

UNITED NATIONS ASSOCIATION OF AUSTRALIA INCORPORATED

STATEMENT TO UNCHR, 2004

UNAA is accredited to the UN Department of Public Information, and will be represented at the forthcoming meetings of the UN Commission on Human Rights in Geneva in March and April 2003. This statement summarises the background to UNAA's interest in the issue of Refugees and Asylum Seekers.

UNAA recognises that there is a global crisis in relation to the movement of people seeking refuge from war and civil strife. The events of the past twelve months, especially in the Middle East and Gulf region, have added to the pressures. The situation faced by Australia is, in the global context, less critical, but it has aroused concern in this region. UNAA is committed to the protection of human rights standards, and advocates that the Australian Government should review its mandatory detention policy and offshore placement of detention camps in developing countries, as this is not consistent with Australia's longstanding support for the protection of human rights through implementation of United Nations processes.

UNAA has adopted a series of policy statements on the issue, as follows:

. The Government should (a) intensify its support for UNHCR by increasing its contribution and maintaining programs to resettle people needing asylum (1984); (b) fund (with a loan system) all eligible to come to Australia under refugee programs; and (c) increase its financial commitment to UNHCR in view of the unprecedented demands for its services in Rwanda, former Yugoslavia, Sudan and West Africa (1994).

. UNAA (a) supports a vigorous and comprehensive Australian refugee entry and resettlement program; (b) opposes any reduction in the number of quota places for refugee and humanitarian entry; and (c) supports the maximisation of settlement opportunities through the provision of appropriate pre-arrival and post-arrival services. The Australian Government should (a) adopt a humanitarian approach to refugees; (b) make adequate provision for asylum seekers; (c) not discriminate on grounds of race, colour, class, nationality, sex, age, political or religious belief; and (d) support the resolution of conflicts around the globe which contribute to refugee flows (1992).

These resolutions reflect a desire for a comprehensive and humane response by Australia to those arriving on its shores. UNAA has also urged Australia to be a more active player in international moves to respond to the refugee crisis. In relation to detention, UNAA has =

adopted the following policies:

. UNAA (a) deplores the Australian Government's arbitrary selective =
detention of applicants for refugee status pending determination of =
their applications, particularly when this exceeds the detention period =
allowed by the 1951 Refugee Convention; and (b) urges the Government to =
align its detention policies with those of the Refugee Convention =
(1995).

. UNAA acknowledges the difficulty posed for the Australian Government =
by the arrival of asylum seekers by unauthorised means. At the same time =
UNAA affirms the importance of Australia adhering to its international =
human rights obligations (especially those under the Refugee Convention =
and the Convention Against Torture) in its policies on the treatment of =
refugees and asylum seekers. UNAA is concerned that the detention policy =
is proving incompatible with these obligations because of the conditions =
under which people are being held and the length of detention. This is =
having a very bad effect on families.=20

. UNAA asks the Australian Government to implement the recommendations =
of the Flood Report, the Commonwealth Ombudsman and the Parliamentary =
Human Rights Committee concerning the detention centres and assessment =
policies, especially in relation to women and children, participate =
actively in global consultations hosted by UNHCR on the international =
protection of refugees, give priority to refugees and asylum seekers who =
are in life-threatening situations and process those in safe havens via =
the waiting lists (2001).

In its approach UNAA has relied on an appeal to a number of =
international instruments, including the Refugee Convention, the =
Covenant on Civil and Political Rights, the Torture Convention, and the =
Rights of the Child Convention. It has fully supported the work of UNHCR =
in its efforts to implement international standards for refugees and =
asylum seekers. It has also endorsed the findings of the several =
official investigations into conditions at detention centres, and the =
recommendations made for improvements.=20

In 2001 UNAA worked with other NGOs to develop a Fair Go Australia =
pledge, so far signed by about 6000 people, which affirms the importance =
of a constructive debate about Australia's obligations towards asylum =
seekers, and seeks to promote understanding of the causes of the =
movement of people around the world and an international response. =
Following disturbances at the Woomera (SA) detention centre in late =
2001, UNAA appealed for an independent assessment of conditions there, =
and then moved to set up its own commission of inquiry to receive =
stories and information from the public, staff and detainees. The report =

from this inquiry (titled Desert Camps: Australia's Detention Policy to Deter Asylum Seekers), containing stories from people directly affected by the detention centres, was submitted to the UN Commissioner for Human Rights, Mary Robinson, in Geneva, in 2002.=20

UNAA made a detailed submission to an Enquiry by the Human Rights and Equal Opportunity Commission in 2002 on the subject of Children In Detention. The report of that Enquiry raised many concerns familiar to UNAA and other NGOs, and urged action by the Government to review its policies to protect children more effectively. At its national council meeting in September 2002, UNAA (a) commended the Government for a trial of non-custodial detention for families, (b) encouraged improvement in the standard of care for asylum seekers (especially minors) consistent with domestic and international standards, (c) supported the work of Justice Bhagwati (UN Envoy) and the UN Working Group that reported on detention centres, (d) affirmed the role of UNHCR in addressing refugee problems in the region, and (e) urged the Government to give careful attention to UN reports and advice.

UNAA has sought actively to engage the Australian Federal Police in investigating violence in Australian detention camps. UNAA has also referred several issues to the Commonwealth Ombudsman including the health conditions, deportation procedures, and the situation of Hazara people whose temporary protection visas expire early in 2003. Members of UNAA throughout Australia continue to be active at a local level in helping asylum seekers and refugees (both inside and outside detention centres) through practical measures of support. UNAA continues to support the holding of a national conference to review existing policies on the treatment of asylum seekers, especially the Temporary Protection Visa system. UNAA in particular encourages the Refugee Council of Australia (RCOA) in its efforts to highlight the needs of refugees and asylum seekers and seek more humane official responses.

In the past year, public exposure of the damaging impact of detention on adults and children has become much greater, especially through the media. UNHCR has also voiced in concern that Australian policies are beyond the limits of its international obligations. UNAA has sought to work with other NGOs to support the holding of a judicial enquiry into the role of the Department of Immigration and Australasian Correctional Management in the detention centres. Asylum seekers continue to be detained on Nauru with no decision about their future, as they are unable to be returned to their homeland or be granted refugee status. A High Court challenge to the keeping of children in detention is currently being heard, and numerous petitions about the release of children have been signed by concerned citizens. Early in 2004 UNAA launched 'Australians Welcome Asylum Seekers - The Untold Story' and

publicly invited Australians to complete a questionnaire about their =
experiences in befriending asylum seekers, in order to prepare a dossier =
to present to the UNCHR.

The UN Association of Australia (UNAA) delegation to CHR will be led by =
National President, Margaret Reynolds, who has an extensive background =
in human rights advocacy and social policy development.=20

Margaret Reynolds, National President David Purnell, National =
Administrator=20

Canberra, Australian Capital Territory, February 2004 <www.unaa.org>=20