

# CHECK OUT

CCJP

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## A HUMAN RIGHTS BILL—DOES AUSTRALIA NEED ONE?

Australia is the only western country without a national human rights act or equivalent. Some objects of this Act are:

- to protect and promote human rights in Australia
- to make the law of Australia better conform with Australia's obligations under International Conventions
- to provide mechanisms to assist the Parliament in considering the human rights implications of proposed legislations etc.

### Refugees/Asylum Seekers

The second World Conference on Human Rights was held in Vienna in 1993. The purpose of the Vienna Conference was the promotion and protection of human rights in the international community. The conference supported the view that human rights are

*Universal, indivisible and interdependent and interrelated (Article 5)*

The Vienna Declaration point 5 states that:

*"..The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis"*

In June 2002 Frank Brennan SJ AO stated that:

*If detention is to remain a cornerstone of Australian border protection and immigration entry, there is a need for alternative arrangements to render the present detention policy more*

*humane and effective.."*

Examples of the suffering detention courses.

Hanna (Not her real name) is from Iraq. After several murders in her family she escaped to Jordan and in 1998 left a husband and seven children behind to come to Australia and spent two years in Port Hedland and Villawood Detention Centres and was finally released on a Temporary Protection Visa. She spoke of great anguish at times she was in solitary confinement in detention. This seems to be the worst memory that haunts her. She waited over three years without hope, as have many others on Temporary Protection who visited us at the House of Welcome in Carramar every day to be given Permanent Protection and the right of family reunion. This process took seven years

### *That is why Australia needs a Bill of Rights*

The NSW Commission for Children and Young People recently produced a document called *Ask the Children*. Ten children and young people were interviewed as part of a submission to HREOC National Inquiry into children living in detention. All of these children have been recognised under Australian and International law as refugees and spent on average 140 days in immigration detention during 2000 and 2001. The children came to Australia under a variety of circumstances, some without an adult guardian or any family at all. This is what they said:

*For just one hour in the morning we come out of the room to see the sky and one hour in the afternoon. And then the doors closed, locked in. I could visit friend in other rooms but not go outside...We had one small tv for 17 or 18 people...for one or two hours, we have a ball to play ...But very small place to play and, if we kicked the ball out, we ask the officers, "Could we have the ball please? And they say, "No, Why did you kick the ball out?"*

*It was like a prison, not detention. Whatever that we had to do, just tiny things we had to ask permission....Nobody told us a single word and we*

*didn't know if we were going to stay a month or years. We did not know what was going to happen to us. We were interrogated as though we were criminals. The interviews were hours and hours and repeatedly asked the same questions.....If they have to detain people, some things have to be changed. They have the right to be human and treated as human.....*



## *Would this occur if Australia had a Bill of Rights?*

Zachary Steel, a clinical psychiatrist, who has been working with asylum seekers for at least ten years was interviewed in July 2002 in an article called “*Psychiatrist Reveals: Mandatory detention worse than torture*”. Steel argued that there were systematic human rights abuses. He discussed the case of a man who fled Iraq, where he was jailed and tortured for two years. He was then detained in Australia for two and a half years:

*“What happened to him here was more of a betrayal, more of a profound injury than anything the Iraqi government did to him. We’ve broken a man who survived some of the worst torture in the world and we’ve done this to people over and over again”*<sup>6</sup>

This is supported by a survey conducted at Villawood in 2001 by 33 people. Of this group 85% acknowledged symptoms of psychological distress at some time, 65% had considered suicide and seven individuals showed signs of psychosis. The study concluded that the policy of mandatory detention of asylum seekers is leading to serious psychological harm.

## **Other Issues**



The new anti-terrorist laws are also cause for concern. There have been objections to the legislation eg. ASIO is increasingly likely to use these unprecedented powers because, in the wake of the 9/11 attack, it has been given massively increased resources. In 2001 it had a staff of just 584, by June this year it will have 1150 staffers and in four years time it is planned to have 1860.

There has been little debate about the merits of giving such increased funding to ASIO rather than the Federal Police. The danger is that ASIO will operate more as a police state- but in secret, with extraordinary powers that the police do not possess and without the public scrutiny that the police force endure. The removal of the right to silence is also cause for concern especially for people with imperfect English skills.

John Howard has spoken about mutual obligation and defined it as:

*..not only that individuals ought to do something in return for the support they receive from society, but also that in order for society and the government to help people in need, they need to be willing to do something to help themselves*

This has implications for society when the level of public investment in training and education in Australia remains disturbingly low.

In a speech delivered to students at the University of Queensland in June 2003 William Dean stated:

*Who of us will easily forget the truth about the children overboard? Or the abuse of the basic rights of innocent children by incarceration behind Woomera's razor wire? Or the denial of the fundamental responsibility of a democratic government to seek to safeguard the human rights of all its citizens ....in the case of the two Australians indefinitely caged, without legal process, in a Guantanamo Bay Jail?*

## *Would this be allowed to happen if we had a Bill of Rights?*

**The proposed Human Rights Bill is available on the New Matilda website:  
[www.newmatilda.com](http://www.newmatilda.com)**

Reference: “Ask the Children”  
Cartoons  
Page 1 Thanks to Sean Leahy  
Page 2 Fiona Katauskas