



International Detention Coalition

Human rights for detained refugees,
asylum seekers and migrants

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Refugees must be protected not detained

Refugees fleeing persecution are increasingly being detained in conditions below basic international standards and suffering gross human rights violations, the International Detention Coalition (IDC) said today, World Refugee Day.

IDC Director Grant Mitchell said further urgent action was needed to protect refugees and asylum seekers.

There has been some encouraging discussion of alternatives to immigration detention at an international level and some countries have established models that demonstrate alternatives can work well and cost less than detention. But detention continues to be widely used without proper consideration of less draconian options.

“Governments must stop detaining refugees. They should be working closely with the UN and with civil society to ensure the protection of refugees and asylum seekers”, Mr Mitchell said.

There has also been a disturbing and growing trend in the past year of industrialized countries funding, pressuring and providing incentives to neighboring countries to detain asylum seekers. In some places people seeking protection have been returned or ‘pushed-back’ to countries that are not signatories to the Refugee Convention, placing refugees at risk of being returned to danger.

These trends are apparent in the Asia Pacific, European Union, Middle East, North Africa, North and Central American regions¹. For example:

- Australia has increased its funding of detention centres in Indonesia, a non-Refugee Convention signatory country²
- Italy has pushed back people to Libya³, also a non-signatory country. Libya recently asked UNHCR to stop its work in the country⁴.

‘Asylum seekers compelled to enter a country without proper documentation must not be detained or penalized. They must have the opportunity to seek asylum and to access asylum procedures. International and regional human rights standards prohibits arbitrary detention and require detention to be a last resort, reviewable, for the shortest possible time and that alternatives to detention pursued⁵’.

‘Domestic and regional detention is not a solution. There is evidence that detention is not an effective deterrent of asylum seekers⁶. Punitive detention policies fail to consider the conditions that force people to flee their homes. They further traumatize refugees fleeing persecution, torture and conflict⁷’.

Deterrence policies shift the burden to neighboring countries. It encourages harsh and harmful border policies that do not resolve the issue of irregular migration and people fleeing for protection.

“Irregular migration and government concerns related to border protection, security and people smuggling cannot be resolved through push-backs and detention in neighboring countries. These issues must be tackled through international, regional and national cooperation, within a framework of refugee protection,” Mr Mitchell said.

Regional cooperation should work to:

- Address human rights issues in source countries.
- Ensure the right to asylum, including credible, durable and timely protection for people in transit and destination countries.
- Ensure safe and sustainable repatriation of those without refugee or other protection needs.
- Implement international human rights standards, which prohibit arbitrary detention and require detention to be used only as a last resort.

Dialogue is an important first-step towards regional cooperation within a protection framework. The recent East Asian Roundtable on Alternatives to Detention in Seoul in May provides an example⁸. Hosted by the South Korean government and UNHCR, this forum explored housing refugees, asylum seekers and irregular migrants in the community while their migration status is being resolved, without resorting to detention. The IDC encourages governments in other regions to organize and participate in similar forums.

“In the lead up to the 60th Anniversary of the Refugee Convention next year, governments must work with UNHCR and civil society to ensure protection in their region. They should both enhance their own asylum and protection procedures, as well as encourage other countries to sign the Refugee Convention.”

For more details: IDC Director Grant Mitchell: +61 403194665 or gmitchell@idcoalition.org or www.idcoalition.org

Notes to Editors: The IDC is a coalition of over 200 non-governmental groups and individuals working in over 50 countries providing legal, social and other services, carrying out research and reporting, and doing advocacy and policy work on behalf of refugees, asylum seekers and migrants. The IDC advocates for the greater respect for the human rights of detainees, including limiting the use of, seeking alternatives to, and using the least restrictive forms of, immigration detention. The IDC Advisory Committee brings together a number of leading international NGOs such as Amnesty International, Human Rights First, Human Rights Watch, Jesuit Refugee Service, Lutheran Immigration and Refugee Service, Oxfam Australia, Oxford Refugee Studies Centre, Women’s Refugee Commission, World Council of Churches, and a number of national NGOs.

¹ <http://www.unhcr.org/refworld/docid/4565dfbb4.html>; <http://www.msf.org.uk/ukraine.focus>; http://ec.europa.eu/delegations/ukraine/press_corner/all_news/news/2010/20100203_02_en.htm; <http://www.globaldetentionproject.org/countries/europe/turkey/introduction.html>; <http://www.iust-international.org/index.php/the-european-unions-return-directive-strengthens-qfortress-europeg-against-immigrants.html>;

<http://www.globaldetentionproject.org/countries/europe/spain/introduction.html>; <http://www.globaldetentionproject.org/de/countries/africa/mauritania/introduction.html>; [Donde esta la frontera, Flynn 2002](http://www.dondeesta.com)

² <http://www.smh.com.au/world/mothers-and-infants-behind-detention-centre-bars-20091119-ioys.html>;

<http://www.crikey.com.au/2009/04/24/australias-18m-bid-to-keep-asylum-seekers-in-indonesia/>;

<http://www.law.monash.edu.au/castancentre/news/behind-australian-doors-report.pdf>

³ <http://www.hrw.org/en/reports/2009/09/21/pushed-back-pushed-around-0>

⁴ <http://www.google.com/hostednews/afp/article/ALeqM5gE6FFkEbLN9bNLWV-Hf8gxENI50Q>;

<http://www.alertnet.org/thenews/newsdesk/LDE6570WU.htm>;

⁵ <http://idcoalition.org/compendium-of-international-law-standards-and-guidelines-related-to-the-detention-of-refugees-asylum-seekers-and-migrants/>

⁶ http://news.csu.edu.au/director/latestnews/Charles%20Sturt%20University/CSU_students.cfm?itemID=CB86FB419F0B996264BBBDF22F4235A&printtemplate=release

⁷ http://www.detention-in-europe.org/index.php?option=com_content&task=view&id=220&Itemid=242;

<http://www.ncbi.nlm.nih.gov/pubmed/20378223>

⁸ http://www.arirang.co.kr/News/News_View.asp?nseq=102492&code=Ne2&category=2