



Newsletter

Number 11 May 2011

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Secretary Robin Rothfield robinro2@bigbond.com

Broken pledges Letter published in The Age May 11 2011

THE ALP National Platform 2009 reads: "Protection claims made [by asylum seekers] in Australia will be assessed by Australians on Australian territory." The ALP is a democratic organisation whose policy is made by national conferences following consideration of "resolutions originating from the branches, affiliated unions and individual party members".

Given these rules, no member of the federal parliamentary Labor Party should support a proposal to send asylum seekers to another country. Such support would render him or her as having broken the ALP candidate's pledge "to do my utmost to carry out the principles embodied in the platform".

Harvey Stern, Elwood, and Robin Rothfield, Fairfield, Labor for Refugees Victoria

A WORD FROM THE PRESIDENT

Harvey Stern



The past year has been a disappointment.

Events underline how important it is for us to push our colleagues in the Federal Parliamentary Labor Party to ensure that the positive aspects of policy adopted by past National Conferences are not forgotten and ignored.

To illustrate -

In spite of National Conference declaring that people would only be placed in immigration detention as a "last resort", numbers in immigration detention have increased many-fold over the past year. Furthermore, in spite of National Conference declaring that children would not be placed in immigration detention, the numbers of children in immigration detention have also increased many-fold over the past year. In addition, in spite of National Conference declaring that applications for asylum would be processed in Australia by Australians, a proposal to send asylum seekers away to East Timor to have their applications processed became a major policy plank of the party during the last election (even though this was contrary to the policy position adopted by National Conference).

But there are things that we can do to turn the tide.

We are presently undertaking a program of visiting Federal MPs with the purpose of urging them to show more leadership on the issue of explaining official Labor party policy to the electorate, and to adopt a compassionate approach towards asylum seekers in caucus that is more in line with the existing policy on refugees adopted by the last National Conference.

Furthermore, with the next National Conference scheduled for later this year, it is going to be important for us to have members supportive of a compassionate refugee policy elected as National Conference delegates so that gains made during the past few National Conferences are not lost. With this in mind, and with the elections for State Conference delegates coming up, it is vital that we vote for candidates who are supportive of refugees and asylum seekers.

LABOR DISAPPOINTS ON REFUGEE POLICY

Robin Rothfield, Secretary



In July 2008 Senator Chris Evans, then Minister for Immigration, issued a paper entitled *New Directions in Detention* in which he made the following points:

- detention in immigration detention centres is for the management of health, identity and security risks to the community and is to be for the shortest practicable time – once checks have been successfully completed continued detention while immigration status is resolved is unwarranted
- Labor's detention values explicitly ban the detention of children in immigration detention centres. Children in the company of family members will be accommodated in immigration residential housing or community settings.

The above points were reinforced by the ALP National Platform 2009.

Time spent in detention

The average time spent in detention has grown from 25 days in 2008 to 183 days in 2010. Overcrowding in detention camps is widely seen as a major factor in the unrest which has occurred over recent weeks. This is in part a consequence of the backlog caused by the Rudd Government suspension last year of processing of claims by arrivals from Afghanistan (six months) and Sri Lanka (three months).

Delays in completion of security checks are another factor. During a Senate estimates hearing held late February 2011 the Immigration Department revealed that 900 people were being held in detention centres because ASIO had not completed its security checks. These 900 people had already been accepted in Australia as genuine refugees and most were being held on Christmas Island. They can be held indefinitely, because there is no limit on the time ASIO can take to deliver an answer on their security clearance. This situation is clearly unsatisfactory; if ASIO cannot complete security checks on a detainee within 90 days then unless clear evidence has emerged of a security risk, the detainee should be released into the community.

The effects of detention on the mental health of detainees

Professor Patrick McGorry (Australian of the Year in 2010 for his services to youth mental health) and Professor Louise Newman OAM (an advisor to the Federal Government on the mental health issues of detainees as Chair of the Detention Expert Advisory Group) have cautioned against keeping people with histories of torture and trauma in remote facilities. In fact, Professor McGorry has described detention centres as 'factories for producing mental illness and mental disorder'.

Children in detention

In October 2010 the Prime Minister announced that children would be released into the community. At this time, there were then 742 children in detention of whom 276 were unaccompanied minors. In March 2011 five months later there were 1084 children in detention of whom 456 were unaccompanied minors. Acceleration of the process of relocation to community housing is of utmost importance.

Processing of Afghan asylum seekers and non-refoulement

In June 2010, in the Uruzgan province of Afghanistan 11 Hazaras were decapitated. In July 2010 six Afghan policemen were decapitated. In late 2008, a repatriated asylum seeker, Tour Gul, who had been given assurances of safety by the Australian government, was shot four times in the head by the Taliban. Another returnee, Abdul Azmin Rajabi, saw his nine and six-year-old daughters Yalda and Rowana killed as a consequence of his being targeted four months after returning from detention in Nauru.

Yet remarkably, in July 2010 it was revealed that the acceptance rate for the processing of Afghan asylum seekers had declined sharply from 98% to 30%.

This was followed by an announcement by Minister Chris Bowen in October 2010 that the rejection rate for the processing of asylum seekers from Afghanistan was expected to increase. The Minister made this announcement in advance of decisions based on the merits of individual cases. Then in January 2011 the Minister announced that he had reached agreement with President Karzai for the return of failed Afghan asylum seekers to Afghanistan. This announcement clearly violates Australia's international non-refoulement obligations and is contrary to the ALP National Platform 2009 (chapter 7, paragraph 156) which stipulates that:

- Australia will comply with its international non-refoulement obligations (i.e. no-one will be deported where this places the deportee at risk of persecution involving execution or torture)

The East Timor Solution, Manus Island and the Agreement with Malaysia

Prime Minister Julia Gillard in her July 2010 speech to the Lowy Institute in defence of her position to set up a regional processing centre in East Timor stated:

Why risk a dangerous journey if you will simply be returned to the regional processing centre? Arriving by boat would just be a ticket back to the regional processing centre.

This proposition is in direct contravention of the ALP National Platform 2009 (chapter 7, paragraph 157) which states:

- Protection claims made in Australia will be assessed by Australians on Australian territory.

The Government of Timor-Leste has now rejected the Australian proposal. The latest initiatives, to re-open the detention facility on Manus Island, Papua-New Guinea and to send 800 asylum seekers to camps in Malaysia, a non-signatory to the Refugee Convention, in return for a commitment to accept 4000 refugees from Malaysia over the next four years, also contravenes the ALP Platform and breaches our obligations under the Refugee Convention. Such extreme policies are disappointing to say the least.

The Big Picture

Frances Scholtz

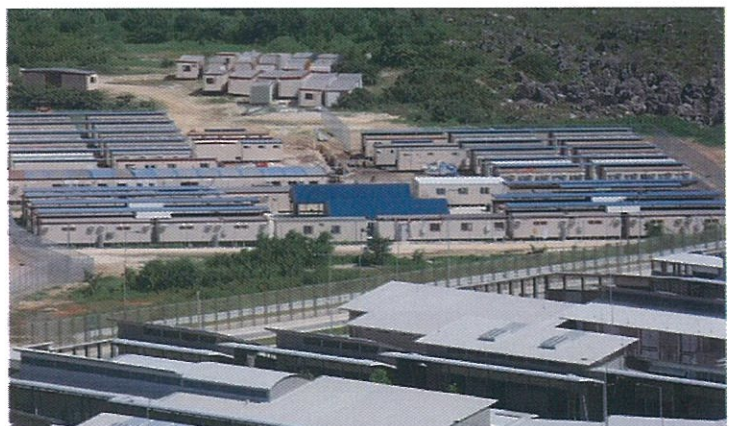
Unfortunately readers this Newsletter resembles a lament rather than a celebration. The definition of lament is "a passionate expression of grief" and for many in detention their lives are one long bout of misery. As this newsletter goes to print there is not much joy for those seeking asylum in Australia.

The detention centres are overflowing; processing is slow as well as protracted. i.e. the Government decision to suspend the processing of applications from Afghanistan and Sri Lanka has both extended the

processing of those from these places as well as extending their time in detention thus deepening their sense of grievance. It is not surprising that there is considerable unrest in these centres and Andrew Hamilton, a contributor to 'Eureka Street' magazine, notes this is both deplorable and predictable. Much needed recreational facilities are being gobbled up to make space for beds for 2600 detainees. The centre was originally built to house 800 people. (416 housed in purpose-designed and built accommodation units and 384 in basic contingency accommodation).

Whatever the current "policy" is it is clearly not working especially when there is considerable unrest in the centres combined with the use of force.

The Refugee Council of Australia chief executive Paul Power said he could never have imagined the situation would come to this under a Labor government – tear gas and shootings. The shootings are called



beanbag rounds- the beans that come out of bean bags. Minister Chris Bowen noted “The worst injury that it would create would be bruising.” How casual! And what happens if one of these beans strikes the eye? The person could be rendered blind.

It is obvious the Government doesn't know what to do! It is caught between policies that clearly are not working and an opposition with a mantra of stop the boats, leaky borders and people smugglers. In an article by Russell Skelton in The Age 10/2/11 in the final column notes:

“According to a federal government adviser who has worked with the Howard, Rudd and Gillard Governments, Australia's border protection policies have been frozen in time by the political jostling of governments bent on ignoring global realities.”



One of the realities is that currently worldwide there are in excess of 20,000,000 people on the move, 3 million of these are Afghans. As stated in this newsletter a number of times one of the three main issues of the 21st Century is mass migration. Last week it was reported that 2000 Tunisians sought asylum on the Sicilian Island of Lampedusa which is approx 96 miles from Tunisia. This is not surprising given that there has been a change in Government over the past few weeks. People are on the move. The numbers on Lampedusa have now reached 18,000.

Also the costs of detention are not only considerable but unsustainable. The Age 10/2/11 quoted the number of 6241 in detention. Given the number of asylum seekers in Indonesia this could reach 10,000. Estimates indicated that it costs \$150,000 a year to house a detainee or close to \$1 billion annually for all detainees and that estimate doesn't include ancillary costs. Major European countries abandoned mandatory detention years ago, the reason being the prohibitive cost of incarceration, not the humanitarian issue. Moreover the longer people are locked up the worse conditions become. As the recent Ombudsman's report on Christmas Island found most of the gains made by improving conditions have been eroded. Incidents of self harm and suicide are on the rise again.



Niall Ferguson, Scottish Historian and Economist, now lecturing at Harvard, while visiting Australia last year made the observation on Radio National, 621 that the level of debate surrounding the Asylum Seekers issue resembled that of the Strathclyde Council. This is comforting. We are in the same league as local Scottish councils. One could make the observation that those on the Strathclyde Council are endowed with reason, a fine sense of justice and a strong commitment in coming to terms with global realities. But I don't think this is what Niall Ferguson meant. What I think he meant was the debate is local, small town, riven with petty opinions and prejudices and most importantly unaware of the big picture. It is apparent, I believe, that Australia at the moment lacks leadership. The Labor Party is not game to make a statement that will upset the Opposition or draw any attention to itself by taking a stand that has some direction that could present an acceptable and more humane solution.

“Australia seems incapable as a nation to go about framing a new set of policies to address the realities. Unfortunately nobody is ready to have that debate – not the government, the opposition or the NGO sector” (The Age 10/2/11) Russell Skelton.

Shaun Carney's comments in an article in The Age referring to another issue, carbon pricing is equally pertinent “.....To get a carbon pricing policy across the line, political leadership of a quality that Australians have not seen for a long time will be needed.”

It is as though we are treading water. The opposition hopes the situation will get worse while the Government hopes it will go away. And it won't. Readers might be interested in a Commonwealth Government Facility - Broadmeadows Immigration Transit Accommodation - that accommodates 150 unaccompanied minors seeking asylum. It is located at Broadmeadows.

Most of the young men are 16 and 17 years of age but



some are as young as 15. There are some English lessons. Once a week, students go to Adult Migrant Education Service and three days a week AMES teachers visit the site. For entertainment there are soccer matches and swimming which they enjoy. However, many of the residents are depressed because of the exceedingly slow nature of the assessment process. Also no phones with cameras are allowed on site. Getup has been extremely successful in arranging for four young detainees to meet the Minister Chris Bowen and now these four young people have permanent visas.

Another issue that is being constantly referred to is lack of appropriate training in this case “Christmas Island Guards.” In The Age 22nd March “*Serco staff (The private firm employed to guard the detention centre) were found to have no confidence in their own ability to deal with a riot and were observed by police to have 'physical capabilities insufficient to undertake effective and sustained Public Order Management (POM)*” Further in the article training is described as woeful “*Staff have received minimal or no training in more advanced techniques required in the immigration detention centre.....*”. The Commonwealth Ombudsman's report into conditions at Christmas Island recently strongly criticised chronic overcrowding, a lack of support services – including accredited interpreters – and inordinate delays with ASIO checks.

The one and constant word that comes to mind to describe this lamentable situation is a huge muddle. Looking at the world situation for a start there are 20,000,000 people on the move. This number most likely has increased significantly given the turmoil in North Africa. “*In the meantime Bowen and Gillard persist with an outdated policy approach that involves stuffing several thousand asylum seekers into a detention centre built for 800, and isolating 1500 single men of varying ethnic and religious backgrounds for months in centres in Darwin and Curtin. Both the policy and the resulting proliferation of detention centres it has spawned are unsustainable.*” Russell Skelton, The Age 23/3/11.

In her letter to the editor, of 'The Age' by one of our members, Kate Jeffery, observes: “There are better ways than this.” Briefly, she asserts the current detention centres should be closed in favour of community-based housing. The current punitive approach has never been shown to be a deterrent to people sufficiently desperate to risk their lives to seek asylum in Australia. However, as we all know successive governments have allowed the stock of public housing to disappear into nothing. We can't even provide housing for our home-grown homeless. I refer to ABC Stateline 25th March 11. A family of 6 with a child with cerebral palsy was until recently living in their car. They had travelled from Queensland to Melbourne in the belief that Victoria provided better support for their disabled son.

And we are such a wealthy nation. It is all so disappointing and we could be doing so much better.

Are Asylum Seekers Illegal Migrants?

Maurie Kelleher, Treasurer - Labor For Refugees

Maurie Kelleher's contribution is a worthwhile reminder of the rights of those seeking asylum in another country (editor)

Many people think that asylum seekers/refugees are just people who have decided to move to a better life in another country without going through the normal process of migration.

Throughout history people have sought asylum in foreign countries when life in their homeland becomes impossible.

On 10th December 1948 the General Assembly of the United Nations passed the **Universal Declaration of Human Rights**.



Article 14 *Everyone has the right to seek and to enjoy in other countries asylum from persecution*

It was in 1951, that the Geneva Refugee Convention was agreed and Australia was one of the first six countries to endorse it.

The Geneva Refugee Convention was a response to the lack of assistance to Jewish people fleeing from Nazi Germany in the 1930's (many were sent back) and the large number of people leaving Eastern Europe after World War Two.

Some important facts from the Refugee convention are:

- *A Refugee is a person with a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.*
- *Contracting states shall apply the provisions of this convention to refugees without discrimination.*
- *A Refugee shall have free access to courts of law.*
- *States shall issue identity papers to any refugee on their territory.*
- *States shall not impose penalties on account of their illegal entry or presence on refugees.*
- *No contracting state shall expel or return, a refugee to the frontiers of territories where his/her life would be threatened.*

If it is established that these criteria do not apply then Refugee Status is not granted

Australian practice is to detain persons who arrive by boat and claim asylum as refugees until it is determined that their claim is justified and that they are not a threat to Australian security.

Meanwhile, people who arrive by aeroplane, (these are the majority of asylum seekers), and claim asylum as refugees can live in the community while their claims are assessed.

Policies on boat arrivals driven by hysteria

May 9, 2011

The Age Editorial: Labor will lose the debate as long as it panders to myths.

LABOR was desperate when Julia Gillard announced plans for a regional refugee processing centre on the eve of last year's federal election. Six months earlier, the government had tried to turn down the political heat by abruptly suspending processing of the biggest groups of boat arrivals, Afghans and Sri Lankans. The freeze ended in September, a month after the election, and Labor is now learning the truth of the dictum "act in haste, repent at leisure".

Labor is still desperate. Plans for a centre in East Timor have collapsed, forcing the government to look elsewhere, to Papua New Guinea and Malaysia. Each of these plans is deeply flawed, on policy and humanitarian grounds.

The Australian government's facility on Manus Island in PNG was used by the Howard government. Only last year, then immigration minister Chris Evans condemned the "Pacific solution", which "saw 1637 people, including more than 450 children, left to rot on Nauru and Manus Island for years and years". How quickly we forget the cruelty, injustice and psychological harm inflicted on those people. Once again, our government is willing to disregard warnings about the inherent problems with such remote facilities.

Ms Gillard was right not to turn to Nauru because it has not signed the United Nations Refugee Convention. But now she has struck an agreement under which 800 asylum seekers who arrive in Australia by boat will be sent to Malaysia. Yet Malaysia has not signed the convention either, and it has a disturbing record on human rights.

Many of the ALP's problems with crowded detention centres and the inevitable angry protests are of its own making. The processing freeze created a backlog that swelled numbers in detention to more than 6000.

The UN High Commission for Refugees reports that asylum applications to Australia have been falling since peaking a year ago. This includes asylum seekers who arrive by air in greater numbers without causing mass hysteria, even though the proportion of true refugees among them is lower. However, boat arrivals are also

falling: 2100 arrived to April last year; this year's total is 940. The past two months' total is 526, down from 1399 last year. The opposition claims that "failed border protection" policies mean arrivals are continuing to soar. That claim, often uncritically repeated, is false.

Mandatory detention itself is based on a false premise. Tough policies do little to deter people who are desperate enough to risk their lives at sea.

Last year's surge was driven by the brutal climax to Sri Lanka's civil war and worsening conflict in Afghanistan. Of 7668 boat arrivals since January last year, 3306 are Afghan. Even so, the total for boat arrivals since 1998 amounts to only 7 per cent of net immigration last financial year alone.

Ironically, given the political mythology that so distorts policy - at a cost for offshore processing that runs into the billions - Labor enacted mandatory detention in 1992. Before then, the Migration Act had carefully distinguished between unauthorised arrivals and illegal entrants.

The legal rights accepted by Australia in signing the Refugee Convention mean asylum seekers are not illegal entrants. Yet mandatory detention, by treating people like criminals, promotes the perception of illegality and contributes to the making of a policy mountain out of a molehill.

In 2001, after the atrocities of September 11, the Howard government played on the public's fears of terrorism by conflating that threat with the problem of asylum seekers. It worked a treat at that year's election. The Coalition has seen asylum seekers as a political trump card ever since.

Labor still jumps at shadows cast by problems that are largely the product of the febrile imaginations of its opponents. With many bigger challenges facing Australia, it is shameful that small numbers of vulnerable and abused asylum seekers inspire the fiercest political debates.

Read more: <http://www.theage.com.au/opinion/editorial/policies-on-boat-arrivals-driven-by-hysteria-20110508-1ee7x.html#ixzz1LoSWggs6>

Professor Louise Newman OAM: Summary of address to Labor for Refugees AGM on 5th Feb. 2011

Notes taken by Kate Jeffery and Ilia Vurtel

Professor Louise Newman OAM is one of the key advisors to the Federal Government in her role as Chair of Detention Expert Advisory Group DEAG. The terms of reference of the group includes mental health issues, children unaccompanied minors and survivors of torture/trauma.

At the time of her address to Labor for Refugees Prof Newman had not yet met with Minister Bowen. There have been two reports to the Government since the Federal Election in August 2010, but no reply or acknowledgement.



Prof Newman and other professionals believe:

“The environment and process of detention is contributing to psychological harm and there is a lack of access to treatment support.”

“The unsustainable offshore processing system is being maintained for 'other' purposes which are wedded to mistaken notions of deterrence.”

“Third country options for offshore processing are unacceptable and should be resisted.”

Crisis of Values and Lack of Political Vision

Prof. Newman indicated that it is difficult to have a discussion on International conventions and humanitarian values in an environment where damage to people has been acceptable. People are mentally incapacitated from the time they spent in detention as children and are unable to form meaningful relationships in their adult lives.

How do we have a more sophisticated and meaningful, political discussion on humanitarian values? Anxieties about “pull factors” pander to fear in the community and long standing fears of invasion. There are few positive stories in the media about refugees and former asylum seekers and the media must try to engage the generosity of the community rather than fear mongering.

Mental Health Issues

“The treatment of children in detention and mandatory detention practices that directly damage the mental health of children is most confronting. The documented rates of mental disorders, including depression and trauma is triggered by demoralisation caused by confusion about detention processes for which there is no clear explanation or transparency. The lack of control over circumstances and the isolation in detention create feelings of helplessness which lead to depression.”

“The politicisation of the process and undermining of professional status leads to a high level of negativity.” The policy statement made by the Government in October 2010 on the release of children was a step forward, but progress with its implementation has been extremely slow.

Current Situation

There have been some changes in DIAC policy but the remaining **barriers** are:

- “Mandatory detention” remains the cornerstone of policy
- Although there is an increase in “community detention” it still retains a high level of scrutiny and surveillance
- Politicisation of the “asylum seeker debate”
- Very little change to management regime and policy with change of government and ad hoc decision making
- Professional bodies consistently raise concerns about mental health of children in detention but only 20 children released in past 6 months
- Community-based supported options are not being properly examined as detention is still the top priority. “The extent of mental health breakdown is entirely predictable as management practices are akin to torture. The treatment of asylum seekers is amongst the harshest in the world.”

How to change the debate?

- The focus on “political risk” is linked to cultural identity problems with Australia's place in the world
- Need to focus discussion on the plight of human beings
- Stop the simplistic sloganeering by opposition e.g. “stop the boats”
- Positive media campaign promoting positive images of refugees who have settled successfully in Australia

The impact of detention and factors which contribute to self-harming and psychological distress include:

- Increase in processing time
- ASIO security checks
- Threat of deportation creating huge anxiety and distress
- Unaccompanied minors
- Overcrowding
- Unsustainable conditions on Christmas Island
- Decrease in recreation activities and loss of hope

Coroner's examination of Villawood as suicide cluster

What price do we pay as a country for such policies and practice?

We have policies and processes which abuse children. As a result ChilOut has reconvened as its volunteers are traumatised by exposure to the system. The damage to children has become acceptable as border protection is seen to be the higher goal. There is an urgent need to challenge this position given the long term psychological damage to individuals and children. Politicians and administrators need to recognise the vulnerability of children and the duty of care we have for their well-being. The Minister's response to Patrick Mc Gorry and the Ombudsman's Report "*appropriate to the circumstances*" reflects a crisis of morality. The response should have been "*Not appropriate and not justified on any grounds!*"

Key priorities to be considered

- Community facilities which are not "detention"
 - Children need to be released
 - Guardianship role of the Minister presents 'conflict of interest' and Greens have called for a Child Protection system and a Children's Commissioner to be created
 - Need to resist third party options and offshore processing
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Labor For Refugees Branch Membership April 2011

Labor For Refugees was started in 2001 (at time of the 'Tampa' incident) by members of the Victorian ALP.
77 ALP Branches have joined Labor For Refugees.

232 individual members of the ALP have also joined.

Unfortunately we have lost contact with some Branches as they change their Secretary from time to time if you know how to contact any of the Branches marked* please let us know.

Albert Park	Dandenong North	Mentone
Alpine	Dandenong Ranges Nth	Mooroolbark/Kilsyth*
Altona	Daylesford	Mornington*
Apollo Bay *	East Melbourne	Mt Martha
Ararat	Elsternwick	Mt Waverley
Ascot Vale	Flemington/Kensington	Mulgrave
Bairnsdale & District	Footscray	Newport
Ballarat East	Footscray West	North Fitzroy
Batman North	Geelong West	Northcote
Bayswater	Glen Waverley	Ocean Grove*
Bennetswood*	Glenhuntly	Pascoe Vale
Bentleigh	Glenroy	Port Melbourne
Black Rock	Harrisfield	Portarlington
Boronia	Hawthorn	South Melbourne
Box Hill	Healesville/Marysville*	Stawell
Braybrook	Heidelberg	Strathmore
Brighton	Highett	Sunbury
Broadmeadows	Ivanhoe	Tooronga*
Burwood	Kew	Upper Yarra
Canterbury	Kilsyth	Warragul
Carlton North	Kingsville	Warrnambool
Castlemaine	Kyneton	Waverley West*
Chelsea	Malvern	Williamstown
Clayton South	Manningham	Wodonga
Coburg	Maryborough	Yarraville
Dandenong	Melb. Uni ALP Club	

Attention:

**Labor For Refugees
delegates at the May
State conference are:**

**Amy Duncan
Robin Rothfield
Maurie Kelleher
Jane Shelton
Joy Mettam**