

September 2011

RRAN UWA



FOR AN END TO MANDATORY DETENTION..

The Refugee Rights Action Network at UWA are a group of student activists committed to raising awareness around refugee rights issues in Australia, we aim to be the loud voice of opposition to Mandatory Detention on campus.

It is a little known fact that the University of Western Australia student Guild has a policy of being a safe haven for refugees. The NUS West conference last year also passed a motion against mandatory detention. This is the result of the serious work of student activists determined to take a stand around social justice issues.

RRAN UWA is a relatively new but vital student club at UWA and we are excited to be joined by similar emerging groups at Curtin and Murdoch Universities.

If you think that the indefinite mandatory detention of refugees, without charge or trial is unjust and would like to do something to change

it then there are a number of things you can do. Donate to, or attend the Sydney ALP conference protest where refugee rights activists and advocates will descend on the labor party national conference in December this year to protest the government's appalling policy of mandatory detention. Join the protest at CHOGM, which will be held in Perth this October. Come to our Tuesday RRAN UWA organising meetings, and talk to your friends and family about the atrocious treatment of refugees in Australia. The need to defend refugee rights in this country has never been more urgent and we need your help. Refugee rights are human rights!



DATES TO REMEMBER

NEXT RRAN UWA ORGANISING MEETING
Tuesday 1pm ALR 10

CHOGM PROTEST
October 28, FORREST PLACE

PROTEST AT PERTH DETENTION CENTRE
OCTOBER 29 2pm

QUICK FACTS

- **The total cost of building and administering detention centres since 2001: \$2.85 Billion**
- **Australia hosts just 0.2% of the world's refugee population.**
- **As of February 2011 there were 6659 refugees in detention of those 1027 were children.**

DETENTION CENTRES THE FACTS JANUARY TO JUNE

1507 Hospital admissions

72 Psychiatric admissions

213 Injury from self harm requiring medical attention

723 Voluntary starvation requiring medical attention

264 Criminal incidents reported to police

SOURCES: IHMS, DIAC

Sinking to new lows: Australia's criminal treatment of refugees

Every day there is a murmur that lingers in the subtext of numerous news items, in every newspaper, and in full and blatant prominence in every word uttered by our politicians, "You are not welcome here". For refugees and Asylum Seekers these are not just words but reality, and with every whip of the tongue and every spouting of rhetoric, there are very sharp and real implications for the vulnerable few who have the misfortune of fleeing the persecution they face in places like Sri Lanka, Pakistan or Afghanistan.

Now before you look at these countries with a smug sense of democratic freedom and liberty, remember that it is in Australia where there are thousands of people who are locked up in what amounts to worse than prison conditions, without charge or trial. This is the reality of mandatory

detention, where suicide attempts are a daily occurrence and where children are detained for large chunks of their early developmental years. In February this year I joined a convoy of RRAN (Refugee Rights Action Network) activists who travelled to Leonora detention centre. This is labelled 'community detention' but for the thirty or so children detained there under the age of eight, this meant being let out from behind the multiple fences for only one hour a week, to attend the local recreation centre where they would be segregated from the other children in the town. Mandatory Detention is not an immigration policy, it is the purposeful denial of the due course of justice toward the most vulnerable of people in our society, and it is shameful!

While we were on the university break alone, there were a series of human rights abuses that took



place within Australia's detention camps. One of the most disgusting abuses was that of the Australian Federal Police when for fifth time this year they fired on the refugees detained there with bean bag bullets. For those who are not familiar with munitions, a bean bag bullet is essentially a lead bullet covered with fabric and has little in common with its polystyrene namesake in its ability to wound or kill.

There were also a spate of hunger strikes and rooftop protests across numerous detention centres particularly at Darwin, Scherger and Christmas Island by people who are rightly distressed that their visa applications were rejected after spending over a year imprisoned and being told that it will be months again before they are reconsidered. And to cap it off the swap deal with Malaysia gets pushed through.

“So what is wrong with the Malaysia solution?”, you may ask. Aside from the fact that Australia has every capacity to accommodate many more refugees than it already does, and that Australia unlike Malaysia is signatory to the UN Human Rights Convention on refugees, there are already 90,000 refugees in Malaysia who have been waiting for up to 20 years without any legal status in worse conditions than they would endure here. Furthermore, Malaysia's laws allow for asylum seekers to be whipped, whereas in Australia there is no official legal provision for the use of tear gas and bullets on refugees (though they do it anyway). The deal doesn't provide for any binding guarantee of their welfare once they arrive in Malaysia.

The Malaysia solution is playing with lives, off-loading human rights obligations and it is an

absolute disgrace of mammoth proportions that the AFP were going to be given permission to use whatever force necessary to board these people on to planes to Malaysia. To spell it out this includes the use of tasers on minors. The high court injunction has now deemed the Malaysia deal legally invalid but is yet to stop the government trying to follow through.

While the horrors of Australia's treatment of refugees and asylum seekers reach new lows they are not without opposition and students at UWA should be among those loudly opposing them. The rooftop protests at Darwin Detention Centre inspired a group of Monash University students in Victoria to stage a rooftop protest of their own for 5 hours on the 27th of July, in solidarity with the protesting refugees. The Law council of Australia has also expressed it's public opposition to the 'Malaysia solution'.

The conditions within Australia's detention centres are shrouded in secrecy, located mostly in deserts out of public view, and there is a reason for it, there is a lot hidden within those fences. The new Inverbrackie Detention Centre in South Australia has reportedly tighter security than Guantanamo bay. If you want to know what it is really like to be detained for seeking asylum, then the best way is to ask a refugee. On Tuesday the 23rd of August, the UWA Refugee Rights Action Network (RRAN UWA) held a forum on campus featuring messages from refugees formerly and currently detained in Curtin Detention Centre. We also heard from a mental health worker who was working at Christmas Island detention centre during the recent protests.

The deterioration of the situation in detention and treatment of

asylum seekers in this country is horrifying but what is needed is more than perspective, what is needed is action, and now! Gillard's government has blood on its hands on the issue of refugees and the choice can no longer be between labor and liberal, detention or deportation, but between what is full and blatant brutality, or justice. If you are on the side of human rights then it is time to stand and fight. Will you be on the side of justice, or look back on history in shame?

By Teri Gibson (RRAN UWA)

Malaysia Solution: NO WAY!

In a joint statement with Malaysian Prime Minister Datuk Seri Najib Tun Razak on May 7, the Prime Minister Julia Gillard announced an agreement had been reached to swap 800 future irregular maritime arrivals from Australia with 4000 UNHCR recognised refugees from Malaysia over the next four years. Although the details of the plan are yet to be fully revealed, a number of myths about this so called 'solution' have already arisen in the media. Here are the facts.

MYTH 1: The Labor government is offering boat arrivals a tough but fair choice.

As a result of this new policy, Gillard's advice to future asylum seekers is, 'Don't get on that boat.. what it will mean is you have given your money to people smugglers, you have risked your life at sea and you will be at a real risk of ending up in Malaysia instead.' Gillard fails to outline the consequences for asylum seekers who take her advice and do not leave. This would be to either (1) stay and face persecution; or (2) remain in a country of first asylum where two-thirds of the world's refugees remain in exile without basic rights for an average of 20 years. Hardly a fair choice.

MYTH 2: Australia is swapping 'illegal' asylum seekers for a greater number of 'genuine' refugees

Asylum seekers who enter Australia undocumented are not illegal under the Refugee Convention or Australian law.

Those who are determined to be refugees – which include the vast majority of boat arrivals – have an equal right to be protected as those waiting in overseas camps. No human being is more or less deserving of freedom from persecution. Furthermore, asylum seekers are not required to remain in countries such as Indonesia or Malaysia which are not signatories to the Refugee Convention and are either unable or unwilling to provide asylum seekers with the basic necessities of life.

MYTH 3: Labor’s new policy sends onshore asylum seekers to the ‘back of the queue.’

The new policy will only apply to unauthorised arrivals by sea and not unauthorised arrivals by air. If the Gillard government was truly concerned about mythical queue jumpers, why do they choose to only selectively target unauthorised boat arrivals? The answer is that neither the Labor government nor the opposition are interested in any misplaced notions of fairness; only the potential political gain from exploiting popular anxiety about being invaded by ‘boat people’. Furthermore, there is no just and orderly queue that boat arrivals have ‘jumped’. Less than one percent of all refugees in the world are able to access a queue for resettlement. Even if all refugees were placed in such a queue it would be a wholly unmanageable. There are 10 million refugees in the world. If every one of them joined a queue, it would take 135 years to clear. The ‘queue’ is a fantasy of those who wish to shift Australia’s responsibility to the world’s most vulnerable people offshore.

MYTH 4: Removing 800 asylum seekers to Malaysia is cost-effective

Chris Bowen announced that it would cost \$76 million to fly the 800 asylum seekers from Malaysia to Australia. The cost of processing asylum seekers while living in the community is roughly equivalent to the income rate paid through the Asylum Seeker Assistance Scheme (ASAS). The government spent 9 million dollars on this scheme to provide services to 2802 asylum seekers already living in the community over the entire 2009–10 financial year. At that rate, \$76 million would provide for 23,661 asylum seekers living in the

community for one year. While this does not include any additional health, counselling and case management costs, the total figure is undoubtedly significantly lower than flying asylum seekers to Malaysia. Of course, the human cost of deporting asylum seekers to inhumane conditions is incalculable.

MYTH 5: Asylum seekers transferred to Malaysia by Australia will be treated humanely.

The joint statement released by Gillard and the Prime Minister of Malaysia declares that ‘transferees will not receive any preferential treatment over asylum seekers already in Malaysia.’ This is an alarming announcement given what is known about the current treatment of asylum seekers there. A recent investigation by Amnesty International reports that refugees and asylum seekers in Malaysia are abused, exploited, arrested and locked up – in effect, treated like criminals. Malaysia has not signed the Refugee Convention and so does not officially recognise refugee status. Asylum seekers face the daily prospect of being arrested, detained in squalid conditions, and tortured and otherwise ill-treated, including by caning. Almost 30,000 foreigners, including asylum seekers and refugees, have been caned in Malaysia in the last five years. Amnesty International, which found that the practice amounted to torture, explains the activity in detail: Specially-trained caning officers tear into victims’ bodies with a metre-long cane swung with both hands at high speed. The cane rips into the victim’s naked skin, pulps the fatty tissue below, and leaves scars that extend to muscle fibre. The pain is so severe that victims often lose consciousness.

MYTH 6: Asylum seekers will be put in a queue and get a fair chance to be resettled.

The exact size of Malaysia’s asylum seeker and refugee population is not known, however, estimates vary from 90,000 to over 170,000 asylum seekers and refugees. By the end of February 2010, UNHCR said it had registered some 82,400 asylum-seekers and refugees, 18,500 of whom were children. However, UNHCR has acknowledged that a large number of people of concern remain unregistered. Limited funding and a difficult operating

SPEAK OUT!



Get involved with RRAN UWA

The refugee rights action network at UWA meets every Tuesday at 1pm in Arts Lecture Room 10. All supporters of refugee rights are welcome. For more info contact: rranuwa@gmail.com

environment mean that the needs of the refugee population currently outweigh the capacity of UNHCR to respond adequately. Asylum seekers must wait to undergo the refugee status determination process before being recognised as refugees. Given there is only limited numbers, not all will be submitted by UNHCR for resettlement. Only 5,865 refugees were resettled in 2008 and 7,509 in 2009. Clearly, the prospects of resettlement for up to 170,000 asylum seekers and refugees in Malaysia are dim.

MYTH 7: Asylum seekers will live comfortably in the community

While living in the community is preferable to detention, asylum-seekers and refugees in Malaysia are vulnerable to abuse and violence in their homes and in public. During immigration raids, police employ violent tactics to extort money from them, or to intimidate and harass them. Women refugees and asylum seekers are often the targets of violence, including sexual or gender-based violence. They have little protection against such violence, with minimal access to lawyers, medical treatment, safe houses and other necessary support. 'My daughter is only 12. Local men have tried to take her twice already,' one woman, a Rohingya refugee from Myanmar, told Amnesty International. 'I went to the police but they've done nothing. How can I protect my daughter? At night they come to our house and demand money or a girl. We move but it keeps happening. We don't know what to do.'

Furthermore, asylum seekers have no legal right to work in Malaysia. They do not receive any assistance from the government and may resort to working without authorisation just to survive. Working illegally exposes them to abuse and exploitation.

MYTH 8: Asylum seekers will not be placed in detention

The Malaysian High Commissioner in Canberra has said that the transferred asylum seekers would not be placed in detention, but instead would 'mingle' in the community while their claims were processed. Yet Amnesty International reports that asylum seekers and refugees, including those with UNHCR documents, are susceptible to detention in 'filthy and

overcrowded' conditions. Many are held for months without access to lawyers and with no way of appealing against their detention. Some are detained indefinitely. Once in the centres, detainees lack proper health care, sufficient food and clean drinking water. Children under 18 are held with adults and abuse by detention staff is rife. Poor detention conditions have led to serious illness and in some instances, death. In May, two inmates from Myanmar died from leptospirosis, a bacterial infection caused by contact with water contaminated by animal urine, at the Juru Immigration Depot. In August, a detainee at the KLIA Immigration Depot died after contracting the H1N1 flu virus. Other inmates were hospitalised in both instances. Given the lack of integrity and oversight in Malaysia's detention regime, Neither the Malaysian nor the Australian government is in any position to guarantee that asylum seekers won't be detained in these squalid conditions.

MYTH 9: Once recognised as refugees, asylum seekers will be treated fairly.

Even if refugees are registered, their status is not respected by the authorities. Crackdowns by the government have seen refugees arrested and sent to detention, even those holding UNHCR cards. The people they arrest are subject to humiliation, physical abuse, theft and extortion. Refugees reported to Amnesty that when they showed state officials or police personnel their UNHCR card, they were told it meant nothing. Some reported that the authorities threw away their UNHCR documents before arresting them. Others who were still awaiting an actual card, showed their UNHCR appointment letter instead, but were told it would not protect them from arrest or detention. Still others said that they could avoid arrest or detention by paying a bribe. Like asylum seekers, UNHCR registered refugees have no right to work.

MYTH 10: Gillard's new policy is legal and legitimate

The legal grounds on which the Labor Government's new policy is based are questionable. Australia has strict obligations under the Refugee Convention and various other international human rights treaties to which we are a signatory. Chris Bowen is apparently aware of the

heavy moral burden and the questionable legitimacy this new policy carries: 'I expect protests, I expect legal challenges, I expect resistance,' Bowen declared shortly after the policy was announced. Australia's detention regime is at a breaking point. Overcrowding, riots and self-harm rates have skyrocketed. Instead of recognising the source of the problem – mandatory detention – the Labor government has chosen to punish the victims by 'getting tough on asylum seekers.' Bowen expects resistance; the moral depravity of this new policy and government's horrendous treatment of asylum seekers demands it.

1 Malaysian National News Agency, 'Joint Statement By Prime Ministers Of Malaysia, Australia On People Smuggling,' Bernama.com, <http://www.bernama.com/bernama/v5/newsgeneral.php?id=584652>, 07 May 2011.

2 Samantha Maiden, 'Prime Minister Julia Gillard gambles on asylum seekers,' Herald Sun, <http://www.heraldsun.com.au/news/national/the-malaysia-solution/story-e6...>, 08 May 2011.

3 For more on the conditions of countries of first asylum, see the ASRC's, 'Myths, Facts and Solutions,' <http://www.asrc.org.au/media/documents/myths-facts-solutions-info-apr-20...>, p 11.

4 See the ASRC's, 'Myths, Facts and Solutions,' <http://www.asrc.org.au/media/documents/myths-facts-solutions-info-apr-20...>, p 3.

5 Refugee Council of Australia (RCOA), Media Release, http://www.refugeecouncil.org.au/docs/releases/2010/100623_UNHCR_stats.pdf, 23 June 2010.

6 Samantha Maiden, 'Prime Minister Julia Gillard gambles on asylum seekers,' Herald Sun, <http://www.heraldsun.com.au/news/national/the-malaysia-solution/story-e6...>,

7 Malaysian National News Agency, 'Joint Statement By Prime Ministers Of Malaysia, Australia On People Smuggling,' Bernama.com, <http://www.bernama.com/bernama/v5/newsgeneral.php?id=584652>, 07 May 2011.

8 Amnesty International, 'Abused and Abandoned: Refugees Denied Rights in Malaysia,' <http://www.amnesty.org/en/library/asset/ASA28/010/2010/en/2791c659-7e4d-....>, 16 June 2010.

9 Amnesty International, 'Case study: Nian Vung, a refugee caned in Malaysia after fleeing Myanmar,' <http://www.amnesty.org/en/library/asset/ASA28/015/2010/en/26559f81-7b42-....>, 6 December 2010.

WHAT IS WRONG WITH MANDATORY DETENTION ?

What is wrong with Australia's policy of Immigration Detention?

Fundamentally immigration detention is indefinite detention without charge or trial. This is an affront to the common law principle that the government should not be able to imprison people arbitrarily or without the supervision and oversight of the courts. This principle stretches back almost 800 years, dating from the Magna Carta in 1215. It is an important principle which limits the power of government to oppress or mistreat ordinary people.

We should all be suspicious and concerned about any erosion of this ancient protection. It's not sufficient to reassure ourselves that this is happening only to "them".

If one person's basic rights are not safe, then the basic rights of us all are less secure.

What is wrong with Labor's current asylum seeker policy?

It's almost exactly the same as the Howard government's policy. The only difference is that Temporary Protection Visas have gone, and people are no longer charged for their detention. All other elements are the same. Both Howard, Rudd and Gillard have cast the issue of asylum seekers as a national security or border protection issue, when it is really a humanitarian issue.

Why do RRAN say the government's policy is "inhumane"?

Even under the Howard regime, where people were refused protection on the most ludicrous grounds, around 90% of claims by boat arrivals were eventually successful. This really shows that only those most in need of protection go to the lengths of getting on a boat. Detaining such people, who are frequently already traumatised, adds to their trauma and makes their successful integration into a normal life in Australia even harder than it needs to be.

This ultimately makes the resettlement process more expensive and drawn out for everyone, as people require more help and support to overcome the additional trauma.

What is "dogwhistling"?

A dog whistle can only be heard by dogs. So this analogy is really saying that certain sorts of language used by politicians can be designed so that different people hear different meanings. A lot of language that is used around this issue is designed so that latent insecurities about "unknown foreigners" can be incited,



End mandatory detention RRAN UWA

while still allowing politician to deny that this is what they are intending to do.

Dog-whistling rhetoric is trying to incite racism and xenophobia against refugees, without being completely blatant about it.

If these people can afford to pay thousands to a people smuggler how can they be refugees?

There is no income test for being a refugee. Many Jews fleeing Nazi Germany had money. Did this invalidate their need for asylum or does this mean that they deserved the fate of so many in the death camps? It is often the case that only those with resources can flee persecution. So among refugees from a particular group or conflict, it's the ones with resources that will tend to be able to find their way to a country that could potentially offer them refuge. This is no reason to refuse refuge.



www.cafepress.com.au/RRAN

For a great resource for information and events visit <http://rran.org>



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