

URGENT ACTION

OFF-SHORE INDEFINITE DETENTION OF REFUGEES

Hundreds of “unauthorised maritime arrivals” – i.e. asylum-seekers arriving to Australia by boat – are currently being flown, or are at imminent risk of being flown, to Manus Island, Papua New Guinea, purportedly to assess their asylum claims and, if found to be refugees, to be “settled” there.

On 31 July, around 40 asylum seekers were transferred by Australian authorities from Christmas Island to the regional processing centre on Manus Island in Papua New Guinea. They are likely to be followed by hundreds of asylum-seekers who reached Australian shores by boat in recent weeks, and are likely to face the same plight as the more than 200 asylum seekers previously detained on Manus Island under an earlier arrangement. Under the new policy, the asylum-seekers are due to be permanently resettled in Papua New Guinea as opposed to Australia if found to be refugees. Those detained on Manus Island have been subject to mandatory indefinite detention, without any individualised assessment as to the necessity and proportionality of such detention, and without being brought promptly before a judicial or other independent authority. In the circumstances, Amnesty International considers that the planned forcible removal of hundreds of asylum-seekers to detention facilities on Manus Island for the stated purpose of processing their claims off-shore would amount to *refoulement*, and thus violate Australia's obligations under both international refugee and human rights law and standards. By arbitrarily detaining asylum-seekers, PNG is also in turn violating its refugee and human rights law obligations.

On 12 July 2013, the UN High Commissioner for Refugees (UNHCR) described the detention of asylum-seekers on Manus Island as arbitrary and thus inconsistent with international human rights law. UNHCR also expressed profound concern at the reception conditions and treatment of asylum-seekers at the centre describing them as harsh, and below international standards. The UNHCR stated that all asylum-seekers on Manus Island displayed apparent signs of anxiety and depression and warned that the volatile environment had the potential to spark significant tensions or self-harm as pressure, uncertainty and feelings of vulnerability increased among the asylum-seekers. The Australian Government has given no details of how the detention conditions on Manus would be improved, if at all, and how the already struggling facility would accommodate an increase in population to 3,000 people.

Please write immediately in English or your own language:

- Urging that no asylum-seekers arriving to Australia by boat be sent to Papua New Guinea;
- Urging the Australian authorities to ensure that all asylum-seekers arriving into Australian territory, by whatever means, and wherever, be given access to a full and efficient refugee status determination process without resort to detention in Australia consistent with the country's refugee and human rights law obligations;
- Urging Australia to respect and comply with its obligations under the Refugee Convention and international law in its treatment of asylum-seekers and refugees.

PLEASE SEND APPEALS BEFORE 12 SEPTEMBER 2013 TO:

Prime Minister
The Hon. Kevin Rudd MP
P.O. Box 6022
House of Representatives
Parliament House
Canberra ACT 2600
Australia
Fax: +61 2 6273 4100
Via website:
<http://www.pm.gov.au/contact-your-pm>

Salutation: Dear Prime Minister
Minister for Immigration, Multicultural
Affairs & Citizenship
The Hon. Tony Burke MP
P.O. Box 6022
House of Representatives
Parliament House
Canberra ACT 2600, Australia
Fax: +61 2 6273 6101
Email: Tony.Burke.MP@aph.gov.au

Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

On 19 July 2013, Australian Prime Minister Kevin Rudd and PNG Prime Minister Peter O'Neill announced a new joint policy designed to deter asylum-seekers from travelling to Australia by boat. Contravening the Refugee Convention, by which both countries are bound, the policy states that for at least the next 12 months, no asylum-seeker arriving by boat to Australian territory will be processed or ever resettled as a recognized refugee in Australia. While Australia was already forcibly removing asylum-seekers to both Manus Island and Nauru, under the new policy those asylum-seekers who would eventually be recognised as refugees after processing of their claims on PNG would be "settled" there as opposed to Australia.

Since the policy was announced, approximately 1,500 asylum-seekers have arrived by boat into the Australian territory. They come predominantly from Afghanistan, Iran, Iraq and Sri Lanka. Under the new policy all these people will be sent to detention centres in PNG, such as Manus Island, instead of being processed in Australia as required by international law.

The regional processing centre on Manus Island, which is currently the only detention centre fully operational in PNG is due to be expanded to accommodate up to 3,000 people. Until last week, the centre was accommodating 200 asylum-seekers in canvas tents,. The tents are pitched close together with between four and six men in each. Heavy rain is common and the temperature generally on Manus Island is high and inside the tents it is extremely high. Physical and mental healthcare is extremely limited.

Everyone has the right to seek and enjoy asylum from persecution regardless of the method of arrival. In 2012, 90% of asylum-seekers who had arrived on Australian shores by boat were found to be refugees.

Australian governments have long had a policy of mandatory offshore detention for asylum-seekers reaching it shores by boat. The policy of off-shore processing ran from 2001 until 2008 under the former Liberal government of John Howard with processing centres on Manus (closed in 2004), and Nauru (closed in 2008). In late 2012, the current Labour government re-introduced mandatory offshore detention for more than 600 asylum seekers who were sent "off shore" to re-opened centres in Nauru and Papua New Guinea.

Depriving asylum-seekers or refugees of their liberty solely because they have sought to reach Australian shores without authorization to do so amounts to a penalty under Article 31(1) of the Refugee Convention according to which asylum-seekers and refugees should not be penalized, including by being detained, for "illegal entry or stay".

Immigration detention should never be indefinite and it should only be used as a last resort and only according to a lawful purpose other than the person concerned being an asylum-seeker or a refugee. Both PNG and Australia have ratified the Refugee Convention, and have the duty to ensure that asylum-seekers have access to a full and efficient refugee status determination process and are not subjected to mandatory detention.

Name: Hundreds of asylum seekers in Australia

Gender m/f: both

Further information on UA: 197/13 Index: ASA 12/001/2013 Issue Date: 1 August 2013

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