

UNITED NATIONS HUMAN RIGHTS COUNCIL
37TH SESSION OF THE UPR WORKING GROUP
AUSTRALIA'S 3RD UNIVERSAL PERIODIC REVIEW

Treatment of refugees, people seeking asylum by Australia

Delivered by Sahar Okhovat, on behalf of Refugee Council of Australia and Australian NGO Coalition

Thank you for the opportunity to provide a statement at this pre-session. My name is Sahar Okhovat, representing Refugee Council of Australia, a national umbrella body for refugees, asylum seekers and those who support them. We are a member of the Australian NGO Coalition. Our joint report is endorsed by over 200 organisations.

Today, I focus on three issues of concern: indefinite immigration detention, offshore processing and refoulement, and lack of support for asylum seekers in the community.

Australia has not fully implemented any of the 49 recommendations focusing on refugees and asylum seekers which were made during the second-cycle UPR.

Australia continues its mandatory, indefinite and non-reviewable immigration detention regime. The average length of detention is 564 days and several people have been detained for more than ten years. While efforts were made to reduce the number of children in detention, there is no legislation prohibiting that practice. Currently, children are detained in detention facilities. This includes two Australian-born children aged 3 and 5 who are detained, alongside their parents, in a facility on Christmas Island, an island 1500 km west of the Australian mainland.

While the processing centres in Papua New Guinea and Nauru are closed, hundreds of refugees and asylum seekers remain in those countries with no durable solution eight years after the start of offshore processing arrangement. Thirteen people subject to this policy have died mainly as a result of medical neglect or by suicide. Ten of those deaths happened since the second-cycle UPR when Australia was urged by many countries to end its offshore processing policy.

Hundreds of people subject to this policy have been transferred to Australia but also remain in limbo, either in immigration detention or on short term visas with no support.

Australia continues to turn back boats and has returned people at airports without properly assessing their claims.

Asylum seekers in the community have been left behind in all of the Federal Government support packages during the COVID-19 pandemic. Access to other forms of Government-funded income support has become increasingly difficult, meaning many, including children, have no form of support and have become destitute and homeless.

We ask the honourable delegates to strongly urge Australia to:

- review its immigration detention regime and introduce maximum timeframes and independent review of decisions to detain,
- introduce legislation prohibiting the detention of children,
- immediately end offshore processing and find durable solutions for those men, women and children still in limbo, and
- ensure asylum seekers have access to appropriate support while awaiting the outcome of their asylum applications.

Thank you.

Contact the Australian NGO Coalition secretariat: upr@hrlc.org.au

Report and factsheets: <https://www.hrlc.org.au/universal-periodic-review>

Contact Sahar Okhovat: sahar.okhovat@refugeecouncil.org.au