

Australia: Denial of rights makes immigration detainees second class prisoners

Today's rejection of a (UN) Human Rights Committee opinion that a Cambodian boat person was arbitrarily detained for more than four years yet again shows the Australian Government's appalling unwillingness to accept criticism of its human rights record, Amnesty International said today.

"The government's refusal to give asylum seekers a fair chance to challenge in court why they remain behind barbed wire for months or even years -- a right granted to convicted felons -- makes immigration detainees second class prisoners although they have committed no crime," the organization said.

"It is time the government backed its international human rights promotion with a willingness to improve its record at home."

The UN Committee found in April that Australia had breached its human rights obligations by having arbitrarily detained until 1994 a Cambodian man who arrived by boat in 1989 and who was denied the right to have his detention reviewed in a court of law.

Despite recent policy improvements, the arbitrary detention of asylum seekers arriving without proper documents remains mandatory under Australian law.

Amnesty International does not challenge Australia's initial detention of 'unauthorised' asylum seekers for identification and security purposes. But the reasons for keeping people behind barbed wire over months and years while their refugee application is determined must be subject to judicial review and justified by the circumstances of each case.

Inappropriateness, injustice and a lack of predictability have been defined by the Human Rights Committee as among the elements of arbitrary detention.

"The Australian Government's argument that detention is not arbitrary because it is 'lawful' under the Migration Act is no excuse for a clear breach of human rights law," Amnesty International said. "Making laws to declare automatic detention legal does not make the arbitrariness of it acceptable."

Amnesty International urges the government to respond to a recent Australian Senate request for a report on options which bring detention policies in line with international human rights law.

ENDS.../

For further information or to arrange an interview please contact Heinz Schürmann-Zeggel on +44 171 413 5720 or the Amnesty International Press Office: +44 171 413 5566/5810