

### PNG decision throws offshore policies into turmoil

In May, the highest court in Papua New Guinea ruled that detention of asylum seekers in Australian-funded centres is illegal. This decision is not legally enforceable in Australia but as events have unfolded, the political implications have been great and, we hope, effective.

Australia holds people in offshore detention as part of its 'Operation Sovereign Borders' policy. The government has made it clear that no person who arrives, or attempts to arrive, in Australia by boat shall ever be settled here. This sentiment was recently reiterated by Immigration Minister Peter Dutton after the PNG court handed down its ruling. Dutton stated "people who have attempted to come illegally by boat and are now in the Manus facility will not be settled in Australia".

As reaction to the ruling has developed, so has public outcry and desperation on the part of those on Manus and Nauru. Perhaps the most distressing incidents were the two detainees who set themselves

on fire on Nauru. Dutton's response to these incidents was deplorable, blaming these acts of desperation on refugee advocates. The Castan Centre made a public statement expressing our opinion:

*"We have witnessed many outstanding Australians speaking up for the rights of asylum seekers. They have fought continually for the better treatment of vulnerable people and should be applauded for their unyielding commitment and compassion, not blamed for the despair caused by detention."*

But what now for the detainees on Manus? Tensions in PNG between asylum seekers and the locals are well documented with some asylum seekers wanting to return to detention on Manus after being resettled on PNG. Another option of moving all those on Manus Island to Nauru would be dangerous, as a succession of serious incidents have demonstrated that the medical and mental health conditions of asylum seekers are poor.

Castan Centre Associate Maria O'Sullivan has identified Christmas Island as one possible solution. However, she has also pointed out that Christmas Island is barely safer than PNG or Nauru given its instability and fragility after the 2015 riots.

Australia has put itself forward for election to the Human Rights Council in 2018-2020, however its asylum policies are likely to make that goal harder to achieve.

O'Sullivan states: "The Australian government must face the uncomfortable truth that it is no longer possible to process or detain asylum seekers and refugees in other countries in the region". The PNG decision may not have been legally enforceable here, but is a clear message to the government that it can no longer 'out-source' its human rights obligations to those seeking asylum.

**One of Maria O'Sullivan's opinion pieces on the PNG Supreme Court's decision is on page 10 of this edition.**

### Chasing Asylum – the movie of the year the government does not want you to see



The packed foyer of the Classic Theatre in Elsternwick was buzzing with an excited crowd of human rights enthusiasts recently as they prepared to watch a special screening of the new documentary on Australia's asylum policies, *Chasing Asylum*. Enthusiasm was high as everyone filed into the cinema for the Castan Centre fundraiser. It would be fair to say that the mood was far more subdued as they left two hours later.

When *Chasing Asylum* was released in May, its Oscar winning Director, Eva Orner, said that she wanted to make a film that would shock people. Even for the many people in the audience who

have volunteered with and advocated on behalf of asylum seekers, it was clear that this film delivered on Orner's promise.

The film's shock value comes from its footage from within detention centres, accompanied by the commentary of a number of brave whistle blowers, asylum seekers and their families. All of them were normal human beings caught up in various aspects of Australia's "border protection" policies. The detainees, the guards, the social workers, the family members who will never see a loved one again.

The scenes from inside the centres on

Nauru and Manus Island contain a few confronting moments, such as a man with his lips sewn up, but the effect of most of the footage and testimony is cumulative. Over the course of the film, a picture builds of people being subjected to inhuman conditions, giving up on any hope of a better life while our politicians proudly proclaim that they have not the slightest concern about the human toll they are causing.

In one powerful moment, a social worker talks about a delivery of toys sent to Nauru by the Greens Senator, Sarah Hanson Young.

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# High powered line-up for 2016 conference

Australia's only human rights conference is on again on 22 July this year at Federation Square in the heart of Melbourne, and the line-up is not to be missed, especially after such a big 12 months in human rights.

Human Rights Watch Director Kenneth Roth has dubbed 2015 the year in which fear drove a scaling back of rights. In 2015, we saw the escalation of the European migrant crisis leading to borders being closed all over Europe, the death by execution of Andrew Chan and Myuran Sukumaran, the continued incarceration of a disproportionate number of Indigenous people and much more. With the recent events surrounding asylum seekers and an upcoming federal election, it has never been more important that human rights are discussed and celebrated openly and in depth.

This year we are proud to present highly respected speakers in their fields. Each one contributes in some way to combating inequality and injustices. Our conference aims to cover a wide variety of issues of domestic and international concern. Our speakers are:

## **Stan Grant, Guardian Australia:**

Indigenous women are 34 times more likely to be hospitalised due to family violence, Indigenous Australians make up 52% of all youth detention and chronic diseases such as diabetes disproportionately affect the Indigenous population. The government says it will close the gap, the Indigenous community is split as to the merits of constitutional recognition. So what is the way forward for Indigenous reconciliation?

## **Martin Pakula, Victorian Attorney-General:**

Earlier this year, Victoria became home to the nation's first Pride Centre, and laws were passed recognising the marriages of same-sex couples conducted overseas and stopping anti-abortion protestors from intimidating women seeking treatment. The next big item for Victoria is the overhaul of the State's human rights legislation, following

last year's review of the Victorian Charter of Human Rights and Responsibilities Act. Mr Pakula will open the conference, and talk about the Government's response.

## **Mariam Veiszadeh, Welcome to Australia:**

Fear is the flavour of the times, but why is Islamophobia an especially growing trend in Australia? After making global headlines for her advocacy against Islamophobia, Mariam will speak on Islamophobia in Australia and its implications.

## **Tory Russell, Hands Up United:**

In 2015, young black men were nine times more likely to be killed by police officers than other young Americans. Described as an epidemic, this is an issue that has driven young people to take to the streets and demand change. How and what are they achieving against the odds is inspiring. Mr Russell, who founded Hands Up United after the police killing of Michael Brown in Ferguson Missouri will visit Australia as a Maurice Blackburn Visiting Activist.

## **Kate Jenkins, Sex Discrimination Commissioner:**

2016 has been a landmark year for women's rights, particularly in Victoria with the conclusion of the Royal Commission into Family Violence. In that context, it will be exciting for our conference attendees to hear one of the first public forays by Australia's newly appointed Sex Discrimination Commissioner as she settles into her new role.

**Julian McMahon, barrister:** Andrew Chan and Myuran Sukumaran were executed in Indonesia in 2015, after which there was an unofficial moratorium on executions in our northern neighbour. However, reports suggest that Indonesia is again preparing for more state sanctioned deaths. What does this mean for the future and where does Australia sit in all of this?

## **Prof Mary Crock, University of Sydney:**

Australia has been internationally recognised for its recent work in supporting disability



rights. But what protection is there for displaced people with a disability? In a time of mass movement of people escaping war zones and dire conditions, the question of disability rights can easily be overlooked.

## **Prof Anne Aly, Edith Cowan University:**

The government has taken a firm stance on de-radicalisation, calling on harsh laws to solve the problem. Aly is a world renowned expert on the radicalisation of young people and will look at the relationship between terrorism, radicalisation and where human rights fits in all of this.

## **Brynn O'Brien, No Business in Abuse:**

With its targeting of Australian company Broadspectrum for complicity in gross human rights abuses in immigration detention, the No Business in Abuse campaign has propelled the business and human rights debate into the Australian media, annual reports and board minutes. Using the NBIA campaign as a case study, this paper will share lessons for effective corporate accountability campaigning and anticipate future developments in this field in Australia.

**You can purchase your tickets to this year's event by clicking on this link, or by searching for "Castan Centre" and following the links.**

## **Chasing Asylum continued...**

She describes seeing a young girl unwrap a soft pink teddy bear and squeal with joy as she jumps up and down and rubs the bear over her face. The social worker and her colleagues initially brimmed with joy before reflecting on how deprived a child needs to be before she will react that way. "We felt like, 'what the hell?!'", she says.

Orner doesn't shy away from difficult issues, including the claim that stopping the boats has saved people from drowning. In the course of the film, she interviews

the wife of an Iranian man feared lost at sea. Orner then addresses the argument by quoting David Marr, who states that it is 'profoundly hypocritical' to claim a humanitarian purpose while treating people so abominably, and David Manne, who says that the policy merely sweeps people away so that they don't die on our doorstep.

Orner also interviews the family of Reza Barati, who died during riots on Manus Island where locals and police officers broke into the compound, and Hamid Kehazaei,

who died after his foot became infected. Hamid's mother asked that his organs be donated after his death in a Brisbane hospital. That a man could die at the hands of our cruel immigration system while offering to save a number of Australians' lives is an image too distressing for words.

Chasing Asylum is a film that everyone should see. These things are happening in our name, and they are shameful.