

Stranded Australian citizens petition the United Nations

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6 May 2021

The Australian government's actions in effectively denying the fundamental democratic right of tens of thousands of citizens to return to the country, amid the worsening global COVID-19 pandemic, are so egregious that a United Nations body has declared them unlawful.

The UN Human Rights Committee (UNHRC) ruled that the government must “facilitate and ensure the prompt return to Australia” of three citizens who have been stranded overseas since the pandemic began.

The three citizens filed a complaint with the UNHRC against the Liberal-National government on the grounds they have been denied a basic human right to return to their country of citizenship.

The petition, filed on March 29, argued that Prime Minister Scott Morrison's government has violated the International Covenant on Civil and Political Rights, which states that a person cannot be “arbitrarily deprived of the right to enter his or her own country.”

Two of the petitioners are stuck in the United States. They argued that the government's caps on returned travellers and the states' limits on hotel quarantine places are impinging on their right to return.

Jason George, a microbiologist, has been trying to secure flights to return to his wife in Tasmania and visit his sick and elderly relatives. Alex, a volcanologist who did not want his surname used, has been stranded since March last year.

George said “this petition represents all Australians stuck abroad.” He estimated that the real number of citizens stranded overseas and wanting to return far exceeded the approximately 34,400 currently registered with the Department of Foreign Affairs and Trade (DFAT), 5,000 of whom are categorised as vulnerable.

Lionel Nichols, a lawyer involved in the case, tweeted: “The [UNHRC] has accepted our submissions

that the petitioners would suffer ‘irreparable harm’ if not permitted to return home and ordered their ‘immediate’ repatriation to Australia.”

However, the government has been given an eight-month deadline to submit its formal responses. A spokesman for Attorney-General Michaelia Cash said the government was “confident its inward travel restrictions are consistent with Australia's international legal obligations.”

Andrew Giles, opposition Labor Party spokesman for multicultural affairs said stranded Australians should not have to take their government to the UN to be able to come home. Labor has backed the government but is worried by the mounting opposition to the government's policies.

Human rights lawyer Geoffrey Robertson, whose firm is also defending another Australian citizen, WikiLeaks founder and journalist Julian Assange, has been advising the petitioners.

In an interview with the Australian Broadcasting Corporation, Robertson stated: “It is quite within the Commonwealth's power to break the log-jam. These people have all been vaccinated, will be tested before they get on the plane. They wear masks and when they arrive, they go straight into quarantine. What is the problem?”

Robertson compared Morrison's promises to return Australian citizens home by last Christmas with what was said to “all the soldiers who went off to Gallipoli in 1914.” They were told the war would be over by Christmas, but the capitalist powers continued the carnage until it was brought to a halt by the October 1917 Revolution in Russia, followed by the overthrow of the German Kaiser in 1918.

The petition was initiated by the volunteer-run group FreeAndOpenAustralia.org (previously

StrandedAussies.org). Deb Tellis from the group told the *Guardian* that the situation was “dire” for many citizens who were unable to return home. She called for an expansion of quarantine capacity so that the international arrival caps could be lifted.

Even before the current total ban on returning from India, Australian citizens have been marooned throughout the pandemic in many parts of the world as a result of border closures, flight caps, exorbitant airline price gouging and endless delays and flight cancellations. Caps for passenger flights into Australia of approximately 6,000 per week have led to airlines prioritising first class and business class passengers. Since January, according to Nine Media, DFAT has organised only 28 repatriation flights.

At every step, the Morrison government’s decisions have been based on financial and commercial calculations, not the health and wellbeing of travellers and expatriates. Upgrading the capacity of the quarantine system and providing the facilities free of charge would provide a foundation for citizens to return. Another barrier for people returning is the \$3,000 charged per person for quarantining.

The government introduced a Financial Assistance Hardship Program last September, in an attempt to quell public outrage at the treatment of stranded Australians, but it has proven completely inadequate. The program offered grants and loans of up to \$2,000 for emergency living costs for a single person and \$5,000 for a family of four. As of last month, DFAT had paid out a paltry \$29 million in funds to 3,900 people.

In a bid to contain popular anger, Labor’s shadow foreign minister Penny Wong urged DFAT and the government to provide a target date for citizens and permanent residents to be returned, yet no timeline has resulted.

There is a stark contrast to the red-carpet treatment of celebrities, wealthy business people and sports stars. In February, Melbourne hosted the Australian Open tennis tournament, a highly lucrative corporate venture. The Victorian state Labor government secured charter flights for more than 1,200 international tennis players, their support staff and media crews for the event.

Actors and celebrities have been given priority arrangements, accompanied by a government announcement of \$400 million in tax incentives to lure

film production to the country. Some Hollywood stars have landed in Australia to take up this work and avoid the COVID crisis in the US.

Such displays amount to a slap in the face for those who cannot afford to even secure a flight back home. Lucy Morrell, from the online group Stranded Aussies Action Network, and her family were repatriated from Japan at the beginning of April after three attempts at securing a flight and at a cost of \$22,000.

“People have become more fragile, worn out after months of trying and becoming more frightened to speak out. They’re scared of their own government,” Morrell reported to France24. “We’ve had people regularly contact us who have been suicidal. They are up against a wall—unable to get back because they don’t qualify as destitute and have no government assistance from Australia. Many are not citizens in the countries they’re in, so they’re not able to access support services there. It’s as though they’re stateless.”

Morrell added: “It seems citizenship ends at the border and once you’ve left Australian shores your rights are no longer those of the rights of other Australians... At the moment it’s impacting expatriates wanting to repatriate, but next time the government flexes its muscles against its citizens it could be some other group.”



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