

SÜDWIND

Entwicklungspolitik

UN Human Rights Council 17th session
Consideration of UPR - Australia

Mr./Madam President,

Despite the Australian Government's *New Directions* policy, 'to use detention of asylum seekers only as a last resort and for the shortest practical time', for Sudwind the dramatic increase of people held in immigration detention for indefinite and unnecessarily extended periods remains a matter of major concern.

Australia is the only country in the world with a mandatory, not time-limited, and non-reviewable detention system, which, under the national Migration Act, detains all unauthorized arrivals, including children. This clearly violates the right to liberty and the prohibition of arbitrary detention, enshrined in art. 9(1) of the ICCPR and art. 37(b) of the CRC.

As a matter of priority, Sudwind urges Australia to

- i. End the current system of mandatory and indefinite immigration detention; and to
- ii. Incorporate its international human rights obligations into domestic law through the adoption of a federal Human Rights Act.

Until this has not turned into reality, Australia is urged to

- iii. Fully comply with its *key detention values*, especially in regard to asylum seekers arriving by boat;
- iv. Make greater use of community-based detention for the vast majority of asylum seekers, particularly for the most vulnerable;
- v. Stop third country processing; and to
- vi. Amend immigration detention laws to fully comply with the Convention on the Rights of the Child, including special protection and assistance for unaccompanied minors.

Sudwind welcomes the recent announcement of a comprehensive parliamentary inquiry into Australia's immigration detention system and expects serious reform with a thorough follow up process.

