

**Joint-Statement by Franciscans International & Edmund Rice International
29th Session of the UN Human Rights Council
Detention of asylum seekers: cases in Australia**

Thank you Mr President,

Franciscans International and Edmund Rice International draw the attention of the Council to the situation of those seeking asylum in Australia. At previous sessions of the Council, we had brought forth issues regarding asylum seekers in Australia and the struggles they have faced. Unfortunately, their situations have remained poor.

In light of National Inquiry into Children in Immigration Detention 2014 completed by the Australian Human Rights Commission, further concerns have been brought to light about the treatment of young people in these facilities. With over 980 children in detention facilities in of July 2014, 321 of whom had been detained for over six months, the Inquiry provides firsthand reports of and expert testimony about human rights abuses, including poor quality of life, lack of access to appropriate healthcare, barriers to hygiene, and poor quality of housing.¹

Further concerns arise over the allegations that Australia no longer asks those seeking asylum if they have been victims of torture. This has commonly been a basis for establishing the validity of a request for asylum and Australia's failure to do so shows an unwillingness to assist victims of torture.²

The most recent statistics published by the Department of Immigration and Border Control show a decrease in the number of people currently in immigration detention facilities to 1914. Of these people, 127 are children who are in either Immigration Residential Housing, Immigration Transit Accommodation and Alternative Places of Detention.. The average amount of time spent by people of all ages in a detention facility was 397 days, with less than 15% of the detained population spending under a month in detention facilities. 57.2% of detainees spent less than 12 months in a detention centre.³

While this decrease in detained populations is promising, we are troubled by the recent passage of the Border Force Act of 2015 that prevents the reporting of conditions in these facilities under the pretence of national security concerns. The Border Force Act poses a threat to the transparency and oversight necessary to ensure the protection of the basic human rights of the asylum seekers by enforcing an oath of secrecy on all people working at a detention centre. Any employee or contractor at a detention centre, including medical personnel, face up to two years in prison for the disclosure of any details of the operations of a detention centre. Before any information can be reported or distributed, the secretary of the department responsible for the detention centre must approve it of. This new law will serve as a deterrent for the reporting of abuse, substandard quality of living, and other human rights abuses faced by children in detention centres. The law has already faced criticism from the Australian Medical Association as a potential obstacle to doctors being able to address inadequate conditions and suffering of their patients⁴

Also troubling is the recent relocation of refugees from detention centres to Cambodia by the Australian government following a memorandum of understanding earlier this year. While the asylum seekers are offered high quality accommodations and opportunities, it is likely that the reality of the situation will not match these expectations. Cambodia itself has a troubled record in regards to human rights for refugee populations and for the government of Australia to pass off these people to Cambodia shows a lack of concern for their basic rights.⁵

We recommend the Council to urge the Government of Australia:

- 1. To ensure the reception of asylum seekers and processing of their claims according to International human rights and humanitarian law including the International Refugee Law and International Human Rights Law to which Australia is a state party;**
- 2. To take appropriate measures to ensure the rights to life, physical and mental integrity, and freedom from arbitrary deprivation of liberty of persons currently detained at detention facilities, especially children.**
- 3. To repeal portions of the Border Force Act of 2015 that create barriers to the reporting of potential human rights abuses against persons currently detained at detention facilities., especially children**

Thank you.

¹ <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/national-inquiry-children-immigration-detention-2014>

² <http://www.eurekastreet.com.au/article.aspx?acid=43994#.VXhHTo1MI7A>

³ <http://www.immi.gov.au/About/Documents/detention/immigration-detention-statistics-apr2015.pdf>

⁴ <http://www.abc.net.au/news/2015-05-28/barns-newhouse-detention-centre-secrecy-just-got-even-worse/6501086>

⁵ <http://www.theguardian.com/australia-news/2015/apr/15/australia-prepares-to-send-first-refugees-from-nauru-to-cambodia-within-days>