Passing the Parcel: A Policy That Neglects Those Most in Need

By Graeme McGregor

THE AUSTRALIAN GOVERNMENT hopes the new Regional Settlement Arrangement, under which all asylum-seekers arriving by boat to Australia will be sent to Papua New Guinea or Nauru for processing and eventual settlement, will deter asylum-seekers from fleeing other countries in the Asia-Pacific and coming by boat to Australia. However, when asylum-seekers stop coming by boat, they don’t disappear in a puff of smoke.

Refugees — who last year made up 90 percent of all asylum-seekers coming to Australia by boat — have fled violent persecution in their home countries, including torture, murder and sexual violence. If they decide against taking the dangerous boat journey to Australia, most will find themselves stuck in a region where few countries have signed the United Nations Refugee Convention or recognize the legal rights of refugees. Countries such as Indonesia, Pakistan, Thailand and Malaysia often treat asylum-seekers not as desperate people seeking safety, but as criminals deserving of punishment.

There are numerous examples. The Malaysian authorities’ recent “crackdown” on illegal migrants saw the arrest and threatened deportation of thousands of illegal migrants, including asylum-seekers and refugees registered with the UN High Commissioner for Refugees (UNHCR). Even prior to the crackdown, asylum-seekers faced the daily prospect of being arrested, tortured and punished, including by caning. Asylum-seekers who aren’t punished are instead forced to live in cramped, squalid conditions, with no access to education. They have no right to legal employment and are thus forced to take the dirty, dangerous and difficult jobs that Malaysians don’t want, often for extremely low wages, leaving them unable to pay the high costs of healthcare.

In Indonesia, adult and child asylum-seekers can be placed in immigration detention for up to 10 years, with no way to challenge their detention. A recent Human Rights Watch report highlights numerous cases of physical violence from detention guards, including kicking, punching, gagging, beatings with sticks, burning with cigarettes and electric shocks. Some asylum-seekers are not allowed outdoors for weeks or months at a time. Conditions are harsh, with poor sanitation, lack of water and clean bedding, and flooding in sleeping areas. Though the UNHCR is present in the country, the average wait to receive official refugee status is 12 to 15 months. Then the wait for resettlement begins.

If these appalling conditions push asylum-seekers into taking the boat journey to Australia, what can they expect upon relocation to Papua New Guinea?

Asylum-seekers being flown from Australia to PNG’s Manus Island Refugee Processing Centre (RPC) will be placed in a detention center that as recently as June this year was heavily criticized by the UNHCR as falling far short of international legal standards. The agency described conditions there as “harsh,” “cramped” and “unhygienic,” with four to six men detained in each overheated canvas tent. Recently, serious allegations were made that instances of sexual abuse went ignored by Australian immigration officials in the processing center; an official investigation has yet to release any findings.
Of particular concern to the UNHCR was the mental health of the men in the camp, an unhealthy combination of existing trauma, uncertainty about their future, boredom and incarceration. With no mental health services available until October 2013, these problems were worsening by the day. The UNHCR also described how the assessment of asylum claims was slow, and questioned the fairness and efficiency of PNG’s new asylum-seeker and refugee legislation.

This was an Australian-supported facility containing around 250 men. Under Australia’s new policy, the population of the camp will increase rapidly to 3,000 asylum-seekers. Beyond that, it is proposed that more detention and processing facilities be hastily built on the Papua New Guinea mainland to accommodate thousands more.

There are also serious human rights concerns about the resettlement of recognized refugees in the country, which neither the PNG nor Australian governments have yet addressed. In PNG, homosexuality is illegal, punishable by up to 14 years in prison. Though the law has not been put into force in recent years, lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees — some of whom may have been persecuted because of their sexuality — will still be at risk of imprisonment and discrimination.

There are also serious concerns about how this policy will impact on the citizens of PNG. Demand is high in PNG for usable land and housing. In urban areas, where refugees would likely be settled, nearly 50 percent of people can’t afford to rent a home and live in slum-like conditions without adequate water or sanitation. Forced evictions are a regular occurrence, and neither the PNG nor Australian governments have indicated whether PNG citizens will be forcibly evicted to make way for new detention and processing facilities.

People seeking asylum are fleeing war, persecution and violence, and yet PNG has some of the highest rates of violence in the world. More than two thirds of women experience gender-based violence in their lifetime, and more than 55 percent of women have been raped. Sorcery killings — the murder of women accused of witchcraft — are still practiced in parts of the country.

So why is Australia passing the parcel to PNG? The Australian Government claims the policy

Previous policies that punished one set of asylum-seekers in order to deter others have consistently failed.

Even if successful, it is clear that only economic migrants, rather than true refugees, will be deterred.

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