

AUSTRALIA

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Head of state: Queen Elizabeth II, represented by William Deane

Head of government: John Howard

Capital: Canberra

Population: 18.5 million

Official language: English

Death penalty: abolitionist for all crimes

More than 4,000 refugee applicants and "boat people" were detained. Immigration reforms limited refugee rights and prohibited the national Human Rights Commission from initiating contact with immigration detainees. Continuing concerns about the detention of children and high rates of disputed deaths in custody led to inquiries by state Ombudsmen and other state authorities.

Background

There was considerable public debate about human rights throughout 1999, particularly focusing on the acceptance of refugees and UN intervention in East Timor. In March the UN Committee on the Elimination of Racial Discrimination found that a new Aboriginal land use law violated government treaty obligations to eliminate racial discrimination. The government rejected both the Committee's views and its request to visit Australia. In October, following a Federal Court finding that genocide is not a crime in Australian law, the Senate initiated an inquiry into Australia's implementation of the UN Convention on the Prevention and Punishment of the Crime of Genocide.

Refugees and asylum-seekers

Almost 4,000 people from Kosovo and another 1,500 from East Timor were granted temporary protection on condition that they did not seek refugee status in Australia.

Asylum-seekers arriving by boat increased in number, including 2,300 from Iraq and Afghanistan. A record 3,737 "boat people" arrived, among them at least 100 children. Detained under mandatory detention laws which prevent effective court review of the need for detention, at least 2,000 "boat people" were held in improvised accommodation.

A new law prohibited the Ombudsman and Human Rights Commission from initiating contact with immigration detainees, effectively restricting human rights monitoring of detention centres. Detainees may still contact the Commission in writing — if they are aware of its existence and their right to complain.

In May the Senate began an inquiry into the processing of applications for refugee status, judicial monitoring of asylum-related decisions, and procedures aimed at preventing the forcible removal of

people to countries where they face torture or execution. Despite newly revised procedures to prevent such removals, only last-minute appeals to the Minister averted imminent deportation in several cases in 1999.

Sweeping reforms designed to target smugglers substantially limited the rights of asylum-seekers. New border protection legislation denies people the right to apply for asylum if the government considers they could have sought protection elsewhere. Those permitted to apply must show they have taken "all possible steps" to use any protection rights they may have in any other country. New visa conditions penalize accepted refugees if they arrived without valid travel documents. Unlike refugees resettled by the government, they must leave after three years or reapply; they are denied access to full health, welfare and education services; and family members are not allowed to join them.

☞ In May the UN Committee against Torture asked the government not to return a rejected asylum-seeker to Somalia where he risked torture. The government disputed the Committee's authority over the case partly on the grounds that in the absence of a central government in Somalia, there were no officials who could inflict torture. After 27 months in detention, the asylum-seeker was still awaiting a final decision about his status at the end of 1999.

☞ In September the Immigration Minister prohibited publication of the findings of a government inquiry into the case of a rejected Chinese asylum-seeker who had undergone an abortion after being deported to China when almost nine months pregnant. She claimed that Australian officials rejected her plea not to deport her until the baby was born, and that the abortion was involuntary.

Children in custody

In October AI registered concerns on the treatment of children in juvenile justice systems with a Senate inquiry into mandatory detention regimes. Under new sentencing laws in the Northern Territory and Western Australia, courts cannot take into account a child's circumstances or the severity of the offence, in violation of the UN Convention on the Rights of the Child. Many children were routinely held for brief periods in facilities for adults. In two states the ratio of Aboriginal children to non-Aboriginal children detained was reported to be 30 to one. In April, a Western Australia Aboriginal Legal Service submission to a state parliament inquiry claimed that 52 per cent of children in state police custody were physically abused and only one third informed of their rights.

Deaths in custody and ill-treatment

The findings of a number of coroner's inquests expressed growing concern about the circumstances of prisoner deaths and the care and treatment of inmates. The number of Aboriginal prisoners who died was again disproportionately high. Although estimates of the

number of deaths in custody showed a slight decline over the previous year. Aborigines continued to make up a disproportionately large percentage of those who died in prison, and six Aborigines died in police custody.

☞ In September a Sydney coroner criticized prison and police officers' lack of care in the case of Douglas Pitt, a 27-year-old Aboriginal man found dead in a court holding cell which the coroner described as "unsafe". Guards apparently ignored forms warning them that he was at risk of suicide. An ambulance officer, called after Douglas Pitt's body was found hanging in his cell, gave evidence at the inquest that she sensed hostility by prison officers and felt discouraged from trying resuscitation.

State Ombudsman inquiries in Tasmania and Western Australia into the circumstances of controversial prison deaths had not been completed by the end of 1999.

The Victoria state government prevented publication of a review of prison procedures. Among the facilities reviewed was a new privately-run prison where 10 people died within the first two years of operation.

A Northern Territory coroner's report criticized police treatment of 16-year-old Kwentye Ross who hanged himself when in "protective custody" on suspicion of drunkenness in Alice Springs in March 1998. Police had failed to check his condition or the video monitoring his cell for about 40 minutes after he was placed in a police cell for adult women.

In September a tribunal acquitted three officers of assault charges and commended them for using violent new restraint techniques. The officers had been accused of involvement in the beating of young Aborigines in Ipswich, Queensland, in March 1997. They had been filmed by a security video camera punching and kicking the victims, who were being held by other officers.