

SUBMISSION

ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010

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Australian media-driven rhetoric regarding asylum seekers and perception of the term “people-smugglers” has led to wide-spread fear and confusion.

The Universal Declaration of Human Rights clearly states that everyone has the right to “seek and enjoy in other countries asylum from persecution”. Asylum seekers are not illegal. They do not break any law by arriving in Australia without papers and seeking protection. We have a legal and a moral obligation to offer them protection (despite Liberal leader Tony Abbott’s remarkable observation that “Jesus knew that it is not necessarily everyone’s place to come to Australia”).

Mainstream Australian public opinion of asylum seekers and people smugglers is mostly one of fear and suspicion of criminal, evil people smugglers who will stop at nothing to profit out of transporting hordes of potential terrorists via a flotilla of boats onto Australian shores. This is despite the fact that boat transport to Australia makes up a small proportion of refugee arrivals compared to plane arrivals (perceived as being somehow more legitimate), and that 95% of arrivals in Australia are accepted as genuine refugees. Australia’s 50,000 Visa overstayers - mainly American, British and Chinese - are not generally perceived as threatening.

Compared to other countries, Australia’s refugee intake is miniscule (In **2008 Australia** had **4,750** asylum applications and **France, the UK and Italy** combined had **96,870**, out of an approximate total of 827,000 asylum applications submitted across the globe. **There are approximately 42 million forcibly, through no fault of their own, displaced refugees around the world.**

There are at least 2,000 asylum seekers in Indonesia, 900 of them Afghans, living in appalling conditions and desperate for re-settlement. Australia’s involvement in “warehousing” asylum seekers in Indonesia, including children and babies is inhumane, and resettlement figures are pathetically low -

thirty five people in 2008 – 2009; eighty nine people in 2007 – 2008 and thirty two people in 2006 – 2007. People who have been classified by the UNHCR as genuine refugees in Indonesia are not permitted to seek employment, send their children to school, or apply for residency or family reunion. Of course they will continue to flee on boats – any boats. Wouldn't you?

Drawing a distinction between people smugglers and boat crew - under our punitive people smuggling laws, impoverished, uneducated Indonesian fishermen are often duped into bringing boats into Australian waters for minimum payment by profiteering members of criminal syndicates, unknowingly risking 20 years jail and a \$220,000 fine or both if caught. Often they have lost their livelihood to large scale industrial firms and factory ships. Meanwhile the main profiteers are not being brought to justice. The Australian legal system needs to recognize this disparity – that current people smuggling laws in Australia – the harshest in the world – are often punishing the wrong people, and that targeting people smugglers will not stop refugees fleeing from persecution and war, and the perils of the ocean crossing will never stop them from trying.

The UNHCR's report for 2009 measuring asylum levels and trends in industrialized nations worldwide shows that only 6,170 people sought asylum in Australia, ie. **1.6%** of the 377,200 people who sought asylum throughout the industrialized world. People from Afghanistan (45%), Iraq and Somalia topped the numbers of people seeking asylum.

As the deadly ripple effects from the United States Long War spread and deepen (keeping the homeland safe; winning hearts and minds; spreading democracy; you name it) from Iraq and Afghanistan (the estimated combined cost of those wars to date \$979,427,385,670, with 1,366,350 Iraqi civilian deaths) - to Pakistan, to Yemen and now Somalia, with missiles placed in four Persian Gulf states in preparation for war on Iran, and bunker-buster bombs arriving in Diego Garcia in the Indian Ocean, there will be more refugees in the future. Many more. In addition to environmental refugees as a result of global warming.

The question is whether Australia is going to renege on its humanitarian commitments, pass its treaty obligation onto others and adopt a police and military response to these voyages of despair and human suffering. Or whether it is capable of working in a spirit of goodwill with other countries throughout the world to address this humanitarian catastrophe. Australia is partly responsible, together with other nations, for this tragic human fallout from bad political decisions and actions.

The last thing humanitarian disasters need is an “all hazards” approach by the national security of any country. An even more “hardline and comprehensive” approach to combating people smuggling (the “new terrorists”) over and above

Australia's already harsh laws, as well as more publicly unaccountable ASIO powers and involvement, push us another step further towards police state status. Police states do not suddenly appear fully formed out of nowhere – they gradually evolve out of other forms of government, and actions and legislation enhancing “national security purposes” set dangerous precedents.

We are looking at desperate people seeking safety. That is the issue. And why they are they are seeking safety in ever increasing numbers.