

AI Index: PRE 01/127/2010
09 April 2010

Australia asylum suspension could harm world's most vulnerable

Amnesty International has condemned the Australian Government's suspension of the processing of new asylum claims by Afghan and Sri Lankan nationals, which is fundamentally inconsistent with Australia's international obligations under the 1951 UN Refugee Convention.

"This decision is outrageous. Sadly, it appears that the Australian government is now attempting to override the rights of the most vulnerable," said Sam Zarifi, Asia Pacific director at Amnesty International.

Amnesty International has also expressed grave concerns that this move will result in the arbitrary detention of people who have genuine protection claims.

The decision to suspend processing the claims of Afghan and Sri Lankan asylum seekers pre-empts the UNHCR's official review of the security situation on the ground in either of those countries.

Amnesty International believes the Australian Government's move sends a dangerous message throughout the Asia Pacific region. The possibility exists that as a result of this decision, other governments within the region could begin to pressure UNHCR to cease processing of Afghan and Sri Lankan nationals in countries such as Malaysia and Indonesia.

Amnesty International calls upon the Australian Government to release the information on which it has based its claim that the security conditions in Afghanistan and Sri Lanka have improved to such an extent as to justify this sudden blanket suspension.

"The government's rationale for this apparently unilateral decision conflicts with the information Amnesty International and other human rights organisations have received regarding the situation on the ground for many people in Afghanistan and Sri Lanka," said Sam Zarifi.

The Australian Government has a rigorous process of assessing asylum claims according to the internationally agreed criteria set out in the 1951 Refugee Convention. Under that process, individuals who are found to be at risk of torture, persecution or death, are offered protection. Those people who are not found to have genuine claims are returned to their country of origin. As Australia is a signatory to the Refugee Convention, that process should stand.

Well over 90 per cent of asylum seekers who arrive in Australia by boat are found to have genuine protection claims. This means the overwhelming majority of Afghans and Sri Lankans seeking asylum in Australia have been found to have genuine claims for protection. This statistic demands that the Australian Government further explain a blanket ban on these two groups.

Situations for many groups in Sri Lanka, including activists, journalists and some Tamils remain tenuous and dangerous. Similarly in Afghanistan, many individuals, in particular activists and journalists, have fled real threats from the Taliban or government-associated warlords, while women, single heads of households, unaccompanied minors, victims of trauma, people requiring medical attention and people with disabilities are at significant risk.

“There is no justification for the Australian Government’s application of a blanket suspension of the assessment of asylum claims from Afghan and Sri Lankan nationals,” said Sam Zarifi.

Amnesty International will be investigating whether the move also puts Australia in breach of its obligations under the Convention on the Elimination of Racial Discrimination.