

AMNESTY INTERNATIONAL

OPEN LETTER

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EU countries must not repeat human rights failures of cruel Australian refugee policy

Dear President Tusk,

I'm writing to express my deep concern about the new refugee and migrant policies that were proposed and signed off by EU member states at the European Council meeting on 28-29 June.

While the plans contain a number of elements that pose a grave risk to refugee and migrants' human rights – not least the idea of “controlled centres” in EU states – I refer specifically to the proposal for “regional disembarkation platforms”, whereby people rescued at sea would be offloaded outside of Europe in countries where protection of their human rights cannot be guaranteed.

It's an idea that we feel well-placed to comment on here in Australia, and the timing could not be more apt.

The 19th July marks five years since the Australian government first instituted its very own version of this policy. Under the terms of an 'offshore processing' regime known as the “Regional Resettlement Arrangement”, our government sends any migrant or refugee intercepted while attempting to reach Australia by boat to either Nauru or Manus Island (Papua New Guinea) where they face indefinite detention in harsh conditions.

What we have seen in those intervening five years must serve as a cautionary tale to EU member states of the dangers of abdicating and outsourcing refugee and migration policy to countries that have neither the will nor the capacity to effectively assist the people disembarked there.

Since 2013, 3,172 refugees and migrants have been forcibly transferred by Australia to Nauru and Manus Island. This includes men, women and children, including unaccompanied children. The impact on many of these people has been devastating.

Along with other NGOs, Amnesty International has uncovered extraordinary levels of abuse on the islands. This includes assaults, sexual abuse, self-harm attempts and child abuse. The living conditions endured by asylum seekers and refugees there have been identified by Amnesty International as deliberately cruel and amounting to torture.

A total of twelve individuals have died, including two suicides which have taken place in the last three months. Others have died from diseases that could have been treated if timely medical transfers had occurred. The unwillingness of the Australian authorities to transfer

critically ill refugees to Australia, despite the obvious and well documented failings of the health care on Nauru and Manus Island, continues to put lives at risk.

In the last six months, a total of eight children suffering from life-threatening psychological or physical illness have been transferred to Australia. These life-saving measures only took place after the children's cases were brought before the Australian courts.

This is the human cost of policies devised to address migration simply by disembarking people out of sight. The Australian experience provides a warning to EU member states of the potential consequences that await should they continue to pursue them.

In light of these concerns, I urge you to:

- Oppose any proposals for EU legislation and policies that would allow for the disembarkation of refugees and migrants rescued or intercepted at sea in third countries where human rights protection cannot be guaranteed.
- Ensure that any new European laws, policies and practices related to refugees and migrants are consistent with international human rights laws and standards.
- Call on the Australian government to end its cruel policies of 'offshore processing' and transfer asylum seekers and refugees remaining in Papua New Guinea and Nauru to Australia.

Your sincerely,

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National Director

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