

# Australian government rejects UN criticism of refugee abuses

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The Gillard government has flatly rejected UN criticism of its treatment of asylum seekers, brazenly defending its policies, which violate their basic legal and democratic rights.

UN Human Rights Commissioner Navi Pillay concluded a six-day visit to Australia last week, inspecting two detention centres in the northern city of Darwin and holding talks with several cabinet ministers.

Pillay publicly criticised the Labor government's recently announced "Malaysian solution", which proposes the forced removal of 800 asylum seekers to Malaysia, a non-signatory of the international Refugee Convention and the UN Convention Against Torture. The government's policy, Pillay said, "violates international law", adding: "They cannot send refugees to a country that has not ratified the torture convention [or] the convention on refugees."

Pillay's comments were underscored by a report released in December 2010 by Amnesty International on Malaysia's refugee camps. According to the report, 6,000 refugees faced judicial caning each year for immigration offences, such as working, which is prohibited for all refugees. Detention camps were also plagued by malnutrition and overcrowding. There had been cases of detainees contracting leptospirosis, a potentially fatal disease spread via rat urine.

Asked on ABC radio about the government's response to Pillay's criticisms, Immigration Minister Chris Bowen made clear there would be no change of course. "Well, I'll leave her to make her own public comments," he said, while claiming that Pillay had welcomed a conversation with him. In other words, human rights conventions and international law are irrelevant, as far as Labor's treatment of refugees is concerned.

Pillay further condemned the Labor Party's longstanding policy of detaining all asylum seekers who arrive on Australia's shores: "When detention is

mandatory...it can be considered arbitrary, and therefore in breach of international law. Mandatory detention is also a practice that can—and has—led to suicides, self-harming and deep trauma."

Foreign Minister Kevin Rudd, who spoke with Pillay, simply dismissed as "incorrect" the commissioner's reference to Article 9 of the International Covenant on Civil and Political Rights, to which Australia is a signatory. The article states that: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention."

What was important, Rudd claimed, was that "we're taking kids out of mandatory detention; we are making sure that processing times are accelerated... And thirdly we're also ensuring that there is [sic] proper and humane conditions in these detention centres."

The reality is that nearly 7,000 people are now incarcerated indefinitely, without charge or trial, for exercising their fundamental democratic right to seek refuge in Australia. More than half have been detained for over six months, and more than 1,300 for longer than 18 months. One thousand are children, many unaccompanied by adult family members.

Several children who arrived in Australia after May 7, when the Malaysian agreement was announced, face being deported there, where they are likely to languish for years.

As for "proper and humane conditions", Dr Paul Bauert, president of the Australian Medical Association in the Northern Territory, last week described the deep psychological trauma incurred by detained children: "We're having some terrible cases that we're needing to treat in Darwin of children as young as four and five being part of hunger strikes. We're having children under the age of 10 self-harming, attempted suicides."

Further damning evidence was produced in a report

released last week by the government's own Australian Human Rights Commission (AHRC), which had visited Sydney's Villawood detention centre in February, after three detainees committed suicide within three months. The victims were 36-year-old Josefa Rauluni, who jumped off a roof hours before he was to be deported to Fiji last September, an Iraqi man who suicided two months later and a 29-year-old British man who killed himself on December 8.

Between last July and February 2011, 667 "critical incidents" were reported at Villawood, including attempts at self-harm and serious assaults, the most at any mainland detention facility. Across all of Australia's 23 detention centres, there was an average of 14 critical incidents every day.

The AHRC report described "high levels of sleeplessness, feelings of hopelessness and powerlessness, thoughts of self-harm or suicide, and feeling too depressed, anxious or distracted to take part in recreational or educational activities." As a consequence, the "use of sedative, hypnotic, antidepressant and antipsychotic medications" was frequent. The commission noted increased attempts at suicide and self-harm, including the ingestion of detergents and other chemicals.

Releasing the findings, AHRC president Catherine Branson echoed the UN human rights commissioner's criticisms. "What we saw at Villawood was the result of the system of mandatory and indefinite detention, where people can see no end in sight because there is no set time limit on the period a person can be held in detention," she said in a statement. "Sixty percent of those in detention when we visited Villawood had been detained for longer than six months, and 45 percent had been detained for more than a year. We saw people scarred from self-harming. We heard others talk of sleepless nights, days of depression and frequent thoughts of suicide."

The government has been consciously working to cover up the mounting crisis by excluding the media. In February, a document leaked from Serco, the private operator of the detention centres, revealed that unauthorised media presence in the facilities had been elevated by the Department of Immigration to a "critical incident" classification, alongside deaths, serious assaults, attempts at self-harm by detainees and hunger strikes by children.

The Gillard Labor government's brazen refusal to adhere to UN findings and international conventions is based on an underlying agenda shared by the entire

political establishment. The Liberal Party-led opposition is calling for a parliamentary inquiry, centred on the rising costs of the detention system and the government's inability to repress opposition among detainees to their inhuman treatment.

The Greens have made clear their readiness to support this initiative, so long as it focuses on the costs, effectiveness and psychological impact of mandatory detention. Greens immigration spokesperson Sarah Hansen-Young spoke of the self-harm and desperation of people in long-term detention. Despite their posturing, the Greens remain in a parliamentary coalition with the minority Labor government, and bear direct responsibility for its policies.

Responding to the AHRC report, Hansen-Young called for a cheaper system of releasing asylum seekers into "community detention", after "initial health and security checks", until their claims were assessed. "If the major parties are serious about fixing the problems within detention centres, they need to back the Greens and proceed with community release," she said.

Any form of detention, no matter how it is dressed up, constitutes a violation of the right of refugees to flee persecution. Asylum seekers around the world are being turned away and demonised by governments seeking to channel popular hostility to their savage austerity programs into reactionary chauvinism and xenophobia.

The Labor government's flouting of the provisions of the international refugee convention—adopted to preclude a repeat of the Western powers' refusal to grant asylum to those fleeing Nazi Germany—is a warning of its preparedness to trample over the most basic democratic and legal rights of all working people, as opposition rises to the accelerating government-corporate assault on living standards.



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