

Law Council voices concern over Australia Malaysian asylum seeker agreement

The Law Council of Australia has again voiced its concern in relation to the proposed Commonwealth Governments Australia Malaysian asylum seekers agreement.

The latest speculation relating to this issue has only served to strengthen the concerns raised in May this year by the Law Council about how the agreement – an MOU between Australia and Malaysia - will be managed and how the human rights of asylum seekers and refugees will be protected.

Law Council of Australia President, Mr Alexander Ward said many areas of this policy, including the treatment of unaccompanied minors, is cause for considerable concern.

“The Government has said it is confident an agreement will be reached by the end of this week, but considering the long term implications of any agreement Australia enters into regarding asylum seekers, in particular on the individuals themselves, the Law Council is of the view there needs to be further consideration and discussion of the policy and key issues which are still the subject of confusion and uncertainty.

“There has been considerable speculation in the media about what the Australia Malaysian asylum seekers agreement will entail and the human rights implications of the agreement - our Malaysian colleagues have also raised serious concerns about rights of asylum seekers in Malaysia.

“If this scheme is going to proceed, we urge the Government to release details of the proposed agreement as soon as practicable so a considered review of the proposal can be made - in particular in relation to the treatment of unaccompanied minors and to the human rights protections for asylum seekers sent to Malaysia under this agreement.

“It is totally unacceptable to deal with minors in this way,” Mr Ward said.

“The Law Council has previously expressed serious concern about the treatment of asylum seekers in Malaysia given that the country is not a State Party to the United Nations Convention relating to the Status of Refugees and it has opposed this ‘solution’.

“Although Malaysia has undertaken not to return asylum seekers to countries where they face persecution, which is one of the core elements of the Refugee Convention, the details of how asylum seekers will be treated needs to be made available, otherwise such concerns will persist,” Mr Ward said.

However, Mr Ward considered a more fundamental issue was at stake.

“Asylum seekers are not commodities to be traded with, nor means to obtain a political advantage. The much better solution is that the two major Australian political parties agree to take any point scoring and politicalization out of this debate, for the sake of the people who have sought our assistance, and work together on a humane resolution.”

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