

# Out to sea: refugee policy under the Rudd Government

By Kristine Tay

Protracted waits for processing and inhumane conditions in Indonesian detention are the stimuli for asylum seekers journeying by rickety boat to Australia, according to Melbourne Lawyer and refugee advocate Jessie Taylor. Taylor delivered a talk detailing the detention of asylum seekers “warehoused” in Indonesia and funded by Australia to a full house at a Castan Centre public lecture in February. Taylor’s recent report, *Behind Australian Doors: Examining the Conditions of Detention of Asylum Seekers in Indonesia*, which describes her recent fact-finding mission to Indonesia, was the basis for her presentation. The report is currently being turned into a documentary entitled “Between the Devil and the Deep Blue Sea”.

According to Taylor, Australia’s terse political dialogue on “boat people” and people smugglers, and the frequently visited dichotomies of “stay or go”, “alone or with family”, “smuggler or queue”, and “legal or illegal” do not acknowledge the falsity of this supposed “smorgasbord of options”, or the fact that often an asylum seeker’s only consideration is that of “live or die”. Taylor described it as a failure of human compassion and government leadership that refugee policies are not discussed in these terms.

Australia’s large scale funding of Indonesian immigration detention facilities, and the climate of uncertainty, abuse, and desperation that is bred in such facilities was the subject of Taylor’s lecture. Taylor revealed that the Australian government funds almost half of International Organization for Migration’s (IOM) Indonesian activities. This organisation, along with the Indonesian government, is responsible for the interception, arrest and imprisonment of asylum seekers in Indonesia. A total of US \$15.5 million was allocated to IOM by the Australian government in 2008. While such substantial financial backing should attract rigorous accounting, reporting and accountability mechanisms, Taylor noted that no such responsibilities are imposed on IOM. Rather the national sovereignty of Indonesia is cited by the Australian Government when questioned about the treatment of asylum seekers by this organisation and the Indonesian Government.

Taylor discussed disturbing reports from Human Rights Watch and the International Council of Voluntary Agencies which revealed that IOM views itself as exempt from its member states’ international legal obligations, such as the principle of non-refoulement (forcibly returning refugees to their home country when they may be subject to persecution), or indeed the *Convention Relating to the Status of Refugees*. Additionally, Indonesia is not a party to the refugee convention. As a result, despite Australia being a party to the Refugee Convention, it freely aids and thus implicitly condones the actions of

an organisation and country that does not refer to human rights standards in its treatment of asylum seekers.

Appalling conditions of neglect, sanitation, and physical abuse in Indonesian immigration detention exist, according to Taylor’s eyewitness report. Lengthy waits of up to 5 years for assessment, and Australia’s miniscule numbers of resettlement from Indonesia equate to waiting periods of up to 40 years. This unacceptable delay in processing, without the ability to work, educate children or move freely without fear of arrest or detention results in asylum seekers seeing boats as their only tangible solution to be processed with any immediacy. Taylor noted that the asylum seekers she met wanted to be processed and resettled, and had no desire to further risk their lives by travelling to Australia via boat. It is years of protracted waiting that forces asylum seekers to search for a desperate avenue such as a boat journey that might allow them to be processed according to Australian law.

Taylor concluded that Australia is in the middle of a crisis in a teacup. While the number of asylum seekers heading to Australia is extremely small and billions of dollars of military power are poured into defeating the regimes from which people are fleeing, the government and opposition still persist in exacerbating a climate of suspicion and indignation at asylum seekers’ arrivals, forgetful of Australia’s own migrant roots. Swift and accountable processing of asylum seekers in Indonesia, and an increase in Australian resettlement numbers, are the only solutions to prevent the world’s most vulnerable people from journeying to Australia by boat.

**Video recording of Jessie’s lecture can be found at:**  
[www.law.monash.edu.au/castancentre/events/2010/taylor-lecture.html](http://www.law.monash.edu.au/castancentre/events/2010/taylor-lecture.html)



Jessie Taylor discusses the plight of asylum seekers and refugees in Indonesia