**SPEECH FOR LABOR FOR REFUGEES, SPEECH TO BRANCHES, JENNY HAINES**

On the 60th Anniversary of the Signing of the Refugee Convention, on World News Radio, Dr Susan Harris-Rimmer, Director of Studies at the Australian National University's Asia-Pacific College of Diplomacy said of the Refugee Convention-

"*Robert Menzies signed on to the Convention in 1954 because the memory of war -- and the aftermath of war, and the negotiations to deal with all the refugees produced by the Second World War -- was still very fresh in the Australian memory. I mean, Robert Menzies was no soft-hearted humanitarian. He wasn't necessarily an internationalist. He was pretty similar, in many ways, to the current Prime Minister, Tony Abbott, and John Howard. He was acting in Australia's national interests. Darwin had been bombed, Australians had been captured in Singapore, enemy submarines had been in Sydney Harbour. It wasn't inconceivable to Menzies that Australians might be refugees themselves. And so there was a reciprocity in signing the Convention, in the sense it might benefit Australians or our neighbours, and that sense of reciprocity is the heart of international law.”*

Reference <http://www.sbs.com.au/news/article/2014/01/22/advocates-mark-60th-anniversary-refugee-convention>

The commitment to the Refugee Convention in 1951 was a bipartisan commitment. Doc Evatt the Labor Leader at the time had been instrumental in the establishment of the United Nations and the writing of the Universal Declaration of Human Rights. He was enthusiastic about the formation of the Refugee Convention.

Paul Power from the Refugee Council of Australia reported on the 60th Anniversary of the signing of the Refugee Convention that -

“*Australia was represented at the July 1951 Conference in Geneva, where they spent three-and-a-half weeks developing the various articles of the Refugee Convention, and one of the articles said that it would come into force 90 days after the sixth country ratified, or acceded to, it. And it just so happened that Australia was the sixth country."*

Ahead of Australia, five European countries -- Denmark, Norway, Belgium, Luxembourg and Germany -- had signed up over the first two years.

Indeed, the original convention was very much about Europe, where the war had displaced millions of people.

Many were Jewish refugees who had escaped the Holocaust, and many were Eastern Europeans who didn't want to go back to their home countries now under Communist rule.

Mr Menzies signed into effect an International Convention that defined who was a refugee, the rights of a refugee and the legal obligations of countries signing up to the Convention.

Refugees were, it said, people outside their own countries who feared persecution because of their race, nationality, membership in a particular social group or political opinion.

Nations signing up, it said, could not expel refugees, could not return them to places where they were not safe.

The Convention, in fact, referred specifically to events occurring in Europe before 1 January 1951.” Reference Ibid.

In 1967, Australia ratified the Protocol Relating to the Status of Refugees. 146 countries ratified this Protocol. Where the United Nations 1951 Convention relating to the Status of Refugees had restricted refugee status to those whose circumstances had come about "as a result of events occurring before 1 January 1951", as well as giving States party to the Convention the option of interpreting this as "events occurring in Europe" or "events occurring in Europe or elsewhere", the 1967 Protocol removed both restrictions on time and place. Reference :<http://en.wikipedia.org/wiki/Protocol_Relating_to_the_Status_of_Refugees>

**How times were different then.** Or were they? There were millions of displaced people fleeing war, persecution, torture and death. There ARE millions fleeing war, persecution, torture and death now. Certainly many of those displaced then were European and many were Christian. Now refugees largely come from the Middle East, Arab Countries and South East Asia and aren’t Christian. Why does that make a difference? Australians themselves had been through the deprivations of war, whereas now Australians live in comparative luxury compared to the living conditions of refugees on the trail to find a safe haven.

In our political life bipartisanship on the issues of refugees and asylum seekers has become fraught, with the LNP Coalition seemingly determined to take the toughest line they can get away with with the electorate, and the Labor Party Federal Caucus in government and in opposition struggling to keep up.

John Howard set the pace after 9/11 with the Tampa and the fear campaign that those coming on the boats may be terrorists. What self respecting terrorist would get on a rickety boat and risk drowning? They would fly in of course! The Labor Party led by Kim Beazley was helpless and hopeless in the face of Howard’s assault on the rights of refugees. It was Beazley’s me-tooism that led John Robertson, Amanda Tattersall and Paul Howes to found Labor for Refugees.

Labor for Refugees is made up of party members and trade unionists who, in 2001, committed themselves to updating and improving Labor Party Policy on refugees and asylum seekers. At State and Federal Conferences of the party since then Labor for Refugees have worked hard. At the 2002 NSW State Conference, Labor for Refugees successfully led the push for the improvements to NSW State Party Policy on refugees and asylum seekers, combining Right and Left voters in an almost unanimous updating and improvement in party policy. NSW State Party Policy on refugees and asylum seekers was updated again in 2007. Labor for Refugees was instrumental in the improvements to National Policy at the National Conferences of the ALP in 2004, 2007, 2009 and 2011 and now 2015.

**WHAT HAPPENED AT THE NATIONAL CONFERENCE IN 2015**

**(**Thanks to Nizza Siano, L4R Secretary, for her report on the conference here)

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| A number of Labor for Refugees members and supporters were amongst the Delegates who attended Labor’s National Conference in Melbourne at the end of last month.As anticipated, there was much rigorous debate about Labor’s refugee policy and this issue was debated at caucus meetings held daily by both factions of the Party.  The debate on the Conference floor took place late on Saturday afternoon of the three day Conference.  The outcome of the debate did not turn out as we hoped. |
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| On the positive side, in the lead up to and at Conference, Labor for Refugees promoted a petition endorsed by prominent Labor women, called “LABOR WOMEN SAY”.  We asked all ALP women to sign up to end abuse and close Nauru and Manus Island. This petition was very well received and we collected a large number of signatures.Labor for Refugees held a Fringe Event at lunchtime on the Friday that surpassed all others for attendance and engagement and obtained significant media coverage. ACTU President Ged Kearney, Refugee and Immigration Centre lawyer David Manne and Julian Burnside QC (on video), made impassioned speeches and took questions from those present.We had a consistently staffed Labor for Refugees stall and the tireless volunteers there fielded many questions from many delegates and changed quite a few positions. We distributed hundreds of T-shirts which were highly visible during the ill-fated debate on conference floor.Labor for Refugees National Co-Convenor Shane Prince addressed a large refugee rally outside Conference on the day of the refugee debate and received a very warm reception (notwithstanding his Labor colours).More importantly, 90% of the Labor for Refugee amendments which were settled on by the Labor for Refugees National Co-ordinating Committee during the consultation draft phase, were incorporated into the platform which was adopted by the conference. Those amendments were argued by Shane Prince in the National Policy Forum Working Group, to which he was invited because of the significance of Labor for Refugees’ contribution in this area.The issue of turnbacks, which dominated the refugee debate, allowed barely any time to debate the issue of offshore detention centres. Labor for Refugees submitted a motion demanding that both the Manus Island and Nauru detention centres be closed. However, the National Left proposed a watered down version which called for the closure of the offshore centres if it could be proven they were causing harm. Even this watered down version by the Left was defeated on the floor of Conference.  Unfortunately voting for the Left Motion was not binding on all Left Delegates.Labor for Refugees always opposed turnbacks and right up to the last evening before the refugee debate took place, intended to submit a motion opposing turnbacks amongst other motions. Labor for Refugees knew through our contacts in the Right that the Bill Shorten was not going to put a motion to the conference calling for the endorsement of turnbacks because he knew that it would be lost. We had done a good job lobbying right wing unions!!! The Right were relying on the Left putting a motion opposing turnbacks to the floor, and when that motion was lost, the loss of that motion could be used by Bill Shorten to talk about turnbacks after the conference. Labor for Refugees recognising that the platform already ruled out turnbacks in its commitment to international law, decided to withdraw its own motion on turnbacks. Labor for Refugees put to the Left Caucus that the Andrew Giles/Murray Watt motion opposing turnbacks not be put to the floor of the conference, in circumstances where it was bound to fail, and then give Bill Shorten the imprimatur to speak about turnbacks after the conference.Labor for Refugees had ascertained that a number of major left unions would not commit to vote against turnbacks and the Left Caucus did not vote to bind them. Labor for Refugees had, in the lead up to Conference, effectively lobbied Right unions including the NUW, SDA and AWU on our Labor for Refugees policies, so if the Left had been united, we believed that there would have been a good chance of getting our major refugee reforms supported by just about all Conference Delegates. With the numbers so close any split in the Left doomed it to fail.The Left Caucus decided to proceed with the motion against turnbacks. Labor for Refugees members who spoke against putting a motion on turnbacks to the Conference, voted for the motion opposing turnbacks on the floor of Conference, which of course predictably went down.It was a very difficult decision for Labor for Refugees to make and we knew that our decision may be misunderstood but we wanted the best outcome for refugees. That was always the foremost consideration for us.Losing that motion has left those who campaigned against turnbacks in a much worse position that had the motion never been put because it now allows the Labor leadership to argue that it has a mandate to turn back boats after the motion opposing turnbacks failed at Conference.**In spite of this failure, Labor for Refugees intends to continue campaigning against turnbacks, demand the closure of Nauru and Manus Island detention centres and ensure the immediate release of children in detention.****LABOR WOMEN SAY** Labor for Refugees is continuing to call on all Labor women to add their signature to the letter, recently signed by MPs Anna Burke, Melissa Parke and seven prominent women.The link to this letter is [LaborWomenSayLetter](http://facebook.us7.list-manage.com/track/click?u=09c48b6cba9909c3558998ce0&id=0081f681c2&e=fab6b2efeb)Please add your signature to theirs by sending your name, address and ALP membership number to laborwomensay@gmail.com**This is one way you can still keep the pressure on our Labor leadership and demand that Manus Island and Nauru must be closed.** The parliamentary inquiry into the Nauru detention centre has now revealed torture being carried out by detention staff.Each time we think that the cruelty towards asylum seekers stuck in these hell-holes can't get worse, we learn from whistleblowers, that yet again, something terrible is happening.  A whistleblower at the inquiry reported that Wilson Security is using the same illegal torture carried out by the US military, including "water-boarding", which is where the victim's head is placed facing upwards inside a bag and water is poured over the face which simulates drowning. Wilson Security also ties people (using cables) to metal frame beds and Wilson staff throw the bed into the air so it crashes onto the floor, causing injury to the tied asylum seeker. Wilson Security also bashes and throws asylum seekers from balconies.A 23-year old Iranian woman was raped in May 2015 in Nauru detention centre and is facing kidney failure. Finally after outrage in the pro -refugee movement she has been brought to Australia where she is being treated in secret.This cruelty must stop. The **AUSTRALIAN BORDER FORCE ACT** is another piece of legislation that must be repealed. This legislation makes it difficult for doctors nurses and teachers to raise concerns and speak publicly about the conditions they witness in detention centres. It is worth noting that paediatrician Dr David Isaacs, who was recently in Nauru, made clear his concerns regarding this legislation when he spoke on the 7.30 program last week. Dr David Isaacs reported that he had seen a 6 year old girl try to hang herself on Nauru when he was there. It was also reported that a woman was offered additional time in the showers in return for sexual favours. Dr Isaacs argued that to place children in detention is to abuse them so that our government is abusing children in our name. Plus the fact that, as mentioned on 7.30, the cost of offshore detention is exorbitant. **There is no rational explanation for keeping these offshore detention centres open**.

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| **BLOCK THE USE OF FORCE BILL** The Government’s draconian ‘Use of Force’ legislation – which got pushed off the Senate agenda earlier this year – was re-listed for debate last weekThe Maintaining Good Order In Detention Bill (as the Government calls it) effectively hands guards in detention unchecked and unlimited power to use force against people seeking asylum**.** It's an outrageous assault on the rights of asylum seekers in detention and on the rule of law.This Bill needs to be knocked out of parliament once and for all and to do that we need the cross-bench Senators to stand firm and vote no.This Bill would hand detention centre guards greater powers than prison officers and in some cases, police, and puts the lives of asylum seeking men, women and children under our care at grave risk.In the words of a former Supreme Court Judge, it hands detention centre guards the power "to beat asylum seekers to death".Campaigns earlier this year helped switch the vote of two Senators - Leyonhjelm and Madigan - and forced the Government to drop the Bill from the Senate agenda.  We need to hold those Senators to their commitment and make sure the rest of their colleagues join them in blocking this dangerous Bill for good.So please take a moment to call your cross-bench Senator or leave them a message on social media.**Please contact your cross-bench Senators now and make sure they vote NO to the ‘Use of Force’ Bill.** **Senator Jacqui Lambie** (Tas) (02) 6277 3063 or on [Facebook](http://facebook.us7.list-manage.com/track/click?u=09c48b6cba9909c3558998ce0&id=29e0c363e1&e=fab6b2efeb)**Senator Ricky Muir** (Vic) (02) 6277 3040 or on [Facebook](http://facebook.us7.list-manage.com/track/click?u=09c48b6cba9909c3558998ce0&id=d9925cabde&e=fab6b2efeb)**Senator Glenn Lazarus** (Qld) (02) 6277 3204 or on [Facebook](http://facebook.us7.list-manage1.com/track/click?u=09c48b6cba9909c3558998ce0&id=57452010bd&e=fab6b2efeb)**Senator Nick Xenophon** (SA)  (02) 6277 3552 or on [Facebook](http://facebook.us7.list-manage.com/track/click?u=09c48b6cba9909c3558998ce0&id=f00b58dd4a&e=fab6b2efeb)**Senator David Leyonhjelm** (NSW) (02) 6277 3054 or on [Facebook](http://facebook.us7.list-manage1.com/track/click?u=09c48b6cba9909c3558998ce0&id=33f74c284a&e=fab6b2efeb)**Senator John Madigan** (Vic) (02) 6277 3471 or on [Facebook](http://facebook.us7.list-manage.com/track/click?u=09c48b6cba9909c3558998ce0&id=ad5c308ee1&e=fab6b2efeb)**Senator Bob Day** (SA) (02) 6277 3373 or on [Facebook](http://facebook.us7.list-manage.com/track/click?u=09c48b6cba9909c3558998ce0&id=9e038836bc&e=fab6b2efeb)**Senator Dio Wang** (WA) (02) 6277 3843 or on [Facebook](http://facebook.us7.list-manage1.com/track/click?u=09c48b6cba9909c3558998ce0&id=f7c95abd23&e=fab6b2efeb)  |  |

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**SO WHAT IS THE SOLUTION?**

Australia needs to grow up and recognise that we are part of the world and that we have international obligations as a world citizen. We are currently taking 13,500 refugees and asylum seekers a year, reduced by the current government from 20,000. On current estimates, Germany is set to take 800,000 refugees this year arriving after crossing the Mediterranean from Libya and the troubles in Africa and Syria.

Lebanon, a country with many troubles is almost at breaking point with trying to care for the refugees flooding in to that country. In October 2014 the U.N. High Commission on Refugees estimated that by December 2014, Lebanon will have taken in 1.5 million refugees. This is a considerable burden for a country with a population of only 4.5 million, leading Lebanon’s government to announce last week that they could no longer continue to accept Syrian refugees. Reference: <http://www.ipsnews.net/2014/10/lebanon-at-breaking-point-over-refugees/>

After a terrible number of drownings at sea, and uproar within the Italian community, the Italian Government has until recently run a program called Mare Nostrum in which they went out to collect people from asylum seekers boats and welcome them with open arms as migrants. That program was modified on the distance they would go to do pick-ups due to the cost to the Italian Government, already struggling with the after effects of the GFC. With the stopping or Mare Nostrum the inevitable happened, more mass drownings at sea. Now the EU is formulating a plan to rescue asylum seekers and distribute them across the EU. Each EU country has been asked to take 40,000 although it now appears with the numbers still arriving that may have to be adjusted upwards.

Australia needs a properly negotiated and structured regional framework in which we acknowledge our responsibilities not just dump them on countries like Cambodia which can barely afford to feed, clothe and educate its own people. So far the Abbott Government have spent $55.5 million on getting 4 refugees to Cambodia. We need to work with our regional neighbours towards a system of co-operation which ensures the protection – not rejection – of people seeking safety and security. And this process needs to start BEFORE people get on boats or even need to get on boats. Labor for Refugees has outlined how this could work to several Labor Ministers and our views are documented in our first book, Alternatives to Offshore Processing. Ministers say to us that the Indonesians won’t co-operate. We have had people talking to the Indonesian bureaucracy and they are very interested in the idea. It can be done. There just has to be the will in government.

The next Labor Government needs to develop approaches to the processing of refugees and asylum seekers which are based on decency, the rule of law and which protect human rights.

As from the recent National Conference in 2015, we now have a National Platform which commits Australia to taking 27,000 refugees a year, that commits a Labor Government to spending $450 million on the UNHCR to establish a more viable and functional regional processing arrangement for refugees trying to reach Australia, that commits a future Labor Government to the more humane treatment of refugees in detention centres, that commits to the appointment of a children’s commissioner with powers to pursue the best interests of children, including the bringing of court proceedings on behalf of children in detention. A copy of the Summary of Significant Amendments to the Platform secured by Labor for Refugees is available at this meeting tonight.

Thank you for your invitation . I am happy to take questions.

Jenny Haines, Labor for Refugees NSW.