

SOCIAL ACTION OFFICE

CONFERENCE OF LEADERS OF RELIGIOUS INSTITUTES, QUEENSLAND

ABN 93 551 337 677



23 July 2002

The Secretary
Senate Legal and Constitutional References Committee
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Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

A submission to the Senate Inquiry into the *Migration Legislation Amendment (Further Border Protection Measures) Bill 2002*

I am the Peace and Reconciliation Co-ordinator at the Social Action Office (SAO) in Brisbane. The SAO is sponsored by the Conference of Leaders of Religious Institutes, Queensland (CLR IQ). We are committed to the ministry of social action and undertake research, education and lobbying on issues of which come under the purview of our three agenda areas (i) social justice; (ii) peace and reconciliation; and (iii) eco-justice

Our ministry is especially informed by the Christian scriptures and Catholic Social Teaching (CST). CST which has been developing over the last 110 years has much to say on the treatment of refugees and asylum seekers.

Based on key principles of this teaching I wish to make the following recommendations in relation to this proposed legislative amendment:

RECOMMENDATION 1

The Committee should recommend the rejection of this Bill because it is being proposed in an national atmosphere of fear and xenophobia and this is not a basis for making good law. The politics of this legislation dominates the agenda behind this legislation.

RECOMMENDATION 2

The Committee should recommend the rejection of this Bill because there is no evidence that this is an effective border protection measure or that it will deter people smugglers from bringing desperate people to Australia.

RECOMMENDATION 3

The Committee should recommend the rejection of this Bill because the sentiments behind it contravene the strong humanitarian tradition of accepting refugees in this country and also deny the basic human right of a person to seek refuge from oppression and persecution.

The Aboriginal meaning of Woolloongabba is Whirling Waters

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I offer the following reasons for these recommendations:

RECOMMENDATION 1

Commenting upon events in Australia since the end of August 2001, the Australian Catholic Bishops have noted that attitudes and policies towards refugees and asylum seekers have hardened and that policy has been influenced by public opinion. Noting the change that has occurred, the Bishops commented:

Sadly, despite Australia's traditional generosity, there appears to be, in our national community at the present time, and to our great shame, a considerable decline in that active spirit of generosity. An atmosphere of fear is developing. There are some people who seem to promote a feeling of the loss of security and well-being. This fear we do not share: it is without foundation, and must give way to a fearless approach to truth and charity.

(Refugees and Asylum Seekers, A Statement from the Australian Catholic Bishops Conference, 26 March, 2002, page 5)

The Bishops have highlighted the fact that the fear of refugees and asylum seekers that exists is without foundation. Truth is a casualty in this regard. We are hardly being swamped by people seeking asylum. The facts speak for themselves. The number of asylum seekers that have come to Australia is very small compared to those seeking respite in other lands. Estimates suggest that we host 1 refugee for every 1583 Australian people. This compares to Tanzania (1:76) and even Great Britain (1:530). Recently, Pakistan accepted over a million Afghan refugees.

Further, the distortions about people from places like Iraq and Afghanistan, Islamic countries, is another area where the truth has become a plaything of politics. These people are not terrorists, nor are they rich. They pose no more threat to Australia than any other national, ethnic or cultural group.

RECOMMENDATION 2

According to the Church's social teaching, the purpose of government is the promotion of the common good. This Bill is not one that promotes the good of all those affected by it. It purposely denies the basic right of those seeking asylum to enter what is, in reality, Australian territory.

Instead of excising parts of Australia for the purposes of impeding asylum seekers, I recommend that the Government make consular access more available for those wanting to escape oppressive regimes so that they can apply to come to this country through proper channels and not have to rely on unscrupulous people smugglers.

RECOMMENDATION 3

The foundation principle of the Church's social teaching is that of the dignity of the human person. Respecting a person's rights is a good measure of how this dignity is upheld. The recent Catholic Bishops Statement reiterates this as follows:

Every person is equal before God in dignity and right. The human family is one because we are all, equally children of the one God who created the world for the benefit of all people. Asylum seekers have, as everyone else, the full range of human rights, and the entire human family has the privilege and the responsibility of actively upholding those rights (page 4).

This spirit behind this legislation does not respect the basic human rights of these people.

I thank the Senate Committee for taking the time to investigate this Bill and have I faith that the members will look at it in the light of justice, human rights, care and concern for those whose lives are being disrupted by wars, famines and oppressive regimes.

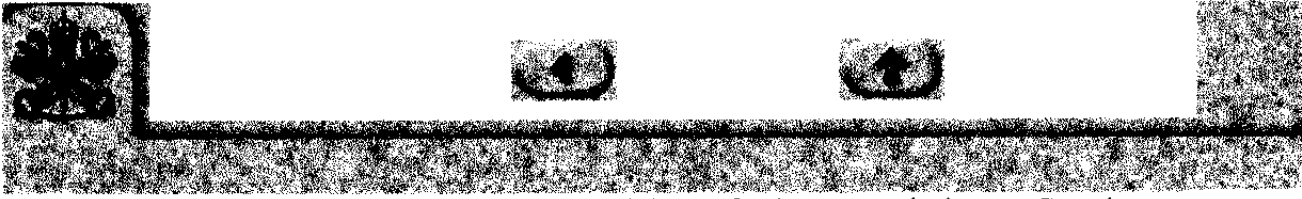
Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Gardiner', written in a cursive style.

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ATTACHMENT

Please find attached a copy of the *Jubilee Charter of Rights of Displaced People* from the Pontifical Council for the Pastoral Care of Migrants and Itinerant People.



Pontifical Council for the Pastoral Care of Migrants and Itinerant People

Jubilee Charter of Rights^o of Displaced People

The Charter was produced by a working group that helped prepare the Jubilee for Refugees, whose members were representatives of MIGRANTES (Italian Episcopal Conference), the Jesuit Refugee Service, the Italian Council for Refugees (CIR), the United Nations High Commission for Refugees, and the Refugee Section of the Pontifical Council. As such it is not an official document of the Pontifical Council but represents a consensus of various organizations on the most important rights of refugees, which are already recognized in various instruments of international law but which need to be emphasized in our actual historical moment.

We refugees, displaced people, asylum-seekers, pastoral and humanitarian agents, representatives of governments and international organizations, gathered in Rome for the celebration of the Great Jubilee of Migrants and Itinerant People;

affirming the importance of the international instruments on human rights and on the status of refugees and victims of war and generalized violence;

appealing for the formulation of similar international instruments for sustaining people displaced within their own country;

encouraged by the celebration of the Jubilee of Refugees and Displaced People and by the document of the Holy See, *Refugees: A Challenge to Solidarity*;

convinced of what this document affirms, namely, that "Protection is not a simple concession made to the refugee: he is not an object of assistance, but rather a subject of rights and duties." Each country has the responsibility to respect the rights of refugees and assure that they are respected as much as the rights of its own citizens (n. 11); furthermore convinced that protection does not consist in being limited to furnish minimum forms of survival but in assuring a social and cultural environment that respects the dignity and the liberty of the human person as expressed in international instruments, among which is the Geneva Convention of 1951;

We present this JUBILEE CHARTER OF THE RIGHTS OF DISPLACED PEOPLE, with which, on the basis of our religious faith and our humanitarian principles, their rights are reaffirmed, among which are the following:

- the right to not be turned back at the borders of the country where they seek protection and to receive a fair and prompt response to the request to be recognized as refugees and obtain asylum;
- the right to be heard by a competent and well disposed authority and not to undergo detention while the request for asylum is being considered;
- the right of confidentiality of the information supplied;
- the right to live in dignity and to receive the help necessary while the asylum application is being considered;
- the right to appeal a negative decision on the recognition of refugee status and, during recourse, to reside in the territory of the country of asylum;

- the right of the poorest nations — on whom lies the burden for the welcome of most of the world's refugees — to be supported by wealthier countries in their effort to fulfill the commitments made with their adhesion to the international conventions on refugees;
- the right to have a dignified life in the country of asylum for as long as the conditions of insecurity in the country of origin last through active participation in the social and productive life of the host country;
- the right to liberty of thought, conscience and religion, including the right to receive an adequate religious assistance from ministers of their own faith;
- the right of separated families to know as soon as possible where their lost relatives are and to get into contact with them as well as to be reunited as soon as possible and protected as the fundamental nucleus of society;
- the right of refugee women to receive a special attention that guarantees them protection from any form of violence, the protection of motherhood, access to income and whatever else they need in consideration of their vulnerability of role that they play within the family and the community;
- the right of minors and the elderly to a special protection that takes account of their situation of greater physical, economic and psychological vulnerability;
- the right of children and of adolescents to education, medical care and a secure environment where they can creatively develop their energies and potentials; the further right to be protected from any kind of military recruitment and involvement in armed conflicts;
- the right of refugees to a dignified and secure return to their homeland, together with the commitment of the international community to promote respect for fundamental human rights in their country of origin and the solution of the political, social, religious and environmental questions that impede return;
- the right of internally displaced people — of whom there are tens of millions — to be protected in their basic human rights and to return in security to their own lands and homes;
- the right of stateless persons to a homeland and to a rapid and just definition of their situation;
- the right to correct and objective information provided by the media that avoids unjust criminalizing or false alarmism about the events and situation in both the country of arrival and in those of origin.

This CHARTER does not pretend to be exhaustive, but intends to present to the world the most important challenges that have to be faced at the beginning of the Third Millennium for the protection and well-being of over 50 million people forced to live outside their homelands or habitual places of residence.

We hope that the International Community also commit itself put an end to those activities that by their nature produce crises of refugees.

We ask that this CHARTER be diffused in all the world and find its practical realization with the help and support of all men of good will - political, humanitarian and religious — who feel themselves called to heal this shameful wound of our time (John Paul II, 25 June 1982).

Oratorio di San Francesco del Caravita, Rome, 1 June 2000

