

UN finds Australia's treatment of asylum seekers violates the Convention Against Torture

The United Nations Special Rapporteur on Torture has found that various aspects of Australia's asylum seeker policies violate the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The findings from the Special Rapporteur, Juan Mendez, will be formally submitted to the UN Human Rights Council today in a report prepared by the independent UN expert tasked with investigating breaches of the Convention around the world.

Human Rights Law Centre Director of Legal Advocacy, Daniel Webb, said that the report's findings made it clear that the Australian Government's actions breach international law.

"The Government always assures the Australian people that it complies with its international human rights obligations. But here we have the United Nations once again, in very clear terms, telling the Government that Australia's asylum seeker policies are in breach of international law," said Mr Webb.

The report finds that Australia's indefinite detention of asylum seekers on Manus Island, the harsh conditions, the frequent unrest and violence inside the centre and the failure to protect certain vulnerable individuals all amount to breaches of the Convention.

"The Torture Convention prohibits subjecting people to cruel, inhuman or degrading treatment. The report confirms that by leaving people locked up indefinitely in appalling conditions on a remote island, Australia is failing to meet this basic standard," said Mr

Webb.

The report also finds that the recent amendments to the Maritime Powers Act, which give the Government unprecedented powers to detain and return asylum seekers intercepted at sea, also violate the Convention.

“Under international law, Australia can’t lock people up incommunicado on a boat somewhere in the middle of the ocean. Nor can we return people to a place where they face the risk of being tortured. Yet these are precisely the powers the Government has sought to give itself through recent amendments to its maritime law,” said Mr Webb.

The report notes that Australia repeatedly breached the obligation to fully cooperate with the UN Special Rapporteur in their investigations and criticises the Australian Government for providing inadequate responses to the complaints made against it.

“Australia needs this system of international law and order. Our Government often relies on it to protect our own national interests. So it’s incredibly short-sighted for the Government to start thumbing its nose at the UN system just because it doesn’t like what it’s being told,” said Mr Webb.

Mr Webb also said that, more broadly, the report confirmed that Australia's asylum seeker policies were of growing concern internationally and were clearly damaging Australia's hard-won reputation as a decent, rights-respecting nation.

“Australia signed up to the Convention Against Torture 30 years ago. We did so because as a nation we agreed with the important minimum standards of treatment it guaranteed. Yet here we are 30 years on, knowingly breaching those standards and causing serious damage to our reputation,” said Mr Webb.

Mr Webb said Australia needed to focus on developing genuine regional solutions to provide safe ways for asylum seekers to apply for protection.

“Being called out as a nation that breaches the Torture Convention should be a wake-up call for Australia. Rather than pursuing costly, cruel and unlawful policies, Australia should

work with the United Nations and regional partners to develop safe pathways to protection for refugees," said Mr Webb.

A copy of the Special Rapportuer's findings can be found here: http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_Add.1_AV.doc

Related HRLC Report: [Torture and cruel treatment - 77 organisations slam Australia's declining standards.](#)

Update: Prime Minister Tony Abbott responded to report by saying that he thought Australians are "sick of being lectured to by the United Nations." You can [listen here](#) to an interview Daniel Webb gave to Radio National Drive following the PM's comments and you can [watch here](#) an interview with Daniel on Sky News.



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