

Labor for Refugees dinner: Friday 8 April 2016, Melbourne

Firstly I pay respect to the Wurundjeri people of the Kulin Nation as the traditional custodians of this land. As was said by the former young Australian of the year, former Afghan ref Akram Azimi, we make this acknowledgement not out of a sense of protocol but out of recognition that dreaming has not ended and we're all a part of it.

Thank you to Robin, Pauline, Ilia and everyone at Labor for Refugees Victoria for the invitation to be here with you tonight, and to all of you for coming. It is fantastic to be with people who are of like mind on what constitutes a decent Australia. I'd also like to acknowledge my dear friend Barry Jones, who has been a mentor for me in this job.

I'd now like to apologise to you all: the present political class of which I am a member has let Australia down badly - it has put in place, not just physically and legally but also psychologically, the grotesque system that Australia has developed over the past 15-plus years to treat some of the world's most vulnerable people who turn to this country for help.

We intercept boats at sea, turn some around and deliver others directly into the hands of Sri Lankan or Vietnamese authorities. We pay people smugglers, we fund dark advertisements in the region warning that asylum seekers coming by boat will never be settled in Australia; we then endeavour to destroy the hopes, dreams and spirit of those who have arrived by boat. The fact that the UN refugee convention says that refugees shall not be punished for the manner of their arrival is ignored.

We have seen the murder of Reza Berati on Manus – and now one of his alleged murderers has escaped and is on the loose in PNG - while the chief witness to the murder, Behnam Satah, who has received death threats, fears for his life every day inside Manus island detention centre.

We have seen the horrific and preventable death of Hamid Khehazaei, and numerous suicides including self-immolations, attempted suicides and riots. There is unequivocal evidence from medical practitioners that detainees including children are suffering sexual abuse, and serious mental and physical harm from the conditions of detention, as well as from the uncertainty and

hopelessness of their situation.

Independent commissions and parliamentary committees have taken evidence from former employees on Manus and Nauru about the sub-standard conditions. A senior person at UNHCR told me that he has seen many refugee camps in bad conditions during his long career around the world, but Manus and Nauru were the first examples he had seen of a wealthy country spending enormous sums of money to make conditions for asylum seekers as miserable as possible, by design.

The brilliant little book produced by Labor for refugees 'The Drownings Argument' contains a chapter by the Australian Churches Refugee Taskforce, which calculated that in 2013/14 Australia spent almost two-thirds as much locking up a few thousand people seeking asylum as the UNHCR spent assisting tens of millions of refugees and asylum seekers worldwide. The costs of offshore processing for the Department of Immigration alone (not including border protection, police and defence costs) were more than \$3.28b – or more than \$1.3 million per detained person per year - while UNHCR's whole budget worldwide that year for helping tens of millions of people was \$5.3b. Of course this doesn't include the human costs arising from prolonged detention in centres which Patrick McGorry has described as 'factories for producing mental illness'.

We might well ask how did Australia – the land of the fair go, the land of tolerance and egalitarianism - get to this point? Certainly the Howard govt era laid the groundwork, with its demonisation of asylum seekers as queue jumpers, as people who would throw their own children overboard and as potential disease-carriers and would-be terrorists.

The present generation of politicians on both sides has adopted a somewhat different tactic, largely using the cloak of humanitarian language to justify cruel policies. The claim is that we are stopping the exploitation of asylum seekers by evil people smugglers and that we are saving people from drowning at sea by deterring them from even attempting the journey.

Isn't it extraordinary that the government denounces people smugglers while at the same time paying them to take people in the other direction?

And how do you deter people who have no other option? Those who come to Australia by boat cannot get here in any authorised way. If you are Afghan or Rohingya for instance, you stand almost no chance of being granted a visa by Australia if you apply for one or of being resettled to Australia through UNHCR, even if you are proved to be a refugee. You could wait in the so-called queue for 100 years and still never be allowed to come. Many of these people, knowing the risks of boat travel, will still take the chance of reaching Australia by the only means open to them, because they are escaping unsafe conditions at home and unsafe conditions in transit countries, where they have no right to work and no access to health or education services and where they could be imprisoned or sent home any time.

In my view, the cruel policies are not really about deterrence at all. As in countries that retain the death penalty, the justification given is deterrence even though all the evidence shows that deterrence is ineffective. The real motivation is revenge and punishment for breaking the rules, for being “illegal”, although as we know, under the Refugee Convention it is not illegal to seek asylum.

It is a nonsense to say that you are saving lives by punishing one group of people who have already arrived by boat in order to deter another potential group of people from getting on a boat.

If you genuinely cared about saving people from drowning, would you not be working to create the conditions in origin and transit countries, and to reach resettlement agreements and to increase our own humanitarian intake, measures that would mean people do not *need* to get on boats in the first place? That is what a genuine regional protection framework is about.

If you genuinely cared about human life, would you not make the effort to find out what has happened to the people who are deterred from taking those boat journeys to Australia, or who are turned back or towed back to Indonesia on orange lifeboats? A great many of those people will still be refugees fleeing persecution, they will still need a safe haven and they will still be facing uncertain and precarious existences without rights in transit countries. They may well still die fleeing persecution on a different sea or trapped in an airless container. We do not reduce the risk to these people by taking away one of their escape options; we merely displace the risk to another time and place.

I'm sure everyone here remembers last year when there were boats stranded on the Andaman Sea full of Rohingya refugees – people who have been described as “the most persecuted minority on earth”. The countries in the region called for Australia to assist by taking some of the refugees and participating in a regional conference to discuss the issue. That was when PM Abbott shamefully said ‘Nope nope nope’ and sent a low level functionary to the regional discussion. What message did that send to the region and the world about our readiness to uphold our international human rights obligations and to bear our share of the regional and global challenge of displaced persons?

Australia's actions have of course not gone unnoticed in the international community.

It is telling that in his first speech in the role the current UN Human Rights High Commissioner, Zeid Ra'ad Al Hussein, made a specific reference to Australia as follows:

Australia's policy of off-shore processing for asylum seekers arriving by sea, and its interception and turning back of vessels, is leading to a chain of human rights violations, including arbitrary detention and possible torture following return to home countries. It could also lead to the resettlement of migrants in countries that are not adequately equipped. ...

... ..

... Human rights are not reserved for citizens only, or for people with visas. They are the inalienable rights of every individual, regardless of his or her location and migration status.”

In an article titled 'Eroding human rights in Australian foreign policy, one asylum seeker at a time', Human Rights Watch Deputy Asia Director, Phil Robertson, recently wrote:

“Australia is rarely pushing for rights-respecting solutions these days - and more than that, is too often part of the problem. Politicians trapped in the refugee policy dialogue in Canberra frequently fail to recognise that Australia's boat push-back policies, and offshoring asylum seekers into abusive conditions of detention in Nauru and on Manus Island, are seen as a green-light by Asian governments to do the same: ...

By soliciting governments to help stop boats, Australia also ends up looking the other way on other rights abuses. By cooperating with Australia to take back boats of their nationals, both Sri Lanka and Vietnam know they could count on Australia not to publicly raise concerns about the rights abuses that drove those people into the boats in the first place. ... Meanwhile, Cambodia is laughing all the way to the bank with at least \$55m of Australia's taxpayer dollars for taking just five refugees so far from Nauru. All this for a deal that the UN high commissioner for refugees termed “a worrying departure from international norms” of refugee protection.

There are now only 2 refugees left in Cambodia, making that policy even more of a debacle.

The sheer hypocrisy of Australia's bid for a seat on the UN Human Rights Council on the basis of our strong record of upholding human rights has undoubtedly not been lost on our European competitors for the seat.

Whatever the damage to Australia's international reputation, the far greater harm is being inflicted on our fellow human beings.

It seems there is no limit to the cruelty to be imposed on people in the name of deterrence. Not even proven murder, suicide and widespread raping and attacking of asylum seekers and refugees, including children, has been sufficient to cause a change in policy or to implement something as basic and essential to good governance as independent oversight.

The government does not want oversight because it is the secrecy, the identification of people only by number, the hiding of their faces and personal stories that allows the suffering to go on out of sight and mind of the Australian community.

In his new book, *The Shock of Recognition*, Barry Jones describes the situation of refugees detained without evidence or right of appeal, being 'nameless, faceless and without an identity', as 'straight from the world of Kafka'.

I might add that it is also from the world of Orwell, who wrote in 1946 that "political language is designed to make lies sound truthful and murder respectable and to give an appearance of solidity to pure wind".

The government denies any responsibility for what happens in PNG and on Nauru while simultaneously building the detention centres, hiring and paying the detention centre operators and managing everything that goes on in those places.

As Labor for Refugees points out in its excellent submission to the current Senate inquiry into the conditions and treatment of asylum seekers and refugees at the regional processing centres in Nauru and PNG, it is the Australian government that has rejected the New Zealand government's offer to permanently resettle 150 people a year from the RPCs, and "That clearly demonstrates who is effectively and ultimately in charge of these centres and responsible for the standards there."

Over the past few years, the Australian government – supported, sadly, in many cases by the Opposition - has passed Bill after Bill designed to remove the many rights and liberties that Australia has sworn to uphold.

Unfortunately, this ‘negative bipartisanship’ on asylum seekers, as Barry Jones has called it, continues to this day.

Just last month further changes were made to the Migration Act to remove rights to due process, natural justice and review from yet more people, to prolong their detention and to increase the personal discretionary powers of the Minister.

Last year, the government made amendments to the Migration Act in which it retrospectively absolved itself of responsibility for everything that has happened on Manus and Nauru since August 2012. The High Court recently upheld that law as constitutional. Why?

It is not because the government really is behaving in a decent manner despite all evidence to the contrary; it is because there are virtually no human rights protections in the Australian Constitution and the parliament has the ultimate power to make laws on any matter, no matter how draconian.

This is why many people have been calling for a bill of rights or a human rights act, Australia being the only Western democracy without one.

Regardless of the domestic legal position, under international law Australia cannot contract out its legal responsibilities and remains responsible for the plight of people it sends to Manus and Nauru. Of course, Australia also remains *morally* responsible.

It seems that in the last decade and a half, we as a nation have forgotten the lessons of World War II—the direct connection with suffering that led Australia to be the sixth signatory to The Refugee Convention that brought it into force.

The wonderful Julian Burnside tells one of the stories behind the refugee convention in the Labor for Refugees Book “The Drownings Argument”. In May 1939 a ship called the St Louis captained by Gustav Schroeder left Hamburg carrying 900 Jewish refugees. The St Louis was denied access to every port it approached. It got as far as Cuba and was warned off the coast of Florida at gunpoint. Schroeder took the St Louis back to Europe and put his cargo ashore at Antwerp.

Following the occupation of the Netherlands by the Nazis, more than half the refugees on the St Louis were captured and ultimately perished in concentration camps. Burnside observes that in light of the current political attitudes in Australia, it is worth noting that Captain Schroeder was a people smuggler. Burnside then asks if those countries who denied the St Louis the right to land might look back now and consider whether their decision was a policy success or a humanitarian tragedy.

Here in Australia we are not only denying desperate and traumatised women, men and children the right to land but we are further punishing those who do make the journey and claim asylum.

When you consider that millions of the world's refugees are being hosted in poor neighbouring countries in Africa, Asia and the Middle East, and millions more are trying to get to Europe, our fear of a few thousand people arriving to our remote shores by boat is exposed as ridiculous and our commitment of some 13,000 humanitarian places is not as generous as our political leaders would have the community believe.

A couple of years ago, I visited Jordan and Lebanon as part of a UNICEF Australia delegation to see the situation of the Syrian refugees and the host countries. Just to take Lebanon for instance, it is a small country with a population of 4 million people. It is hosting around 2 million Syrian refugees – that is around half of its population again. It would be the equivalent of 12 million people turning up on Australia's doorstep. When we asked the Lebanese PM how his country was coping with this many refugees he said, 'What can we do – they are our brothers and sisters and they need our help.'

What the Lebanese PM understood and what our political leadership refuses to acknowledge is that no-one chooses to be a refugee; no child grows up wanting to be a refugee.

When I worked with the UN in Kosovo, I saw hundreds of thousands of refugees streaming back from neighbouring countries to their burnt-out homes to live in tents in the middle of the harshest winter on record. I wondered why they didn't remain for longer in those neighbouring countries, where they were safe and warm. The simple answer was that they just wanted to be home.

I worked with Palestinian refugees in the Middle East who had lived in appallingly dire conditions for decades in the hope that they would one day return to their homes in what is now Israel.

Far from the cynical reasoning of many in the West that asylum seekers are people who are really just seeking a better life, my own UN experience tells me that people overwhelmingly prefer to live at home and they do not leave or stay away from their homes without very good reason.

The former President of Latvia Vaira Vike-Freiberga, who fled her country as a child during the Second World War said this:

*No one leaves their home willingly or gladly. When people leave en masse the place of their birth, the place where they live it means there is something very deeply wrong with the circumstances in that country and we should never take lightly these flights of refugees fleeing across borders. They are a sign, they are a symptom, they are proof that something is very wrong somewhere on the international scene. When the moment comes to leave your home, it is a painful moment.*

*It can be a costly choice. Three weeks and three days after my family left the shores of Latvia, my little sister died. We buried her by the roadside, we were never able to return or put a flower on her grave.*

*And I like to think that I stand here today as a survivor who speaks for all those who died by the roadside, some buried by their families and others not and for all those millions across the world today who do not have a voice who cannot be heard but they are also human beings, they also suffer, they also have their hopes, their dreams and their aspirations. Most of all they dream of a normal life.*

Malcolm Fraser understood this and as PM led the way in welcoming tens of thousands of Vietnamese refugees to Australia and in establishing a safe and orderly regional framework for the processing of asylum seekers. He continued to advocate for humane solutions right up until his death just over a year ago.

As a child I shared my parents' sense of outrage about the Whitlam Dismissal and its architects.

So, one of the great surprises of my time as a parliamentarian was the friendship I developed with Malcolm Fraser.



So disenchanted with the major parties was the former PM that he was in the process of setting up a new political party. It was only his unexpected death that put an end to the project.

Can I say though, we don't actually need a new party. We just need the Labor Party to be true to its own values.

There is a large and growing number of people in the Australian community, (beyond the usual refugee advocates) - who believe we have as a country gone too far. We are seeing doctors and nurses refusing to discharge children from hospitals if they will be sent to Nauru. We have seen faith leaders staging peaceful sit-ins of MPs offices around the country, and churches offering sanctuary.

And we have also seen a strong movement in Labor – especially through L4R and the union movement - and momentum at state Labor conferences and last year's national conference in support of resolutions in favour of more humanitarian policies.

At the national conference last year, despite failing to prohibit boat turn-backs, Labor adopted some very good provisions:

- To invest more resources upstream in countries of origin such as Myanmar to address the root causes of why people are leaving their home countries in the first place and in transit countries such as Indonesia and Malaysia, to enable UNHCR to carry out timely processing and ensure that more community and official support is avail to asylum seekers so that they are not living without rights & livelihoods in a constant state of insecurity.
- To lift our humanitarian intake to 27,000 a year. I would like to see us go even further. Each year Australia accepts some 200,000 new migrants – if a portion of this number – say a quarter – were allocated to humanitarian places there would still be the same number of people coming to Australia overall.

As we know, many refugees are highly skilled, they are keen to contribute and they have shown great courage and resourcefulness in getting here. Such people can only enhance our country, as demonstrated by the appointment of former Vietnamese refugee Hieu Van Le as South Australian governor, to give just one example.

- Labor also committed to an independent advocate for children seeking asylum, community based processing where possible, 90 day maximum detention, no indefinite detention, appropriate standards of care and transparent independent oversight of detention facilities.

It all sounds great, so what's the problem?

The problem is that this is a program for what Labor will do in office – and hopefully that will be soon. But while in opposition Labor has demonstrated time and again that it will not oppose the government regarding its asylum seeker policies, even where they are inconsistent with our own policies. The reason given by political hard-heads is that the Coalition wins when the conversation is about refugees or border protection or national security, while Labor loses. So, the tactic is to stick close to the Coalition on these matters and shift the political debate to issues more favourable to Labor, such as health and education.

I actually don't agree with this. There are some, even many, Australians who if asked will say they support tough policies for asylum seekers. Many of these views are based on incorrect or no information. In any event, research has shown, it is not an issue on which they will determine their vote.

Fundamentally, voters really want to know what you stand for and Labor has traditionally stood for, among other things, upholding human rights. Making people uncertain about what you stand for is far more damaging in my view than having a policy that people may not love but which does not affect them personally.

Labor is never going to out-right the right and the 2007 Rudd election showed that Labor can win, and win well, with a range of progressive policies.

There is clearly a strong desire from many in the Labor party and increasingly in the wider community for Labor to be truer to ourselves, to **start** with our values and principles and instincts, and **then** think about the politics of making those things real, rather than the other way round.

The community is powerful. The international and local reaction to the image of the small boy on the beach in Turkey led even the Abbott govt to announce it would accept an extra 12,000 Syrian refugees. Of course, only 29 or so have actually arrived in Australia to date. But the point is that that was a community victory. As was the release of children from detention last weekend.

Manus and Nauru are not and have never been sustainable solutions. It is clear that refugees cannot be resettled on PNG – those few who were released from Manus into PNG have found life very difficult and some are even trying to come back to Manus. The PNG PM said last month that the Manus Island detention centre is a problem that has done severe reputational damage to PNG and should end. He also said PNG cannot resettle those found to be refugees.

It is clear that the vast majority of refugees on the tiny island of Nauru cannot be resettled there either. Cambodia has been an expensive debacle. The Australian government has refused NZ's offer to take 150 refugees a year from regional processing centres. So, there is big problem brewing for the government in having thousands of people for whom it has responsibility marooned offshore, not being processed, not being resettled, and this will inevitably, and in the not too distant future, blow up in its face.

When political leadership is missing, as it is right now, it is the community that can shame them into action.

Grandmothers against refugee children in detention came from around Australia to protest at the national parliament last month – against the backdrop of the green parliamentary lawns there was a sea of white hair and purple clothes – it was a truly magnificent sight! The Palm Sunday rallies around the country last month were huge – the Perth one was the biggest I have ever been to. The City of Fremantle is one of 143 local governments around the nation to become a refugee welcome zone.

The momentum is building throughout Australia against an unjust and an unsustainable situation.

So please continue to work within your local communities, political parties, and professional and social networks to build alliances, to speak to MPs and to find new ways to protest and to find as many others as possible to protest, especially those who may not have spoken up before. It really does make a difference.

As Margaret Meade so wisely said, “Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has.”

And as another wise woman, my predecessor in the seat of Fremantle Dr Carmen Lawrence said in her first speech to federal parliament, quoting the late Sarah Henderson:

“Don’t wait for a light to appear at the end of the tunnel. Stride up there and light the bloody thing yourself.”