

REFUGEE COUNCIL OF AUSTRALIA

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MEDIA RELEASE

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TIME FOR ALTERNATIVES

After last night's Four Corners Program on Villawood Detention Centre, surely the Government must recognise that they must embrace alternatives. The human suffering caused to children, women and men by Australia's current policy of mandatory non-reviewable detention is undeniable.

The policy itself has been held by many bodies, including our own Human Rights and Equal Opportunity Commission to be in breach of our obligations under international law, including under the Convention on the Rights of the Child. It runs counter to all accepted international standards of detention and of the treatment of people who come in search of protection from persecution.

Rather than providing the haven from tyranny these people believed a democratic country like Australia would provide, they are locked behind barbed wire and forced to wait for a final decision. For some this might be a matter of weeks, for others it can take years.

The Refugee Council renews its call on the Australian Government to adopt the Alternative Detention Model. This model, developed by refugee experts and endorsed by the Human Rights Commission, sets out an achievable alternative policy which both addresses the Government's desire to control access into Australia AND complies with our international human rights obligations.

The Model also sets out options for release that are dependant on the individual's circumstances. For example, for people with little or no English and no friends or relatives, it is suggested that they remain in the detention centre but be allowed to leave during the day, having to return by a set time each night. If people have links into the community, and/or the chance of finding employment, they can be released to live in the community, at a specified address, and on the proviso that they report regularly. The Model also allows the responsible authorities to alter the terms of release to best suit the

applicant's circumstances and in response to past behaviour.

If a person cannot satisfy the release requirements or if they breach conditions without good cause, it is considered acceptable that a person be held in closed detention. If this is the case, however, the Model specifies that there be regular review of the decision to detain by an independent authority. This would enable a regular check to be kept on whether the grounds for detention are still valid and whether the determination procedures are proceeding without unnecessary delay.

The Alternative Detention Model is seen as providing:

- more humane regime in that it reduces individual suffering and hardship by alternatives that take into account the circumstances of the individual;
- greater flexibility in that a person's circumstances can be considered and regularly reviewed when deciding on their release;
- enhanced equity by reducing the present disparities in treatment between those applicants who are immigration cleared (and therefore not detained) and those who are not;
- reduced costs: considerable savings can be achieved both by reducing the period an individual spends in detention and by enabling greater use to be made of existing facilities;
- easy implementation as the Alternative Model requires few administrative adjustments to the existing visa, assistance and review framework; and
- closer harmony with international guidelines: the Model would bring the detention regime into line with Australia's international treaty obligations and would address the criticisms of the United Nations Human Rights Committee.

As stated by David Bitel, RCOA President "Commonsense would dictate to all Australians that if something is broken, you need to fix it. The current detention model is not working. Now is the time to consider alternatives to prevent the damage our current detention system is causing to the individuals detained and to Australia's international reputation as a compassionate country which respects the rule of law and human rights."