

AMNESTY INTERNATIONAL INDIA

PRESS RELEASE

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Amnesty International India: Australia's decision to transfer asylum-seekers to Papua New Guinea is an "outsourcing" of human rights responsibility.

The new policy of the Australian government allowing the transfer of asylum-seekers to Papua New Guinea for processing and possible resettlement is a violation of Australia's human rights obligations.

The move has attracted the disapproval of thousands of people collectively from Australia and India.

Amnesty International's petition against the Australian government's recent policy was signed by more than 16000 people together from Australia and India. By transferring boat-arriving asylum-seekers for processing of their claims and possible resettlement into Manus Island in Papua New Guinea (PNG), Australia is breaching refugee and international human rights law. The joint petition called on the Australian Prime Minister, Kevin Rudd, to uphold the rights of all asylum-seekers arriving on Australian shores.

"These asylum-seekers will have their rights denied by being detained indefinitely on Manus Island. The asylum-seekers have the right to seek refuge in Australia and if found to be genuine refugees, be settled in Australia according to international law", said Shashikumar Velath, Programmes Director, Amnesty International India.

As of 31st July, Australia has been transferring asylum-seekers to PNG for processing and possible resettlement. Under international law, all asylum-seekers have the right to have their claims processed in the country they arrive in, regardless of the mode of arrival.

5484 people in India and 12500 in Australia have called for an end to such transfers and for the protection of the human rights of people fleeing persecution in their homelands. Along with asylum-seekers from Iraq, Iran, Burma and Afghanistan, hundreds of Sri Lankans to continue to seek refuge in Australia. Sri Lanka has been undergoing a crackdown on dissent by an increasingly repressive government and human rights are being continually violated.

“It’s astonishing that one of the richest countries in the world is behaving this way. We’re the only country that has indefinite mandatory detention. We’re the only country that’s trying to outsource its human rights responsibility”, said Claire Mallinson, National Director, Amnesty International Australia. “We’re saying to PNG, please take these people who may be facing fear and torture and do what we should be doing”, she added.

The conditions faced by the transferred asylum-seekers on Manus Island have been described as “harsh and cruel”, and reported cases of attempted suicide, anxiety and mental trauma are numerous. For asylum-seekers to be shipped off into such conditions after possibly having faced persecution in their homeland is unjust and inhumane.

Amnesty International India and Amnesty International Australia call on the government of Australia to fulfill its human rights responsibility, adhere to international law and process fairly all those who arrive seeking asylum on Australian shores.

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Additional information:

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.

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