Report documents human rights violations in Australian refugee camps

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8 August 2016

A report published last month highlights the fact that the Spanish-based transnational infrastructure company Ferrovial and its financial backers are profiting from human rights abuses by operating the Australian "offshore detention centres" (ODCs) on Nauru and Papua New Guinea's Manus Island. Ferrovial currently holds the Australian government contract to run the centres, following the company's takeover of Australian-listed Broadspectrum (formerly Transfield).

Entitled *Association with Abuse*, the report was authored by the Australian-based Human Rights Law Centre (HRLC) in conjunction with No Business in Abuse (NBIA), a non-government organisation. The report asserts that Ferrovial is complicit in the numerous violations of basic democratic and legal rights of the more than 1,500 men, women and children forcibly detained indefinitely on these remote islands. Most of the detainees are from Iran, Afghanistan, Iraq, Pakistan, Sri Lanka, Bangladesh, or are stateless.

The report documents the violation of 47 international laws, in five main categories: rights to liberty; freedom from arbitrary detention and freedom of movement; cruel, inhuman and degrading treatment and inhumane conditions; right to the highest attainable standard of health; child abuse and other violations of the children's rights and the right to security of the person.

Ferrovial, the report states, had "full, prior knowledge of the scale and severity of the human rights abuses at the core of the offshore detention regime" when it took over Broadspectrum. Ferrovial has said it will not bid for a new contract when the current one expires in February 2017. But the report urges Ferrovial, together with the Australian government, to "find an immediate alternative" with "humane" conditions for the detainees.

Ferrovial, with a market capitalisation of almost 14 billion euros, operates London's Heathrow Airport, toll roads in North America and security services in various countries. The report calls on Ferrovial and its investors and financiers to end all involvement with the detention centres. It argues that the company is in breach of its "corporate responsibility to respect human rights" under the UN Guiding Principles on Business and Human Rights, which Ferrovial and its financial stakeholders have agreed to honour.

The report details that during the company's takeover of Broadspectrum, the NBIA gave Ferrovial its 2015 report on the human rights abuses in the centres, which it had previously presented to Broadspectrum. Despite this information, and the extensive amount of public documentation of abuses at the camps, the company proceeded with its May 2016 takeover.

Though the profits that Ferrovial receives from the contract are not known, Ferrovial itself assessed that most of Broadspectrum's earnings came from the contract. According to the Australian government's AusTender web site, Broadspectrum (now Ferrovial) receives an average of $1.4 million a day to run the camps.

Operating the centres involves Ferrovial, as the lead contractor, "making decisions about detainee welfare, movement, communication, behaviour, accommodation, food, clothing, water, security and general conditions." Under the contract, Ferrovial can decide whether detainees are put into solitary "managed accommodation" and authorise the use of force against detainees. This means that Ferrovial is directly responsible for the daily violations of international law.

The report highlights the arbitrary imprisonment of asylum seekers. Despite the camps being declared

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"open centres" in a bid to stymie an Australian High Court challenge to the legality of the camps, the detainees are still highly restricted in movement. Moreover, they have significant concerns for their safety, with reports of assaults and violence toward refugees. *Association with Abuse* cites indictments of the centres by medical experts and UN officials who say the detainees are intentionally subjected to degrading, cruel and inhumane treatment tantamount to torture. One cited report referred to "the deliberate provision of only extremely basic conditions as part of a systematic policy in order to deter others, and the severity of suffering caused to detainees."

Another report by Dr. Isaacs concluded that the imprisonment of children in the centres, making Australia the only country in the world to do so, constitutes child abuse. Also proven is that the medical facilitates on the islands are substandard, referencing the death of Hamid Kehazaei who died after contracting septicaemia from a cut in his foot due to inadequate healthcare on Manus Island.

According to the report, these practices place the company at risk of a law suit under international law for crimes against humanity. In a media statement accompanying the report, HRLC advocacy director Rachel Ball said: "Any association with abuse on this scale brings with it significant operational instability, legal liability and reputational damage. It's time for the financial sector to take immediate action and end support of human rights abuse."

In April, moreover, the Papua New Guinea (PNG) Supreme Court found that the detention of asylum seekers on Manus Island breached the right to personal liberty in the PNG constitution, rendering their incarceration unlawful. Australia's Liberal-National government, backed by the Labor Party, has continued the detention in defiance of the ruling.

While acknowledging that the "Australian government is the architect" of the detention regime, the report argues that the abuses would not be possible without the participation of private companies. This reflects the limited perspective of NBIA and its partner GetUp, which is to pressure companies, in their own profit interests, not to take on the lucrative contracts offered by the Australian government.

NBIA executive director and GetUp campaign director Shen Narayanasamy said: "The Turnbull government promised to keep the camps open, but it is facing an emerging global corporate consensus that no respectable business can associate itself with the gross human rights abuses in these camps."

The political responsibility for the abuses occurring at Nauru and Manus does not lie just with the present government of Prime Minister Malcolm Turnbull. It also rests with the previous Labor government, propped up by the Greens, which reopened the camps in 2012 for the specific purpose of cruelly punishing asylum seekers in order to stop refugees trying to find protection in Australia.

The reality is that governments across the globe are scapegoating refugees and promoting xenophobia in order to divert the mounting hostility among youth and working people to the deteriorating social conditions imposed by the corporate elite. The stripping of basic democratic and legal rights from refugees by successive Australian governments is setting a precedent to be used against asylum seekers and the working class more broadly as these conditions worsen.

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