

Australia: Demands grow for closure of Villawood detention centre

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A recent report by the Human Rights and Equal Opportunity Commission (HREOC) has underscored the repressive character of Australia's migration policies and fueled calls for the Rudd Labor government to abolish Australia's mandatory immigration detention laws.

HREOC's annual survey of Australian immigration detention centres was produced following visits to mainland facilities between August and November 2007. The human rights organisation did not visit the detention centre on Christmas Island and was prevented by former Howard government Immigration Minister Kevin Andrews from inspecting facilities on Nauru, where almost 100 asylum seekers were being held.

In its report, HREOC repeated its previous demands for the repeal of Australia's mandatory detention policy and called for refugees and asylum seekers to be released and allowed to live in alternative community accommodation or issued with bridging visas.

The report stated: "While detention *may* be acceptable for a short period in order to conduct security, identity and health checks, currently mandatory detention laws *require* detention *for more than these purposes*, for *unlimited periods of time* and *in the absence of independent review* of the need to detain" [Emphasis in report].

Australia is the only country in the world that detains all people entering or remaining within its borders without a valid visa. The policy was introduced by the Keating Labor government in 1992, with amending legislation in 1994 allowing for indefinite detention.

The Howard government expanded Labor's inhuman legislation and incarcerated thousands of refugees and asylum seekers, including children, from 1996 until November 2007. During this time over 240 Australian citizens, permanent residents and lawful visa holders were also detained, in contravention of Australian migration laws.

The HREOC report singled out the Villawood Immigration Detention Centre in Sydney's western suburbs for particular criticism. Villawood is the country's largest immigration detention facility and currently holds 244 detainees, with 11

more in neighbouring Sydney Immigration Residential Housing. In 2004 it housed almost 500 refugees and asylum seekers.

HREOC called for the immediate closure of Villawood's Stage 1 security facility, describing it as a "disgrace", and repeating previous demands that it be "demolished".

Stage 1 holds "Section 501" detainees and those suffering from serious mental health problems. "Section 501" detainees are permanent residents whose visas have been cancelled on the grounds of "bad character" and are due to be deported.

Under the local Migration Act any visa-holder who has served a 12-month or longer prison term in Australia is deemed to be of "bad character" and deported to their respective countries of origin. The definition applies to anyone who has served even multiple short-term sentences, once these add up to 12 months, over an unlimited period. Many of the Section 501 inmates are long-term residents, some who have lived in Australia for most of their lives, but who never became Australian citizens.

HREOC said that Stage 1 was "harsh and inhospitable" and the "most prison-like of all facilities". It described the visitors' area as "bleak" and the outdoor grounds and one of the dormitories as dark, depressing and lacking privacy. The facility's dining room has no windows or natural light.

Human Rights Commissioner Graeme Innes told the media: "The length and indefinite nature of detention has a clear link on the impact of people's mental health, that's well established. We've recommended the use of alternatives, such as residential housing in or near the detention centres, residential determinations, bridging visas or giving people visas more quickly."

Innes criticised immigration centres in Sydney, Melbourne and Perth for cutting back group excursions over the past year. This, he said, led to increased mental health problems amongst all detainees and, in particular, substantial distress and unrest at Villawood.

The human rights commissioner said that one man in Villawood "was informed that his girl-friend had been

injured in a car accident but his request to visit her in hospital was refused. For several days, the man threatened to kill himself.”

Refugee support organisations have reported that last year several Section 501 inmates undertook hunger strikes and other self-harm protests when Villawood management introduced measures aimed at stopping internal protests at the facility during the 2007 federal election campaign.

Pertev Yigit, a Turkish Kurdish asylum seeker, was transferred from the Stage 2 to the Stage 1 facility after authorities discovered an orange jumpsuit in his bedroom. Yigit planned to wear the jumpsuit as a protest, comparing his continued detention with that of detainees in Guantánamo Bay.

A few days later, management insisted that Stage 1 inmates be handcuffed when taken out of the facility. When authorities attempted to put handcuffs on Hanna Touk, a Turkish detainee, for a trip to the Family Court, he slashed his arms, hands and stomach and then went on hunger strike. Touk had been taken from the detention centre on many previous occasions and was not considered a security risk.

The human consequences of Australia’s repressive migration laws were tragically quantified on January 13 with the death of a 62-year-old Iranian held in Villawood. The man, known as Pishehvar, had been held in Villawood’s Stage 1 facility for three months pending his deportation under Section 501 of the Migration Act.

Despite persistent appeals by other inmates for Pishehvar to receive urgent hospital treatment and surgery for a serious heart condition, he was not provided with adequate care and died two days after being admitted to St George’s Private Hospital on January 11.

HREOC’s investigation follows a report last month by the Commonwealth Ombudsman, Professor John McMillan, which revealed that the Immigration Department had falsely advised numerous visa applicants that they could not appeal against decisions refusing to allow them to stay in Australia.

McMillan reviewed 1,800 notifications of unsuccessful visa applications and found that the information in many of the letters was “overly complex, confusing and poorly presented”. In some cases, he said, applicants were not properly advised of their rights and could have had their visa refusal reviewed. Some could have been permitted to stay in Australia.

In July last year the Ombudsman reported that some of the more than 240 people falsely held by immigration authorities were detained simply because “the person had an accent, was not of Anglo-Saxon appearance or could not be located on [the department’s] systems.”

While the exposure of these cases has increased demands for an end to mandatory detention, the Rudd Labor

government has no intention of meeting them.

Minister for Immigration Chris Evans has responded to the HREOC and Ombudsman reports with promises that he will institute “cultural change” within his department. But his statements are meaningless.

The Labor party initiated the cruel and repressive practice of mandatory detention and provided more than a decade of unwavering bi-partisan support to the Howard government’s migration policies. It has no intention of making any fundamental changes. Like its predecessor, Labor’s policy is to maintain mandatory detention and all associated legislation, as well as the former government’s anti-refugee rhetoric and border protection measures.

This week Evans was asked by journalists whether Labor would reverse the Howard government’s excision of 4,000 islands—including Magnetic and Dunk islands in Queensland—from Australia’s migration zone. The policy was introduced to deny so-called “unauthorised arrivals” any legal right to apply for an Australian visa and any recourse to Australian courts. It also allows the government to move them to another country.

Evans said that while the government had made no final decision, Labor would retain the excision of Ashmore Reef and Christmas Island, where a new and expanded 400-bed detention centre is currently under construction. This means that, under the new Labor government, hundreds of refugees and asylum-seekers—men, women and children—struggling to secure protection and a new life will continue to be incarcerated hundreds of kilometres from Australian shores in violation of their basic rights and international protocols.



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