



AUSTRALIAN
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HUMAN RIGHTS

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MEDIA RELEASE

For immediate release - 28 April 2016

Leading Human Rights Lawyers Welcome PNG Court Decision on Illegality of Manus Island Detention Centre

“Australian Lawyers for Human Rights (ALHR) welcomes the recent decision of the PNG Supreme Court as to the illegality of the detention of asylum seekers on Manus Island” said President Benedict Coyne, “ALHR notes that the PNG Constitution contains a bill of rights and fundamental freedoms which offers much greater protection to PNG residents, including refugees and asylum seekers, than does Australia’s Constitution.”

“ALHR’s primary concern is that Australia adhere to its international human rights obligations given that Australia is a party to the core international human rights treaties. Yet Australia has consistently fallen short of respecting its international obligations in this regard. It is high time for this to change and our northern neighbour’s highest court has illuminated this brightly” said Mr Coyne. “We agree with other human rights commentators that Australia’s policy of offshore detention is not only unsustainable in practical terms, but involves clear breaches of human rights – in particular, as the PNG Supreme Court has pointed out, the right to personal liberty.”

“Australians cannot but be appalled” said Mr Coyne, “when both major political parties in Australia continue to express a total disrespect and disregard for basic international human rights standards endorsed by the international community and which should form the fabric of liberal democracies. It is particularly sad that this court decision has not resulted in any self-examination by majority party politicians in Australia.”

“PNG’s Prime Minister has stated that his Government will respect the decision of the PNG Supreme Court and will ask the Australian Government to make alternative arrangements for asylum seekers and refugees detained on Manus Island. Immigration Minister Peter Dutton’s refusal to accept any of the Manus Island detainees or allow them to resettle in Australia, despite the PNG court ruling and request made by PNG’s Prime Minister, demonstrates the Australian Government’s flagrant disregard for international human rights law and for the Government of one of our closest neighbours.”

“The PNG Supreme Court determined” he added, “that attempts to amend existing PNG Constitutional rights so as to legalise the detention of asylum-seekers were not ‘reasonably justifiable in a democratic society having a proper respect for the rights and dignity of mankind’ and that ‘the human rights and dignity of detainees must still be respected’. Australia can learn from this decision.”

Mr Coyne concluded: “ALHR calls on the Australian Government to urgently and immediately adhere to its international human rights obligations, which it cannot circumvent by funding and operating a detention centre outside Australian territory. The

Australian Government must also respect the ruling of PNG's Supreme Court and the will of its Government by taking the following actions:

- Immediately end Australia's offshore processing regime and adopt an asylum processing system that adheres to international human rights law;
- Immediately close the offshore detention centres on both Manus Island and Nauru and cancel contracts with Broadspectrum for the management of the centres;
- Safely transfer the remaining asylum seekers and refugees on Nauru and Manus Island to Australia for proper processing and/or resettlement as required under international human rights law."

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ALHR (Australian Lawyers for Human Rights) is a national network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia with active National, State and Territory committees.