

Law Council concerned over Australian Malaysian Asylum Seeker Agreement

The Law Council of Australia is concerned with the implications of the recently announced agreement between the Commonwealth Government and Malaysia to exchange asylum seekers for refugees.

Law Council of Australia President, Mr Alexander Ward said the Law Council does not agree the trade of asylum seekers for refugees is an appropriate solution to this substantial issue.

"The Law Council has significant concerns in relation to how this agreement will be managed and how the human rights of asylum seekers and refugees will be protected," Mr Ward said.

Malaysia is not a State Party to the United Nations Convention (Convention) relating to the Status of Refugees, a Convention to which Australia is a party and therefore obligated by its Protocols.

"For Australia to enter into an agreement with a country that is not party to the Convention raises significant concerns regarding the treatment of asylum seekers who are sent to Malaysia.

"Previous concerns have been expressed about the treatment of illegal immigrants in Malaysia," Mr Ward said.

While few details regarding the Australian Malaysian Asylum Seeker Agreement have been released, the Law Council has noted the statement issued by the President of the Malaysian Bar on 9 May calling for the Australian and Malaysian Governments not to proceed with the Agreement given "*the legal situation and conditions of life of asylum seekers and refugees and their families in Malaysia is degrading, demeaning and dehumanising, and wholly unacceptable to any civilised society*".

The Law Council will closely review the details of the agreement when they are released by the Commonwealth Government.

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