

LIBERTY VICTORIA'S RESPONSE TO THE PM'S SPEECH ON ASYLUM SEEKERS

On 6 July 2010, Prime Minister Julia Gillard delivered a speech at the Lowy Institute on the subject of asylum seekers. During that speech, she said that “[moving forward]... means respecting the anxieties that are held by many in our community, but basing our policy and our discussion on the facts, moving beyond the false promises and simplistic slogans. It means speaking frankly about the difficulties we face, and seeking common ground, consistent with the values that Australians share – values of fairness, respect for the rule of law, tolerance, compassion and responsibility”.

Liberty Victoria responds to that speech as follows.

The facts about asylum seekers

Liberty Victoria welcomes the references in the PM's speech to the facts about asylum seekers and urges concentration in this debate on those facts. The true facts about asylum seekers undercut the public hysteria about this issue. They expose that hysteria as the product of dishonest and opportunistic politics from both sides of the political divide. Accordingly, Liberty rejects the PM's attempts to validate or justify anxieties held by many in our community about asylum seekers. Those anxieties are based on wrong information, misleading political commentary and xenophobia. It is the PM's responsibility, indeed the responsibility of all politicians, to defuse those anxieties rather than encourage them.

Liberty Victoria does, however, agree with the PM that the asylum seeker question should be approached with the commonly shared Australian values of fairness, respect for the rule of law, tolerance, compassion and responsibility. On that basis, both the Government and Opposition policies fail miserably, as explained below.

Fairness

Asylum seekers should be treated fairly, in a way that reflects their humanity, their vulnerability and the difficult circumstances they face.

Liberty Victoria condemns the continuing use of the term ‘illegal’ to describe the act of seeking asylum. Such a label is incorrect as a matter of law, and unfairly tarnishes asylum seekers with the accusation of having committed an offence.

It is unfair - and prohibited under Article 31 of the Refugees Convention - to impose penalties on asylum seekers based on their mode of arrival. As such, Liberty Victoria condemns the harsh treatment of boat arrivals, including offshore detention and exclusion from access to mainland legal processes and judicial oversight.

Liberty Victoria condemns the continuation of the mandatory indefinite detention regime, which is unnecessary, cruel and costly.

Respect for the Rule of Law

Liberty Victoria deplores the use of offshore processing for those who have reached Australian soil. The removal from Australia of people who have invoked their rights under Australian law is a travesty of justice and displays a blatant disregard for the rule of law. Liberty Victoria advises against a policy of removal from Australia.

Liberty Victoria condemns the establishment of separate legal channels for processing of refugee claims placed by boat arrivals. This system is discriminatory, disallowing access to the court system and severely hampering people's access to the protections of the Australian legal system.

If Australia establishes a processing centre in South-East Asia for Australia-bound asylum seekers, it must ensure that the rule of law is properly respected in that centre, that human rights are not sacrificed for political ends, and that processing and treatment of asylum seekers is in line with international best practice and subject to international scrutiny.

However, Liberty opposes the establishment by the Australian Government of an off-shore processing centre (whether in South-East Asia or the Pacific) either for people who have reached Australia or are still bound for Australia. Any asylum seeker who reaches Australian territory should be accepted and assessed for protection within Australia, in accordance with Australia's international and national legal obligations. To assist those asylum seekers bound for Australia and held in camps in Indonesia and Malaysia, the Australian Government should contribute to, and participate, in their processing off-shore to facilitate and speed up their protection and assessment

Tolerance

Liberty Victoria urges tolerance in Australia's approach to asylum seekers. We discourage the use of terms like 'queue jumper' and reference to people arriving 'the right way'. Tolerance of asylum seekers means seeking to understand what brings people to our shores and appreciating that fleeing for your life can be a disorderly and chaotic process.

The continued use of the expression "border protection" inflames and distorts the picture, with its connotations of invasion and military threat. It is high time for politicians to dispense with such misleading and cynical language.

Liberty Victoria urges tolerance, and rejects any manipulation or leveraging of the asylum seeker issue for political gain as exploitation of the world's most vulnerable people. Further, we condemn the demonisation and scapegoating of people smugglers.

Liberty accepts that many people smugglers are mercenary and trade on the misery of others. However, irrespective of their motivations, many perform a humanitarian service by delivering to safety people in fear of their lives. We know that because boat people are overwhelmingly assessed as genuine refugees.

Liberty Victoria sees attacks on people smugglers as attacks on asylum seekers, by proxy. Attacks on people smugglers have become the socially acceptable way of attacking asylum seekers.

Instead of focusing on disrupting people smuggling, the Australian Government should commit increased resources and efforts to settlement services, housing, education and healthcare.

Compassion

Liberty Victoria urges all Australians to reflect on the reality of life as a refugee. Liberty Victoria recognises the trauma and loss so often associated with the refugee story, and urges compassion in all of Australia's dealings with asylum seekers.

Liberty Victoria calls for the depoliticisation of the refugee issue. The use of asylum seekers as pawns in political games has only lead to unnecessary and cruel treatment and detention of asylum

seekers, further traumatising of already vulnerable people, breaches of Australia's international obligations and condemnation of Australia in the international arena.

Liberty Victoria urges Australians to remember that Australia is a nation built on immigration, enriched and enhanced by diversity and difference. When so many of our forbears arrived here by boat, many fleeing persecution, Liberty Victoria wishes to extend acceptance and hospitality toward the newest Australians to arrive by boat.

Responsibility

Australia is faced with resettling around 0.01% of the world's refugee population. By contrast our population is about 0.03% of the world population, our GDP is 1.6% of the world's and our land mass about 5.0%. On any proper measure our refugee intake is miserly.

Liberty Victoria would like to see Australia embrace this small imposition and take responsibility for its share of the international refugee 'burden'. Liberty Victoria laments the loud, unedifying protest of some members of the population, media and leaders against Australia taking its responsibilities seriously.

Liberty Victoria exhorts Australia's leaders to exercise proper fiscal responsibility in dealing with asylum seekers. Interception, offshore processing and detention all cost many hundreds of millions of dollars each year (alongside the mental health costs). Liberty Victoria believes that this money could be better used in resettlement and integration services, ensuring not only protection but also quality of life for refugees.

Liberty Victoria is wary of any 'offshore processing' mechanism that is not accompanied by a guaranteed annual resettlement figure. We are aware that, while some asylum seekers in South-East Asia hold UNHCR refugee certificates, those certificates are meaningless without viable resettlement plans. Liberty Victoria welcomes recent reports that Australia has arranged to resettle 500 asylum seekers who are currently being warehoused in Indonesia, and encourages the continuation of such resettlement campaigns.