary movement from other parts of the world distracts us from dealing with our own intra-regional challenges. Most significantly in the years ahead, this will involve addressing the positive opportunities in Myanmar as we hope for more change that over time could see many refugees potentially return.

There also needs to be a higher tolerance for innovation and new approaches to the increasing challenges we face. We need to be careful not to get stuck in our institutional ways. Australia has a range of policies designed to support the orderly movement to our country and through our region. We have established and lead the growth of long-term and effective partnerships that support the development of significant resettlement capacity in the Asia-Pacific. We are very grateful for the support of the governments of the Republic of Nauru and Papua New Guinea, each of which are establishing their own resettlement programs with Australia's support.

Australia remains one of the top three resettlement countries in the world. The Australian Government makes this contribution not out of obligation but out of choice and Australia has resettled far more than have ever sought asylum with us.

Mr Chairman, again let me thank UNHCR and the many countries that work to provide protection and durable solutions to refugees. I thank you today.

### **RESPONSE TO AUSTRALIA'S STATEMENT BY UN HIGH COMMISSIONER'S FOR REFUGEES, ANTONIO GUTERRES**

I would like to thank the distinguished representative from Australia for her intervention. First of all, let me pay tribute to the quality of the Australian resettlement program. I can see that the Australian resettlement program indeed is an exemplary one. The cooperation between central government, local government, civil society, the role of civil society is an absolutely remarkable one.

I would say that we share with Australia a number of very important common objectives even if we sometimes have to discuss what [the Australian Government representative] called very well some "moral and policy dilemmas". We understand those moral and policy dilemmas. We believe that it is important to make sure that we crack down on smuggling and trafficking and that we don't make life easy for smugglers and traffickers but we also believe it is important that those that are in need of protection get effectively the protection they need and, I would say, quality protection. In regards to quality protection, I don't think it's possible to have a better quality protection than in Australia itself. And that is why we sometimes have a difference of opinion.

### **JOINT NGO STATEMENT ON PROTECTION**

The full NGO statement can be read at <https://icvanetwork.org/resources/ngo-statement-protection-oct-2014>