

RIGHTS ENVOY FINDS MORE HUMANE APPROACH TO ILLEGAL IMMIGRATION IN AUSTRALIA “WOULD BE DESIRABLE”

GENEVA, 31 July 2002.

A report, by P. N. Bhagwati, the Regional Advisor for Asia and the Pacific of the United Nations High Commissioner for Human Rights and former Chief Justice of India, welcomes the positive efforts underway to improve the conditions of detention in Australia, and appreciates the willingness of the Government to address various issues of concern. However, he finds that “the human rights situation of persons in immigration detention in Australia is a matter of serious concern”. Justice Bhagwati writes that a more humane approach to illegal immigration “would certainly be desirable”, and notes that the situation of persons in immigration detention in Woomera could, in many ways, be considered inhuman and degrading.

Justice Bhagwati prepared his report following a visit to two detention centres in Australia from 24 May to 2 June 2002. He visited the Woomera detention centre, where he personally spoke to several persons in immigration detention. Upon the request of the Government, he also saw the new detention facility in Baxter which is not yet operational. The Australian Government had agreed to the visit following a request by High Commissioner Mary Robinson in February 2002. Mrs. Robinson said today she fully endorsed the findings, concluding observations and recommendations of the report, and urged the Government of Australia to review the concerns expressed and seek appropriate ways to address them.

The report, which does not address issues relating to Australia’s refugee status determination procedure itself, identifies specific human rights issues of concern, including:

- The situation of children in detention, including unaccompanied minors;
- The unduly long periods spent in detention by some individuals;
- The absence of proper judicial review of the detention itself;
- Concerns with regard to family unity and family life;
- The lack of adequate information to detainees about their rights;
- The absence of a permanent, institutionalized and independent body to conduct monitoring and reporting activities on a continuing basis, including unannounced visits with the right to unfettered access.

The report also suggests that the Government accept a follow-up visit in 2003 by a representative of the High Commissioner.