
AMNESTY INTERNATIONAL NEWS SERVICE 127/94

TO: PRESS OFFICERS
FROM: IS PRESS OFFICE
DATE: 15 JUNE 1994 NO OF WORDS: 1009

AI INDEX: NWS 11/127/94
DISTR: SC/PO

NEWS SERVICE ITEMS: EXTERNAL - AUSTRALIA

PLEASE NOTE: Please could press officers bring the enclosed item on Australia to the attention of section refugee coordinators. Thanks.

PLEASE NOTE: FURTHER CORRECTIONS TO TEXT OF ANNUAL REPORT NEWS RELEASE.

Line 19 should read: ...more than 100,000 known political prisoners...

Line 31 should read: ...where Republican and Loyalist groups killed 63 civilians.

Line 52 should read: ... Egypt and Tunisia...

The reference to Iraq in line 52 of the original text must be deleted.

Thanks.

PLEASE NOTE: in News Service 120/94, we sent out an item about UN civilian police monitors in Mozambique, embargoed for 23 June. Sections in those countries that have provided contingents of CIVPOLs may want to push this particular news release. To date, the following countries have sent UN CIVPOLs: (numbers of officers are in brackets): Australia (16); Bangladesh (25); Brazil (35); Egypt (21); Guinea-Bissau (25); Hungary (10); Jordan (45); Malaysia (35); Portugal (7); Spain (14); Sweden (10); Switzerland (1).

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Turkey - 22 June - SEE NEWS SERVICES 118/94 AND 104/94

Pakistan - 27 July - PLEASE NOTE NEW DATE. SEE NEWS SERVICE 81/94

TARGETED AND LIMITED NEWS RELEASES

Denmark - 21 June - PLEASE NOTE ANOTHER CHANGE OF EMBARGO DATE. Apologies for the numerous changes to the embargo date. This is the final date. SEE NEWS SERVICES 118/94 AND 105/94

Mozambique - 23 June - SEE ENCLOSED ITEM, SEE NEWS SERVICE 115/94

** Lusophone Summit - 27 June ** - SEE NEWS SERVICE 124/94 for item

Myanmar - 20 July - SEE NEWS SERVICE 99/94

FORTHCOMING NEWS INITIATIVES

Annual Report - 0600 hrs GMT 7 July 1994 - SEE NEWS SERVICE 51/94

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AI INDEX: ASA 12/WU 01/94

16 JUNE 1994

**AMNESTY INTERNATIONAL URGES THE AUSTRALIAN GOVERNMENT
TO CHANGE ITS POLICY OF AUTOMATIC DETENTION OF ASYLUM-SEEKERS**

The Australian Government should change its policy of automatically detaining people who ask for asylum on arrival at the border, according to Amnesty International.

Most of these asylum seekers are detained until their asylum claim is decided, without any court hearing or effective right for a review of their detention.

In a letter sent today to Prime Minister Paul Keating, Amnesty International urged him to bring Australia's policy into line with its international obligations towards refugees and asylum seekers when the government introduces regulations to implement a new law.

The current policy contravenes international standards, which recognize that asylum seekers may have no choice but to try to enter a country without prior authorization.

Many of the people who have been detained have in fact been recognized as genuinely in need of asylum -- over the past four years more than a quarter of over six hundred people detained after arriving by boat were eventually recognized as refugees, and over two-thirds of almost two hundred detained after arriving by air.

"This policy is also inconsistent with the Australian Government's frequently stated commitment to the protection of human rights", Amnesty International said.

In writing to Prime Minister Keating, Amnesty International is urging the government to prove that commitment by changing its policy of automatically detaining asylum-seekers and not allowing them any effective right to appeal against their detention. In order to comply with international standards, asylum-seekers should be detained only if necessary, and for certain specified reasons.

The Australian Government should also ensure that any asylum-seeker who is detained is brought promptly before a judicial or similar authority to examine whether, in each individual case, the detention is lawful and complies with international standards.

Under Australia's new law, the Migration Reform Act of 1992, asylum-seekers will continue to be detained automatically if they come to Australia without a visa and claim asylum at the border. The law provides for asylum-seekers to be detained for the entire duration of the procedure, until their stay in Australia is legalized, normally by being granted refugee status, or if their request for asylum is refused, until they are deported.

Although the Australian Government gives priority to determining the asylum claims of those who are detained, those who appeal against refusal of asylum may nevertheless be detained for several months. Those who choose to pursue further appeals in the courts can be detained for much longer.

"The effect appears to be that by making a court appeal, asylum seekers in Australia are penalized for exercising their rights", Amnesty International said.

A parliamentary committee has recommended that consideration be given to releasing asylum-seekers after six months' detention. However, this would be solely at the discretion of the Minister for Immigration, and the Minister's refusal to release an asylum-seeker would not be open to challenge in the courts.

The intergovernmental Executive Committee of the United Nations High Commissioner for Refugees has explicitly stated that the detention of asylum seekers should normally be avoided and should be used only if necessary, on grounds prescribed by law for certain specified reasons. That Committee, of which Australia is a member, has specified that any asylum seekers who are detained should also be given the opportunity for judicial or administrative review of their detention. This is also underlined in United Nations standards on detention which specify that all detainees should have an effective opportunity for a prompt hearing by a judicial or similar authority.

The Australian Government says that the detention of asylum-seekers is necessary as a border control measure, and that it also has a deterrent element in helping to discourage "unauthorized arrivals". But border control and deterrence are not lawful reasons under international standards for detaining asylum-seekers. The 1951 Convention relating to the Status of Refugees, to which Australia is a party, recognizes that asylum-seekers may have no option but to seek to enter a country without prior authorization. It explicitly states that they should not be penalized on that account.

"The Australian Government has been receptive in the past to criticisms of its human rights record, and has taken a positive role in protecting human rights in Australia. It has also often raised concerns about human rights violations by other governments", Amnesty International said. "The introduction of new regulations by September is their opportunity to show a consistency of approach and change their policy on detention of asylum-seekers".

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