



Refugee Council of Australia

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REFUGEE PROTECTIONS IGNORED IN OFFSHORE REVIVAL

The Refugee Council of Australia (RCOA) has expressed deep regret that the Federal Government has decided to push ahead with legislative amendments to allow offshore processing of asylum seekers in Malaysia and Papua New Guinea.

RCOA chief executive officer Paul Power said the proposed legislation would nullify the August 31 High Court decision that asylum seekers transferred from Australia could be sent only to countries which offer them minimum standards of legal protection.

“The proposed legislation will set an even lower standard for human rights than the legislation introduced in September 2001 by the Howard Government when it established the offshore processing regime,” Mr Power said.

“It is a sad irony that, in the week of the 10th anniversary of the introduction of the original offshore processing legislation, the Gillard Government plans to do exactly what the Howard Government did – to drive a political wedge to force the Opposition into supporting legislation to remove human rights provisions for people fleeing persecution.”

Mr Power said today’s announcement offered nothing to address the problems at the core of the movement of asylum seekers through Asia to Australia.

“The Government talks endlessly about the ‘people smugglers’ business model’ without ever acknowledging that this business model is built on the lack of effective protection of asylum seekers and refugees in many parts of South-East Asia and South Asia,” Mr Power said.

“While refugees and asylum seekers continue to live under constant threat of harassment, violence and arrest in countries where they fled to escape persecution, the need to move on to a safer country such as Australia will remain.

“The recent High Court decision provided the Gillard Government with the perfect opportunity to move on from the myopic and destructive national political debate about asylum seekers. It’s time our political leaders admitted what Australians increasingly are realising – that genuine solutions to the needs of refugees cannot be found through more hardline domestic measures against victims of persecution.

“Nothing will change substantially for refugees in Asia until we see governments in Asia-Pacific working together, with broader international support, to ensure that people who need refugee protection are given it and are able to live in freedom and safety while longer-term solutions are found for them. Instead of increasing its efforts to build regional cooperation, Australia is actively undermining it by seeking more measures to shift responsibilities for refugee protection to other states.”

Mr Power said that, if the Government’s proposed legislation is passed, there could be no guarantee that it would achieve its goal of deterring asylum seekers from seeking Australia’s protection.

“Immigration Minister Chris Bowen has spelt out in detail why the Government believes that detention on Nauru would provide no deterrence for asylum seekers seeking protection. His assessment is correct,” Mr Power said.

“However, Mr Bowen has not offered any evidence for why detention on Manus Island in Papua New Guinea would be any different. The only difference that we can see is that people sent to Manus Island will have a much higher risk of contracting malaria.

“No one knows for sure whether or not sending asylum seekers to Malaysia will deter asylum seekers from travelling to Australia. However, in a region where protection is scarce, we cannot know how many asylum seekers may continue to risk boat journeys to Australia in the forlorn hope that our country won’t turn them away in their time of need.”

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