

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Trans-national crime must address human rights concerns**

On the first day of the second Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime 28-30 April, Amnesty International called on all parties to include human rights guarantees in any measures they adopt to combat human trafficking and smuggling.

The organization repeated its call to the United Nations High Commissioner for Refugees (UNHCR) to initiate an independent expert evaluation of Australia's highly controversial "Pacific Solution". Amnesty International also called on Ministers participating in the conference to support such an initiative.

"We are concerned that states are not confronting all the human rights implications of anti-trafficking and anti-smuggling schemes, and are turning their backs on those most in need of protection. States are duty bound under international law to protect those seeking asylum. This fundamental duty applies whether people have been smuggled or have made their own way to a country to seek asylum."

While the organization recognized that smuggling and trafficking in persons are serious issues of international organised crime, and are properly the concern of governments, it emphasised that they cannot be tackled in a way which ignores fundamental human rights and refugee protection.

Amnesty International is concerned that practices such as the "Pacific Solution" threaten the principle of international solidarity on which international refugee protection depends, and that such practices create two classes of asylum states: the rich and powerful States that select whom they will accept as refugees and the rest who are compelled to host large numbers, including people returned from the rich countries in the Asia-Pacific region and elsewhere.

"It would be irresponsible not to undertake a comprehensive and independent examination of this scheme," Amnesty International said. "UNHCR has a responsibility to initiate such an evaluation, and states should support this."

### **Background**

The "Pacific Solution" is Australia's tough response to asylum seekers and refugees aimed at "attacking smuggling practices and sending the strongest possible message to smugglers and their clients [mostly

asylum seekers]". The government thus intentionally and harshly treats any unwelcome asylum seekers in order to deter others from trying to reach Australia with the assistance of smugglers.

Under the "Pacific Solution" approach, more than 1,800 asylum seekers arriving by sea have been transferred to Nauru, Manus Islands (Papua New Guinea) and Australia's Christmas Island, but have been denied permission to lodge refugee claims in the Australian mainland.

On 26 August, 2001, the Norwegian vessel MV Tampa was prevented from landing more than 400 rescued asylum seekers in Australia. After a highly publicised international stand-off of more than a week, they were transferred to the tiny island Republic of Nauru, where they were detained and refugee status determination procedures initiated. Four hundred and forty nine asylum seekers reportedly continue to be detained on Nauru.

Human rights organizations, including Amnesty International, have documented serious human rights violations related to Australia's "Pacific Solution".

In February 2002, a the first Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime, was held in Bali. It was attended by countries from the Asia Pacific region, the Middle East Europe and North America.

In February 2003, a proposal by the UK government to establish regional and transit processing centres, not unlike Australia's "Pacific Solution" came to light and is now being actively discussed amongst EU states and with the UNHCR. In light of this, on 7 March 2003 Amnesty International called on the UNHCR to initiate an independent expert evaluation of the "Pacific Solution".

**Relevant AI publications and statements:**

Australia-Pacific: Offending human dignity - the "Pacific Solution" (25 August 2002, AI Index: ASA 12/009/2002) available on <http://web.amnesty.org/library/Index/engasa120092002>

Amnesty International's observations to UNHCR's Consultations on Convention Plus (7 March 2003, AI Index: IOR 42/001/2003) available on <http://web.amnesty.org/library/Index/engior420012003>

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