

NGO statement
Item 4, 26th session of the Human Rights Council
June 2014

Thank you Mr. President

We wish to update the Council on the concerning state of Australia's asylum seeker policy and practice.

Australia's increasingly punitive treatment of asylum seekers arriving by boat has continued, unabated, since we last updated the Council in March.

Australian law now requires all new maritime arrivals to be transferred to Nauru or Manus in Papua New Guinea, where they are subject to mandatory and indefinite detention in conditions the UNHCR has repeatedly assessed as falling short of international human rights standards.

In February this year, an Iranian asylum seeker, Mr Reza Berati, was killed during a disturbance on Manus Island in which around 60 others were seriously injured.

There has, to date, been no adequate investigation, far less prosecution, in connection with this death and over 1200 men continue to languish indefinitely in conditions that are both unlawful and harmful; precisely the conditions that led to the initial unrest.

It is an appalling reality that in the 19 months since the first transfers to Manus, one asylum seeker has been killed and dozens of others seriously injured, while not one has been processed and resettled.

For LGBTI refugees Australia's policies are especially dangerous. If they are eventually processed and determined to be refugees, LGBTI refugees face permanent resettlement in PNG, a country where homosexuality is criminalised.

People seeking asylum on the basis of their sexuality will be trapped in a horrible Catch 22. In seeking protection they will be required to disclose their sexuality, but by doing so they expose themselves to risk in PNG.

Sending these asylum seekers to PNG is a clear case of refoulement.

The Australian Government has stated that its single minded focus is on deterring boat arrivals. This is clearly at the expense of the human rights of asylum seekers who have already arrived.

We call on the Council and member States to remind Australia of the importance of complying with its international obligations and to condemn Australia for its violation of

them. Australia must contribute to, not shirk from, efforts to tackle the global challenge of refugee settlement.