



Refugee Council of Australia

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URGENT NEED FOR DETENTION REFORM HIGHLIGHTED YET AGAIN

The Australian Human Rights Commission's report into Villawood Immigration Detention Centre highlights the devastating psychological impact of Australia's policy of indefinite mandatory detention of asylum seekers, the Refugee Council of Australia (RCOA) says.

RCOA chief executive officer Paul Power said the report, released today, drew much-needed attention to the hopelessness and desperation felt by asylum seekers and refugees detained indefinitely and to the alarming increase in the incidence of self-harm.

"This report into Villawood detention centre highlights the urgent need for reform," Mr Power said. "If significant changes are not made to Australia's system of indefinite detention, we can expect more lives to be lost, unrest to continue and further damage caused to the mental health of asylum seekers.

"This report confirms the findings of the Commission's previous investigations of detention facilities in Australia and accords with insights provided by RCOA members who regularly visit detainees and concerns expressed regularly by the United Nations' refugee and human rights agencies.

"The evidence about the mental health impacts of indefinite detention is overwhelming. However, despite the compelling need to reduce the time that people spend in immigration detention, the number of people detained for greater than six months has now blown out to more than 5,500 – a number far greater than at any other time in Australian history.

"While the Australian Government tells the world that it uses detention of asylum seekers only as a last resort and not as a punitive measure, thousands of people are crumbling psychologically while being detained for no purpose. What is gained by detaining thousands of people who, after identification and a fair assessment of risk, would be found to pose no threat to the Australian community?

"A thorough inquiry into the system of immigration detention would reveal many tragic situations and would no doubt make many recommendations for reform. However, no inquiry would be necessary if the government implemented the policy it announced in 2008 that 'detention shall be used as a last resort and for the shortest practicable time'."

Mr Power said the recommendations in the Human Rights Commission's report outlined many of the strategies needed for urgent reform of immigration detention.

"Our fear is that the Government will treat this report in the same way as previous Human Rights Commission reports on immigration detention, ignoring key recommendations," he said.

"Individuals in detention told the Human Rights Commission of their desire for due process, for justice and for information. Surely these are reasonable requests that should not be beyond Australia's capability to provide."

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The Refugee Council of Australia represents
non-government organisations and
individuals working with and for refugees
in Australia and around the world

FURTHER INFORMATION AND RCOA COMMENT ON THE AHRC VILLAWOOD REPORT:

- Delays in security processing are a major factor in mental health decline of asylum seekers in detention. The AHRC report examines the role of **ASIO** in these delays and raises many pertinent questions. In March this year we learned from Senate Estimates that 900 recognised refugees remained in immigration detention awaiting **ASIO clearances**. With assurances of finalisation by the end of April we are still unsure as to whether this has actually taken place for all 900 refugees. AHRC spoke to many people in Villawood who had been told they were refugees but had been awaiting ASIO results for many months. This level of uncertainty is exactly what leads to increased frustration, self harm and desperation in detention centres across Australia.
- RCOA concurs with AHRC that basic security checks or risk assessments are all that is required for the vast majority of asylum seekers, and most certainly for refugees, to be released from detention. If these checks reveal no compelling reason to continue to detain, they should be released into the community while their refugee status determination is completed. Currently, asylum seekers and refugees have no opportunity to seek information about the progress of their ASIO clearance process, to question delays, to find out reasons for negative ASIO findings or to seek independent review of those findings. Reform of this process should be an urgent priority. Vulnerable people are being denied procedural fairness and are suffering considerable psychological damage as a result of this process.
- As noted in the AHRC Villawood report, there are 36 people detained at Villawood Detention Centre alone who claim to be **stateless** or whose citizenship is undetermined. With nothing but Ministerial discretion to release these people from detention and decide their fate, indefinite detention and life-long separation from family are very real prospects. RCOA maintains that Australia needs to put in place domestic legislation that reflects our international commitments to resolving and preventing statelessness. We welcome the upcoming Ministerial level meeting on statelessness to be held in Geneva in December and Australia's participation in this.
- In 2008 4,750 asylum seekers made their way to Australia. The government cannot argue that its 'New directions in detention' policy was for a different time and a different set of circumstances. Adding 2,000 people to that number is not significant to a developed nation such as Australia and especially not when we consider numbers such as 1.7 million refugees in Pakistan and at least 92,000 asylum seekers and refugees in Malaysia.
- Also see RCOA release; 27 April 2011 'Increase in long-term detention at heart of unrest' http://www.refugeecouncil.org.au/news/releases/110427_MigAct_changes.pdf