

# 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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