27 May 2014

Professor Gillian Triggs
President, Australian Human Rights Commission
National Inquiry into Children in Immigration Detention
By email: childrendetention@humanrights.gov.au

Dear Professor Triggs

NATIONAL INQUIRY INTO CHILDREN IN IMMIGRATION DETENTION 2014

The Human Rights Council of Australia (HRCA)\(^1\) congratulates the Australian Human Rights Commission on undertaking this national inquiry into children in immigration detention at this time. The HRCA provides these comments in response to the AHRC’s invitation for submissions. This submission focuses on three principal legal issues as others with more direct knowledge of the situation inside detention centres are better qualified to comment on those matters.

By way of introduction, the HRCA is a small human rights non-government organisation that holds Special Consultative Status with the United Nations Economic and Social Council (ECOSOC). The HRCA was established in 1978 under the leadership of James Dunn with the primary objects of:

(a) promoting, protecting and fulfilling human rights recognised in the *International Bill of Rights* and other international human rights instruments; and

(b) promoting understanding of and respect for human rights for all persons without discrimination.

Despite sustained advocacy efforts over the past ten years, over 1000 children today remain in closed immigration detention facilities under Australia’s mandatory detention policy, including 117 children in Nauru and possibly others on Manus Island.\(^3\) In 2004 the AHRC’s Report, *A Last Resort*, contributed to the Howard Government’s decision to remove all children from immigration detention. Despite this success and other improvements at different times in the political cycle we are dismayed by the number of children held in detention today. The number of children held in detention has increased over last 12 months contrary to the overwhelming evidence that detention causes significant harm to children including having serious mental health impacts. As such, the AHRC’s Inquiry is an important and urgent response to serious and systemic children’s rights violations throughout Australia’s immigration detention network, including Nauru and Manus Island where Australia exercises its jurisdiction.\(^4\)
The HRCA does not support an immigration system that detains children. This type of detention can never be in the best interests of a child and so can never meet Australia’s international legal obligations under the Convention on the Rights of the Child (CRC). Alternatives to detention such as community detention and the granting of visas have not been sufficiently utilised despite the multitude of international models proving their value, most important of which is the ability to immediately and dramatically improve the lives of children and uphold their dignity.

A human rights based approach to immigration detention is not consistent with the detention of children

The HRCA does not believe that the detention of children in closed environments is capable of being compatible with a human rights based approach. The detention of children is inconsistent with international human rights law including the CRC. Article 32(b) of CRC and article 9 of the International Covenant on Civil and Political Rights (ICCPR) unequivocally state that no person (or child) should be deprived of their liberty arbitrarily and that detention must be a measure of last resort. The basic rights of children detained in closed environments are compromised both due to the prolonged and sometimes indefinite nature of detention and the conditions of detention, for example limiting their access to legal and health services, adequate education, leisure and family support. Furthermore, the HRCA is concerned that children in detention, especially unaccompanied minors, are prevented from seeking appropriate legal remedies and accessing their rights.5

The HRCA calls for children to be removed urgently from closed places of detention and transferred to the community with appropriate care and support.

A human rights based approach must be adopted by private contractors responsible for children in immigration detention

The HRCA advocates for the implementation of a human rights based approach to the work of private contractors involving children affected by the immigration system, whether the children are in detention or in the community. The HRCA believes that the treatment of children in detention and the protection of their rights can be significantly improved and safeguarded by an adherence to a human rights based approach – including when private contractors are charged with the care of children.

The HRCA has long advocated for the implementation of business and human rights principles6 in the context of immigration detention. Under international law, Australia has obligations to ensure human rights vis-à-vis businesses, including those operations overseas in Nauru and Manus Island. The HRCA believes there are opportunities for educating and negotiating with businesses that are contracted to run immigration detention facilities, in order to facilitate the adoption of business and human rights principles in practice.

By way of example, in 2005 the HRCA joined the Brotherhood of St Lawrence and other concerned NGOs to lodge a complaint7 (attached to this letter) against Global Solutions Ltd (GSL) (a UK based company that was the immigration detention centre operator at the time) under the OECD Guidelines for Multinational Corporations.8 The complaint was the first in Australia under the Guidelines and resulted in the company accepting the value of applying human rights principles to its operations.9

The complaint to the OECD Contact Points in the UK and Australia was made to improve the administration and operation of immigration detention services within a human rights framework and resulted in a number of reforms.10 In relation to the rights of children, the complaint identified a number of breaches of the CRC including a breach of article 37(a) and
37(b) - where there is an absence of legal limits to the prolonged and indefinite detention, detention will be arbitrary and could amount to cruel, inhuman or degrading treatment. The complaint also identified breaches of the CRC in relation to the treatment of children, their safety and security, and the provision of services. Following the complaint there was a change in Government policy that saw children removed from detention. Nevertheless, GSL made positive changes to its protocols, procedures and practices.

The HRCA believes that improvements should be made to the human rights literacy of private contractors who work with children in immigration detention facilities by:

- providing human rights training for staff with a focus on children’s rights
- carrying out human rights impact assessments
- including human rights criteria in tender applications
- ensuring human rights standards are built into contracts with the Department of Immigration and Border Protection and
- developing, implementing and monitoring human rights standards against performance.

The Danish Human Rights Institute has developed a number of tools to assist businesses in this regard, including a tool focused on children’s rights.11

While encouraging private contractors to exercise human rights due diligence by giving effect to international instruments on business and human rights12, the HRCA acknowledges and reiterates that the act of detaining children for immigration is undoubtedly of itself a breach of their rights. A human rights based approach to the delivery of services to children who are detained cannot remove the violation of their human rights. It can only ameliorate the effects.

**Australia must ratify the Third Optional Protocol to the CRC**

Children who are or have been detained in closed immigration facilities will have had one or more of their rights breached under the CRC. According to human rights principles, including the right to access justice, children whose rights have been breached under the CRC must be afforded a remedy.13

Children have the right to be properly compensated through the Australian civil justice system for harm that has occurred as a result of their detention. Noting, however, the failure of the Australian legal system to date in ensuring this right, the HRCA considers it essential that children who have exhausted all domestic remedies should be able to bring a complaint to a United Nations treaty body with specialist knowledge and child-friendly procedures.

The Third Optional Protocol to the CRC (OP-3)14 establishes an individual communication (complaint) procedure tailored for individual children and groups of children to enable them to complain about violations of their rights under the CRC, directly or through representatives at an international level. The OP-3 also sets up an inquiry mechanism, which allows the CRC Committee to investigate grave or systematic violations of children’s rights in a country.

The OP-3 entered into force on the 14 April 2014 – 3 months after Costa Rica was the 10th signatory to ratify. Currently 45 countries are signatories. Despite being an early signatory to the CRC and its earlier optional protocols, Australia has not signed or acceded to the OP-3. If Australia were to become a party to the OP-3, any alleged violation of a child’s right that occurs after 14th April 2014 and is not resolved though our national legal system15 could be referred to the CRC Committee for its views and recommendations, and in turn a response from the Australian Government. In the context of the 1000 children currently held in Australia’s immigration detention network and the number of complaints brought by asylum
seekers under four other treaty body communication procedures, the OP-3 would provide a much needed accountability mechanism and an additional avenue for redress specifically directed to the needs of children. It would also contribute to the development of jurisprudence focusing on children’s rights. The HRCA urges the Australian Government sign and ratify the OP-3 as a matter of priority.

We thank you for your initiative in establishing this Inquiry and commend your staff for their efforts in working quickly and diligently within a short timeframe, recognising the urgency and special vulnerability of children currently in detention. We hope that the Inquiry will have a significant, sustained impact on the lives of children and that there should not be a need for another inquiry of this kind in the future.

Should you or your staff wish to discuss this matter, please do not hesitate to contact me on (02) 8233 0300 or at a.naylor@mauricebyers.com.

Yours sincerely

Andrew Naylor
Chairperson
Human Rights Council of Australia Inc.

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1 The members of the HRCA are: James Dunn AO (Convenor), Laurie Berg, Michael Curtotti (Vice-Chair), Mauro Di Nicola (Secretary), Patrick Earle, Dr Roger Gurr, Dr Jeff Kidder, Professor David Kinley, Benjamin Lee, Sanushka Mudaliar, Andrew Naylor (Chairperson), Sister Pat Pak Poy, Kathy Richards, Chris Sidoti (Executive Director), Harris van Beek (Treasurer) and Patrick Walsh.


3 The HRCA notes concerns raised about the age assessment procedures used to determine and classify adults and children and the possibility of children being treated as adults in detention.

4 Article 2(1) of the Convention on the Rights of the Child provides that the Convention applies to all children within their jurisdiction without discrimination.

5 The HRCA is also concerned that the current guardianship laws designating the Minister of Immigration as the legal guardian of unaccompanied minors is incompatible with a human rights based approach, as it raises a conflict of interest which could lead to decisions being made that are not in the best interests of the child.


8 The OECD Guidelines for Multinational Corporations were first adopted in 1976 and have been reviewed 5 times. The Guidelines are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The Guidelines are supported by a unique implementation mechanism of National Contact Points (NCPs), agencies established by adhering governments to promote and implement the Guidelines. The NCPs assist enterprises and their stakeholders to take appropriate measures to further the implementation of the Guidelines. They also provide a mediation and conciliation platform for resolving practical issues that may arise. The office of the Australian NCP is located in the Treasury. At http://mneguidelines.oecd.org/text/.


12 The UN Framework for Business and Human Rights, the “Protect, Respect and Remedy” Framework and the Business and Human Rights Principles outline the State Duty to Protect individuals against human rights abuses by third parties including businesses, the corporate responsibility to respect human rights and greater access for victims to access judicial and non-judicial remedies.

13 Under international human rights law there is a duty to provide an effective remedy to victims where their rights have been breached. See Article 2(3) of the International Covenant on Civil and Political Rights, 16 December 1966; Office of the High Commissioner of Human Rights, Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of international Humanitarian Law, Adopted by General Assembly resolution 60/147 of 16 December 2005.

14 Third Optional Protocol to the Convention to the Rights of the Child was adopted by the UN General Assembly on 19 December 2011. The full text is available at: https://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf.

15 Article 7(e) of the Third Optional Protocol requires individuals to exhaust all domestic remedies before their communication will be considered by the CRC Committee.
The complainants – Rights & Accountability in Development (RAID), the Human Rights Council of Australia, Children Out of Detention (ChilOut), the Brotherhood of St Laurence and the International Commission of Jurists (ICJ) – are non-governmental organisations based in the United Kingdom, Australia and Switzerland.

The submission concerns the detention facilities managed by the Global Solutions Ltd (‘GSL’) wholly owned subsidiary in Australia, namely Global Solutions Limited (Australia) Pty Ltd, pursuant to a contract signed between the Australian Department of Immigration and Multicultural and Indigenous Affairs and Group 4 Falck Global Solutions Pty Ltd on 27 August 2003.1 We note that in February 2004 Group 4 Falck Global Solutions changed its name to Global Solutions Limited (Australia) Pty Ltd.2 On 26 May 2004 it was announced that Global Solutions Limited had been sold by Group 4 Falck to private equity firms Englefield Capital and Electra Partners Europe.3 Global Solutions Ltd (Australia) has its head office at the Fawkner Centre, level 16, 499 St Kilda Rd, Melbourne, Victoria 3004. The activities of GSL (Australia), a subsidiary of the British multinational, fall under the jurisdiction of the Australian National Contact Point (NCP).

Background
GSL’s subsidiary, Global Solutions Limited (Australia) Pty Ltd, operates the following immigration facilities for the Australian Government through a contract with the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA):

1. Maribyrnong Immigration Detention Centre (IDC) (as of 1 December 2003)
2. Perth IDC (as of 8 December 2003)
3. Port Hedland IDC (as of 15 December 2003)
4. Christmas Island Immigration Reception Processing Centre (IRPC) (as of 17 December 2003)
5. Baxter Immigration Detention Facility (IDF), Port Augusta, SA (as of January 2004)
6. Port Augusta Residential Housing Project (RHP), Port Augusta, SA (as of January 2004)
7. Villawood IDC, Sydney (as of February 2004)4

GSL is committed to the Private Finance Initiative and Public Private Partnership (PPP) market. In 2002 47% of GSL’s revenue came from PPP contracts.5

3 http://www.group4falck.com/251000c/base/4a60068
4 List taken from the company’s website http://www.gslglobal.com
5 Group 4 Falck Global Solutions Limited, Annual Report 2002

Note: This PDF file does not include the full text of appendices mentioned in the document
GSL has a human rights policy\textsuperscript{6} which provides that the company’s policies “are guided by respect for the human rights and individual freedoms as laid out in the Universal Declaration of Human Rights.”\textsuperscript{7} The company maintains that “We shall adapt our decision making processes to ensure that human rights considerations are always considered prior to taking action. Where justifiable infringements are necessary we shall take measures which have the least adverse impact on individual rights and shall record our justification for taking such action.”\textsuperscript{8}

The Facts
The complainants allege that GSL (Australia) is in breach of the human rights provision of the OECD Guidelines for Multinational Enterprises which states, “Enterprises should ... respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments” [Chapter II, § 2], for the reasons explained below.

1. GSL (Australia) is in breach of the Guidelines by acquiescing in the detention of children in its immigration detention centres. GSL (Australia) is complicit in violations of the Convention on the Rights of the Child (CROC) for which the Australian Government has been censured [see below]. According to ChilOut, as of 8 June 2005, there were 65 children being held in immigration detention centres in Australia. As of 8 June 2005, the total number of detainees in immigration detention was 936. [Appendix A] Amnesty International Australia calculates that as of 24 May 2005 there were 129 long term (i.e. 18 months or more) or indefinite detainees held in GSL facilities. The latest detainee, baby \textsuperscript{[REDACTED]}, was born in Perth on Monday 23 May 2005. Detaining children is incompatible with the CROC. Article 37 provides that children should only been detained as a last resort and then only for the shortest appropriate period of time. Any detention must be subject to periodic judicial review.

2. GSL (Australia) is complicit in violations of the CROC by detaining children when there is no legal limit on the length of their detention. Some children have spent years in detention. Children living in detention centres run by GSL do not enjoy the full range of rights they are entitled to, including access to full time education, adequate play and leisure areas. Almost one year after a report by the Human Rights and Equal Opportunity Commission (HREOC) called on the Australian Government to release all children from detention, children continue to be held in GSL run centres in a situation which has been shown to be damaging to both their physical and mental health.

3. GSL (Australia), by acquiescing in the mandatory detention of asylum seekers without charge or judicial review, is complicit in subjecting them to a regime of indefinite and arbitrary detention in contravention of article 9 of the International Covenant on Civil and Political Rights. By unjustly penalising asylum seekers the detention regime is punitive and in contravention of article 31 of the 1951 Refugee Convention.

\textsuperscript{6} http://www.gslglobal.com/downloads/human.pdf
\textsuperscript{7} Id page 4
\textsuperscript{8} Id page 5
4. There are reliable recent reports that human rights abuses are taking place in GSL run immigration detention centres, such as the placing of people in isolation as a punishment for alleged lapses of behaviour or for disobeying orders from detention centre staff.

In recent weeks serious cases have come to light: the wrongful detention of [REDACTED] and up to 200 others, the wrongful deportation of [REDACTED] and the eventual release of three-year-old [REDACTED] after being detained for her entire life. Most recently the Federal Court held that the Commonwealth failed in its duty of care to provide adequate psychiatric health care to mentally ill detainees at Baxter.9

5. In view of the foregoing GSL’s claim to be “committed to promoting best practice in human rights in its policies, procedures and practices” cannot be sustained and seriously misrepresents the company’s operations.10

**Compliance with International Human Rights Law**

The detention of asylum seekers and refugees by the government of Australia has been held to be in breach of international human rights law by, amongst others, the following authorities:

1. The Australian Human Rights and Equal Opportunity Commission in its report *The National Inquiry into Children in Immigration Detention Report – A Last Resort?*11 found that being held in detention has caused detained children serious mental health problems or exacerbated existing problems related to prior trauma. It found that insufficient precautions have been taken to promote the physical and psychological recovery of these children. The failure to remove children from immigration detention following recommendations by health care professionals amounts to cruel, inhuman and degrading treatment which is prohibited by international human rights law.12

2. The United Nations Working Group on Arbitrary Detention’s Report13 raises several concerns about the mandatory detention of unauthorised arrivals in Australia including the automatic and indiscriminate character of detention, its potentially indefinite duration, the psychological impact of detention on asylum-seekers, who suffer “collective depression syndrome” and the denial of family unity. The Working Group found that Australia’s system of mandatory detention does not comply with international law.14(Appendix B).

3. A report by P.N. Bhagwati,15 Regional Adviser for Asia and the Pacific of the United Nations High Commissioner for Human Rights and former Chief Justice

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9 Amnesty International Australia, Urgent Action UA26/05/05
10 GSL UK Limited Human Rights Policy, October 2003
12 Article 7 International Covenant on Civil and Political Rights
13 [http://www.users.bigpond.com/burnside/UNreport.htm](http://www.users.bigpond.com/burnside/UNreport.htm)
14 Id paragraph 63
of India, found that “the human rights situation of persons in immigration detention in Australia is a matter of serious concern”. A more humane approach to illegal immigration “would certainly be desirable”, and the situation of persons in immigration detention could, in many ways, be considered inhuman and degrading and therefore in violation of international human rights law. Of particular concern was the situation of children in detention, including unaccompanied minors; the unduly long periods spent in detention by some individuals; the lack of family unity and family life; the lack of adequate information to detainees about their rights; the situation of refugees kept in detention after their status had been determined; and the situation of people who have had their applications rejected but cannot be returned home so are kept in detention indefinitely. (Appendix C).

4. In Bakhtiyari et al v. Australia the United Nations Human Rights Committee determined that to hold Mrs Bakhtiyari and her children in detention indefinitely, without appropriate justification, was arbitrary and contrary to article 9, paragraph 1 of the International Covenant on Civil and Political Rights. The Committee further observed that the Bakhtiyari children suffered demonstrable, documented and on-going adverse effects of detention in circumstances where that detention was arbitrary and in violation of article 9, paragraph 1, of the Covenant and that as a result the treatment of the children had not been guided by their best interests and thus their right to such measures of protection as required by their status as minors from article 24, paragraph 1, of the Covenant had been violated.

More specifically, the following aspects of Australia’s policy of detaining immigrants have been criticised and violate international human rights law:

According to Australian law on immigration, anyone who enters the country without a visa is automatically detained. The detention is mandatory by simple virtue of having no visa and no other circumstances of the person (such as the age, health, disability, family situation or whether the person is an unaccompanied minor) are taken into account. There is ministerial discretion to release certain persons, but these decisions of the minister cannot be reviewed by courts. As the Working Group on Arbitrary Detention has noted: “The system of mandatory detention sets up a presumption whereby each unlawful non-citizen, if not detained, represents a danger to the community, even in cases when the implementation of this system results in the detention of children, elderly or sick people and others in a vulnerable situation, the detention of whom is obviously not absolutely necessary to achieve the aims of the immigration policy. Since this presumption is irrefutable, even when the immigration agent is convinced that in a particular case detention is unnecessary, he or she may not disregard the mandatory character of detention.”

17 Paragraphs 9.4 and 9.5
18 Paragraph 9.7
The detention is mandatory: Any immigrant in an unlawful situation (i.e. without a regular visa) is taken into detention, regardless of his or her personal circumstances.

This legal provision violates the prohibition of arbitrary detention enshrined in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR). As the UN Human Rights Committee has stated, detention of individuals requesting asylum is not per se arbitrary. However, “every decision to keep a person in detention should be open to review periodically so that the grounds justifying the detention can be assessed. In any event, detention should not continue beyond the period for which the State can provide appropriate justification”, i.e. detention that is proportionate to the personal situation of the detainee, such as the likelihood of absconding or lack of cooperation. But if no personal circumstances are taken into account, the detention is arbitrary within the meaning of article 9 paragraph 1 ICCPR.20

Alternative and non-custodial measures, such as reporting requirements, should always be considered before resorting to detention.21 In the case of a mother and two children detained over two years and ten months on the mere basis of their unlawful situation, the Committee considered that since “the State party ha[d] not demonstrated that other, less intrusive, measures could not have achieved the same end of compliance with the State party’s immigration policies by, for example, imposition of reporting obligations, sureties or other conditions which would take into account the family’s particular circumstances.”22

The detention is indefinite. If a person’s application for a visa is rejected, that person can be removed from the territory. However, pending removal, the person remains in detention and this detention, in most cases, becomes indefinite for many of the detainees who come from countries to which the Government cannot or is unwilling to return them, either because the country of their nationality is unwilling to take them back or because they are stateless. These detainees are held indefinitely, not knowing if they will ever be released. The longest detention so far has been that of [redacted] who has been in detention for six and a half years, and is facing lifetime detention. [redacted] is currently being held in Baxter detention centre. Last month, government backbencher Petro Georgiou named [redacted] when he spoke out in parliament about the mandatory detention policy. Georgiou said “the bottom line is that you have a person who nobody


argues is a threat to Australian society who nobody argues that they don’t know who he is, and he has been detained for 6 ½ years” (Appendix D).

Indefinite detention is inherently arbitrary in character and violates article 9 UDHR and article 9 ICCPR. Indeed, according to article 9 ICCPR, any detention has to be necessary, proportionate and reasonable. The Working Group on Arbitrary Detention has expressed particular concern about the practice of indefinite detention is Australia. The Human Rights Committee has criticized administrative detention of foreign nationals without a residence permit in another country “for three months while the decision on the right of temporary residence is being prepared, and for a further six months, and even one year with the agreement of the judicial authority, pending expulsion. The Committee note[d] that these time-limits are considerably in excess of what is necessary, particularly in the case of detention pending expulsion”. The Australian regulation leads to much longer detention for foreigners. In light of its experience in visiting many detention centres, including detention centres for foreigners, the Working Group on Arbitrary Detention has stated that as a general rule to prevent abuse in administrative detention, “[a] maximum period should be set by law and the custody may in no case be unlimited or of excessive length.”

In the case of Australia, the Working Group has recommended that: (i) A reasonable time limit for detention should be set, after which the person would be given a bridging visa and lodged with family or friends, or in a reception centre located in an urban area; (ii) Persons able to provide credible guarantees (relatives with Australian nationality, family residing legally and permanently in Australia, benevolent organizations providing sponsorship or acting as guarantors, etc.) should be released and received in the community while waiting for a decision. In the case of a negative decision, the person should be detained pending removal only if he/she refuses to leave voluntarily; (iii) every family one of whose members – particularly a father who has arrived first – has been granted a bridging visa should be reunited in the community while awaiting the final decision concerning the whole family.

There is no effective legal remedy against the detention: The remedy of habeas corpus is in theory available to detainees and the Australian government claims that this satisfies the requirements of article 9 ICCPR, according to which everyone has a right to have the lawfulness of one’s detention reviewed by law. However, judicial remedy is only meaningful if the person has the possibility to obtain relief. But Australian courts have no

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26 Concluding Observations of the Human Rights Committee: Switzerland, CCPR/C/79/Add.70, para. 15.
discretion to release; they can only rubber stamp the administration’s decision to detain, because, as explained, the detention is mandatory if a person is in an irregular situation. Such a merely formal remedy does not satisfy the right of judicial review of detention under international law, because it does not provide the detainee with any meaningful possibility to defend his or her right to liberty. As the Human Rights Committee has stated in the case of Australia:

“In the Committee’s opinion, court review of the lawfulness of detention under article 9, paragraph 4, which must include the possibility of ordering release, is not limited to mere compliance of the detention with domestic law. While domestic legal systems may institute differing methods for ensuring court review of administrative detention, what is decisive for the purposes of article 9, paragraph 4, is that such review is, in its effects, real and not merely formal. By stipulating that the court must have the power to order release “if the detention is not lawful”, article 9, paragraph 4, requires that the court be empowered to order release, if the detention is incompatible with the requirements in article 9, paragraph 1, or in other provisions of the Covenant. […] As the State party’s submissions in the instant case show that court review available to A was, in fact, limited to a formal assessment of the self-evident fact that he was indeed a “designated person” within the meaning of the Migration Amendment Act, the Committee concludes that the author’s right, under article 9, paragraph 4, to have his detention reviewed by a court, was violated.”

Similarly, the Working Group on Arbitrary Detention has stated that “[a]ny asylum-seeker or immigrant placed in custody must be brought promptly before a judicial or other authority.” It has also held that “[n]otification of the custodial measure must be given in writing, in a language understood by the asylum-seeker or immigrant, stating the grounds for the measure; it shall set out the conditions under which the asylum-seeker or immigrant must be able to apply for a remedy to a judicial authority, which shall decide promptly on the lawfulness of the measure and, where appropriate, order the release of the person concerned.” Judicial review is also a fundamental safeguard against torture or other forms of ill-treatment.

*Indefinite detention can amount to cruel, inhuman or degrading treatment:* The prospect of spending an indefinitely long time in detention until a solution is found has detrimental effects on the physical health and mental integrity of the detainees concerned. The delegation of the Working Group on Arbitrary Detention who visited Australia “met a considerable number of detainees in such a situation who manifested the signs of deep mental depression, distress, and even various physical ailments. Many of them have

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32 Conclusions and recommendations: Israel, A/57/44, paras.47-53.
caused serious harm to themselves or attempted to commit suicide. Some detainees succeeded.\textsuperscript{33}

One of such cases has come before the Human Rights Committee, which considered that there was a violation of the applicant’s right not to be tortured or submitted to cruel, inhuman or degrading treatment, guaranteed in article 7 ICCPR:

“As to the author’s allegations that his first period of detention amounted to a breach of article 7, the Committee notes that the psychiatric evidence emerging from examinations of the author over an extended period, which was accepted by the State party’s courts and tribunals, was essentially unanimous that the author’s psychiatric illness developed as a result of the protracted period of immigration detention. The Committee notes that the State party was aware, at least from August 1992 when he was prescribed tranquillisers, of psychiatric difficulties the author faced. Indeed, by August 1993, it was evident that there was a conflict between the author’s continued detention and his sanity. Despite increasingly serious assessments of the author’s conditions in February and June 1994 (and a suicide attempt), it was only in August 1994 that the Minister exercised his exceptional power to release him from immigration detention on medical grounds (while legally he remained in detention). As subsequent events showed, by that point the author’s illness had reached such a level of severity that irreversible consequences were to follow. In the Committee’s view, the continued detention of the author when the State party was aware of the author’s mental condition and failed to take the steps necessary to ameliorate the author’s mental deterioration constituted a violation of his rights under article 7 of the Covenant.”\textsuperscript{34}

\textit{Mandatory and indefinite detention of children}: Many among the detainees are children, even if the government has reduced their number. Their detention not only violates the right to liberty but also their right to special protection as minors guaranteed in article 24 of the ICCPR. If it is mandatory, it automatically violates article 3 (1) of the CROC, which requires that in all actions concerning children, the best interest of the child shall be a primary consideration. This necessarily warrants an assessment of the personal circumstances of the child, which is not the case if the detention is mandatory. Mandatory and indefinite detention also violates the obligation of article 37 (b) of the CROC, which stipulates that detention of children “shall be used only as a measure of last resort and for the shortest appropriate period of time”. In the case of \textit{Bakhtyiari v. Australia}, the Human Rights Committee observed that

“in this case children have suffered demonstrable, documented and on-going adverse effects of detention […], and in particular the two eldest sons, up until the point of release on 25 August 2003, in circumstances where that detention was arbitrary and in violation of article 9, paragraph 1, of the Covenant. As a result, the Committee considers that the measures taken by the State party had not, until the Full Bench of the Family Court determined it had welfare jurisdiction with respect to the children, been guided by the best interests of the children, and thus revealed a violation of


article 24, paragraph 1, of the Covenant, that is, of the children’s right to such measures of protection as required by their status as minors up that point in time.”

**Conditions in immigration detention:** Conditions in immigration detention centres are not only similar to conditions in criminal prisons, they are worse. Persons convicted of crimes have access to education in prison, to psychiatric monitoring, to career development advice, to recreational facilities, to meaningful work, to adapted conditions for persons with disabilities. Immigration detainees benefit from none of these facilities. They are left without the possibility of education except very basic English language teaching, without adequately remunerated and meaningful work, and without adequate recreational facilities. The Working Group on Arbitrary Detention noted that “[s]everal detainees who had been in both situations told the delegation that their time in prison had been less stressful than the time spent in the centres.”36 The consequences for the detainees, such as depression, “collective depression syndrome”, self-mutilation and numerous suicide attempts have been largely documented.37 Such situations may amount to violations of article 10 paragraph 1 of the ICCPR, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. For the Committee, this is a “fundamental and universally applicable rule […] [that] must be applied without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” 38 It may also amount to cruel, inhuman or degrading treatment in violation of article 7 ICCPR, article 37 CROC and article 5 UDHR.

Various relevant reports have been compiled by Amnesty International and Amnesty International Australia (AIA): the most recent being a Fact Sheet on Mandatory Detention of Asylum Seekers39 which explains that the nature of detention – ongoing and prolonged with no notification of release – amounts to a serious violation of the rights to liberty and freedom from arbitrary detention. AIA also makes the point that the detaining of those who arrive in Australia without valid documentation to seek protection from persecution or torture is contrary to the 1951 Convention on the Rights of Refugees (‘Refugee Convention’). These asylum seekers should not be discriminated against on the basis of their lack of valid documentation. (Appendix E).

**Compliance with the OECD Guidelines**

In the light of the foregoing it is reasonable to conclude that GSL as the manager of the immigration facilities has perpetrated and/or participated in these human rights violations. In April 2005, the complainants wrote to Peter Olszak, the Chief Executive of Global

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38 General Comment No. 21: concerning humane treatment of persons deprived of liberty, para. 4.
Solutions Limited (Australia) Pty Ltd and to Stephen Brown, the Chief Executive of Global Solutions Ltd. [Appendix F].

The complainants reminded GSL of the provision in the OECD Guidelines that strongly recommends companies to respect the human rights of those affected by its activities consistent with the Australian government’s international obligations and commitments.\(^{40}\)

It was pointed out that the activities of GSL directly affect the detainees in the immigration detention centres managed by GSL’s Australian subsidiary as it was the company’s policy to take on and fulfil an Australian government contract to provide services that have been widely criticised as breaching principles and specific provisions of international human rights law. GSL therefore had a duty to respect the detainees’ rights, failure to so do being a contravention of the OECD Guidelines and its own human rights policy. The complainants invited the company to explain GSL’s role in the violations of international human rights law that have taken place and continue to take place in Australian immigration detention facilities managed by GSL’s Australian subsidiary, namely:

- The failure to remove children from immigration detention following recommendations by health care professionals, in contravention of article 7 of the International Covenant on Civil and Political Rights.
- The violations of the rights of child asylum seekers to such measures of protection as required by their status as minors, in contravention of article 24, paragraph 1, of the International Covenant on Civil and Political Rights.
- The automatic and indiscriminate character of detention of asylum seekers, in contravention of article 9 of the International Covenant on Civil and Political Rights.
- The indefinite nature of detention of asylum seekers including those who have failed in their applications for recognition as refugees, in contravention of article 9 of the International Covenant on Civil and Political Rights.
- The penalising of asylum seekers who enter Australia without valid documentation, in contravention of article 31 of the Refugee Convention.

The complainants explicitly asked the company whether it considered the decision “to take on and fulfil the contract to manage facilities where ongoing violations are taking place”\(^{41}\) to be a ‘justifiable infringement’\(^{42}\) and if so, we would like to see your record of

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\(^{40}\) The international obligations are found in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Covenant on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of All Forms of Racial Discrimination. Australia is a State party to all six instruments and as such the provisions of the instruments are legally binding on Australia.

\(^{41}\) The second and third reports mentioned above, being the Working Group and the Bhagwati reports, had already been published prior to the signing of the contract on 27 August 2003. Amnesty International Australia released its comprehensive report on mandatory detention, *A Continuing Shame: The mandatory detention of asylum-seekers* in June 1998. GSL could and should therefore have made itself aware of the finding that the Australian system of mandatory detention breaches international human rights law.

\(^{42}\) GSL Human Rights Policy page 5
justification for taking this action and to learn how you have taken measures which have
the least adverse impact on the rights of the detainees”.

Company’s Response

In its response to the complainants GSL made the following points:

1. The provision of detention services is governed by a set of Immigration Detention
Standards “which were developed and are constantly reviewed, in consultation
with the Commonwealth Ombudsman, the United Nations High Commissioner
for Refugees, the Immigration Detention Advisory Group and our customer, the
Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)
amongst others”.
2. The legislation which enables government officials to detain individuals is
transparent and open to close scrutiny and is a matter which may be challenged in
the courts and has been.
3. The company is satisfied that the thorough monitoring of these high profile
contracts ensures the laws governing such activities are observed and fully
complied with.
4. GSL staff are committed to the welfare of the detainees and every effort is made
to recruit, train, manage and motivate them to deliver the high standards of service
required [Appendix H].

Conclusions

From the above it is clear that GSL (Australia) knowingly entered into a contract when
the Government of Australia’s policy of mandatory detention of asylum seekers and the
detention of children had already been the subject of international, public criticism by
human rights bodies including the Human Rights and Equal Opportunity Commission
(HREOC) and the United Nations Working Group on Arbitrary Detention.

Failure to take measures to prevent adverse human rights impacts

Despite the findings and recommendations of these authoritative human rights bodies, the
contract of GSL (Australia’s) bound the company to detain “unlawful non-citizens” when
required to do so by DIMIA. After examining the contract the complainants could not
find any clause to protect the company from the risk of aiding and abetting the
Government of Australia in breaches of international law. Below are examples of clauses
that GSL (Australia) might have inserted into its agreement to avoid breaching the human
rights provision of the OECD Guidelines.

a) To avoid breaching Art 9 of the International Covenant on Civil and Political
Rights, GSL (Australia) should have requested the insertion of, for example, the
following clause in the Contract:

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43 Id page 5
“GSL (Australia) will not be required to provide Detention Services where the “unlawful non-citizen” has no reasonable prospects of being removed from detention.”

b) To avoid breaching Art 37(a) of the Convention on the Rights of the Child, GSL should have requested the insertion of, for example, the following clause in the Contract:

“GSL (Australia) will not be required to provide Detention Services where a health professional has recommended that a child “unlawful non-citizen” be removed from detention.”

The absence of such exemptions and caveats in the contract lead the complainants to conclude that GSL (Australia) failed to take any measures to ensure that its operations would have “the least adverse impact on the rights of the detainees”.

Conformity with international human rights obligations—Supranational applicability

Since assuming responsibility for the immigration detention centres GSL (Australia) has facilitated the Government of Australia’s violations of international human rights law by acquiescing in the continuing mandatory detention of asylum seekers without charge or judicial review. According to DIMIA, there are currently 936 people held in mandatory detention. GSL’s contention that “the legislation enabling government officials to detain individuals is transparent, and open to close scrutiny and may be challenged in the courts and has been” ignores the fact that international bodies, with the authority and competence to interpret international law, have repeatedly found Australia to be in violation of its human rights obligations. In its response, GSL refers to two High Court judgments:

On 6 August 2004, the High Court delivered two separate judgements overturning previous Full Federal Court authority and confirmed in both that the provisions of the Migration Act providing for detention of unlawful non citizens are clear in their terms and are not subject to implied limitations. The Court confirmed that the language of the Migration Act is unambiguous and the detention remains lawful until either removal, deportation or granting of a visa to an unlawful non citizen.44

GSL’s response seems to assume that to state that GSL (Australia’s) operations are permitted by Australian law is a defence to a claim unlawfulness under international law. But as RAID has pointed out elsewhere this is based on a partial reading of Guidelines:

It is sometimes supposed that an enterprise need only abide by national laws. However, such an interpretation ignores the supranational aspect of the Guidelines … It is recognised in the

44 Letter from Tim Hall, Director Public Affairs, GSL to Patrick Earle, Human Rights Council of Australia 2 May 2005.
Guidelines that ‘Governments have the right to prescribe the conditions under which multinational enterprises operate within their jurisdictions’; yet this right is qualified as ‘subject to international law’.\(^{45}\) Hence explicit recognition is given to the application of overarching obligations. At the same time, ‘the entities of a multinational enterprise located in various countries are subject to the laws applicable in these countries.’\(^{46}\) However, the perception that companies need only comply with national laws is based on a partial interpretation of the Guidelines. While they are not viewed as a substitute for national law and practice, the recommendations within the Guidelines are perceived in supplementary terms and the expectation is that companies will adhere to them.\(^{47}\) After all, their raison d’être is the need for standards applicable across national boundaries to mirror the organisation and operation of multinationals. The fact that there are explicit references in the text and commentary to international human rights and labour instruments itself strengthens a supranational interpretation of the Guidelines.\(^{48}\)

It is the Australian NCP that has jurisdiction to determine whether GSL has breached the OECD Guidelines, and the breach is to be determined by reference to the rules in those Guidelines, not simply by reference to other rules (e.g., domestic law). While the Guidelines permit States to determine the content of domestic laws, governing the operation of corporations such as GSL, that right is explicitly made subject to international law.\(^{49}\) The human rights provision of the OECD Guidelines\(^{50}\) requires conformity with international obligations, not merely with domestic laws. The Guidelines do not on their face permit a defence of ‘domestic compliance’ to a charge of international breach. Finally, it is well settled that a state cannot rely on its domestic law as a defence to a claim of breach of international law.\(^{51}\) By extension, this rule applies to individuals and corporations charged with breaches of international law.\(^{52}\) Thus, a defence of ‘domestic compliance’ cannot be implied into the OECD Guidelines.

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\(^{45}\) Ibid., I. Concepts and Principles, paragraph 7.
\(^{46}\) Ibid.
\(^{47}\) Commentary on the Guidelines, op. cit., Commentary on General Policies, paragraph 2.
\(^{48}\) RAID, Unanswered Question: Companies, conflict and the Democratic Republic of Congo June 2004 p
\(^{49}\) The Guidelines, paragraph 7 of Part I ‘Concepts and Principles’: “Governments have the right to prescribe the conditions under which multinational enterprises operate within their jurisdictions, subject to international law” (emphasis added).
\(^{50}\) “Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.”
\(^{51}\) Alabama Claims Arbitration (US v GB), Moore (1872) 1 Int Arb 495, 656; Exchange of Greek and Turkish Populations Case (Advisory Opinion) (1925) PCIJ Reports, Ser B, No 10, 20; Applicability of the Obligation to Arbitrate (1988) ICJ Reports 12, 34 [57].
\(^{52}\) Brownlie, Principles of Public International Law, 4th ed (1990), 37.
Monitoring by domestic bodies insufficient to assure conformity with international human rights

The fact that GSL (Australia’s) operations are monitored by government bodies is irrelevant. Furthermore, GSL’s response suggests that it is unaware that complicity in a state’s human rights violations is not removed through domestic court decisions. Complicity is assessed according to international law. GSL makes no mention of the fact that Australia’s national independent human rights institution (which satisfies the Paris Principles) is able to make findings as to breaches of international law and has done so on several occasions.53

Allegations of human rights violations at GSL run detention centres

GSL’s assertion that the company’s staff are committed to the welfare of the detainees and that every effort is made to recruit, train and manage them to deliver high standards of service fails to address the serious allegations of continuing human rights abuses at the detention centres it runs. Almost one year after a report by HREOC calling on the Government of Australia to release children from detention, 65 children are still in detention. It would be appropriate for the Australian NCP to inquire what steps GSL is taking to ensure that through its operations it is no longer facilitating the detention of children. It would also be relevant for the NCP to inquire what action GSL has taken to ensure that the physical and mental wellbeing of children held in detention is being addressed. The Australian NCP should ask GSL (Australia) about Amnesty International Australia’s recent report 54 alleging that there is inadequate health care in the Christmas Island detention centre where a number of detainees experience mental health problems. The NCP should request GSL (Australia) to respond to the concerns that have been recently expressed about the treatment of detainees at Baxter, where several detainees were injured as fights broke out at the centre, during which the guards allegedly failed to intervene. There are also reports that detainees were denied food and access to toilets during a 7-hour journey from Maribynong in Victoria to Baxter in South Australia. Further, the NCP should inquire into GSL’s placing of uncooperative detainees in various states of solitary confinement, effectively as “punishment” when it is only the judicial arm of government that has the power “to punish”.

GSL (Australia) as a specific instance—GSL investing in Australia

GSL Australia has established an extensive network of investments and businesses in Australia. These include the management of detention centres as identified in this submission, as well as:

54 Amnesty International Australia, Refugee Bulletin Issue 11 April 2005
• Prisons (maximum security Port Phillip Prison in Melbourne for the Victorian Government, and low/medium security Mount Gambier Prison for the South Australian Government);
• Security at the Thomas Embling Hospital (a forensic care facility for the treatment of mental disorders associated with criminal behaviour);
• Prisoner Movement and In-Court Management for the South Australian Government;
• Prisoner Transportation Services for the Victorian Government;
• Medical Transport Services in Victoria: non-emergency ambulance services.

Collectively, the entire operations employ 1064 employees in Australia as broad-based support services businesses. Whilst the OECD Guidelines for Multinational Enterprises do not give a precise definition of multinational enterprises, “they describe some general criteria covering a broad range of multinational activities and arrangements. These arrangements can include traditional international direct investment based on equity participation, or other means which do not include an equity capital element”\textsuperscript{56}. GSL Australia invests and manages its equity through both Public-Private partnerships (PPP) and Private Finance Initiatives (PFI)\textsuperscript{57}. This is a clear demonstration of an investment nexus, and as such, requires the Australian NCP to investigate – as a ‘specific instance’, their activities under the OECD Guidelines.

In addition, the OECD Guidelines make reference to the “activities of multinational enterprises, through international trade and investment… bring substantial benefits to home and host countries. These benefits accrue when enterprises supply the goods and services [emphasis added] that consumers want to buy at competitive prices and when they provide fair returns to the suppliers of capital. Their trade and investment activities contribute to the efficient use of capital, technology and human and natural resources.”\textsuperscript{58} GSL Australia is clearly supplying a service to DIMIA as a result of the companies’ investment. Further, they are contributing to the development of, and investing in human capital through the provision of “extensive training prior to starting their employment and then throughout their careers ensures that management and staff fully understand their responsibilities under the contract and the unique nature of administrative detention.”\textsuperscript{59}

\textit{Misrepresentation}

Finally, GSL is proud of the fact that it has been a pioneer of Public Private Partnerships (PPP) “enabling governments to share investment risk and responsibility amongst their partners” (emphasis added).\textsuperscript{60} In view of the overwhelming body of expert legal opinion that the Government of Australia’s policy of mandatory detention without charge or

\textsuperscript{55} \url{http://www.gspl.com.au/gsl/about_us.asp}
\textsuperscript{56} The OECD Guidelines for Multinational Enterprises, chapter 1, Concepts and Principles (clarifications)
\textsuperscript{57} \url{http://www.gspl.com.au/gsl/about_us.asp}
\textsuperscript{58} The OECD Guidelines for Multinational Enterprises-Preface
\textsuperscript{59} \url{http://www.gspl.com.au/gsl/contracts/contracts.asp}
\textsuperscript{60} Introduction to GSL at \url{http://www.gslglobal.com/press_centre/introduction.asp}
judicial review amounts to arbitrary indefinite detention and the well-substantiated
corns about ongoing human rights violations in the immigration detention centres
managed by GSL, the complainants believe that the company’s claim to be “committed to
promoting best practice in human rights in its policies, procedures and practices”\(^{61}\) cannot
be sustained. GSL (Australia) is therefore also in breach of the Consumer Interests
provision, paragraph 4, Chapter VII of the OECD Guidelines which calls on enterprises
"Not to make representations or omissions, nor engage in any other practices, that are
deceptive, misleading, fraudulent, or unfair".

**Recommendations**

The complainants would like to propose the following recommendations for the future
conduct of GSL (Australia) to bring the company’s operations into compliance with the
OECD Guidelines.

**Children in Detention**

1. The Convention on the Rights of the Child (CROC) requires that all children are
detained only as a “measure of last resort and for the shortest appropriate period
of time”\(^{62}\) and that in “all actions concerning children” the “best interests of the
child shall be a primary consideration”\(^{63}\).

   In order to avoid future breaches of CROC, GSL (Australia) should, as a
minimum, seek assurance from DIMIA that, for all detained children:

   (a) all alternatives to detention were fully explored by DIMIA prior to the
decision to detain;
   (b) the child is being detained as a measure of last resort;
   (c) detention has been, and will be for the shortest appropriate period of time;
   (d) there will be continuing review of the need for detention of the child; and
   (e) in all cases, the best interests of the child have been and will continue to
be the primary consideration.

2. In the event of any of the above not being assured by DIMIA in respect of a
particular child, GSL (Australia) should, as a minimum, refuse to detain, or refuse
to continue to detain, that child.

3. It should be a term of the contract between DIMIA and GSL (Australia) that GSL
is not required to detain a child if the above minimum requirements are not met.

**Indefinite and Arbitrary Detention**

\(^{61}\) GSL UK Limited Human Rights Policy, October 2003
\(^{62}\) CROC, Art 37(b).
\(^{63}\) CROC, Art 3.
4. GSL (Australia) should, as a minimum, seek assurance before the detention of any “unlawful non-citizen” that the person is not an indefinite detainee.

An indefinite detainee is a person who (a) cannot be removed from Australia due to their lack of nationality or the refusal or their state of nationality to accept them; (b) is not granted a visa by DIMIA.64

5. GSL (Australia) should, as a minimum, require DIMIA to notify GSL (Australia) if any “unlawful non-citizen” is determined to be an indefinite detainee. If that occurs, GSL should refuse to continue to detain that person.

6. It should be a term of the contract between DIMIA and GSL (Australia) that GSL is not required to detain a person who is an indefinite detainee.

7. GSL (Australia) should refuse to detain or to continue to detain any person for lengthy and unreasonable periods, unless a Court has reviewed that detention and determined that longer detention is appropriate, necessary and not arbitrary in light of the person’s personal circumstances. Where a Court determines that the person’s detention may be prolonged, GSL (Australia) should refuse to continue to detain such a person unless there is periodic review of the necessity and appropriateness of the detention.

8. GSL (Australia) should refuse to continue to detain any person who has already been detained for an unreasonable period, unless the detention is determined by a Court to be appropriate, necessary and not arbitrary in light of the person’s personal circumstances. Where a Court determines that the person’s detention may be prolonged, GSL (Australia) should refuse to continue to detain such a person unless there is periodic review of the necessity and appropriateness of the detention by a court of law.

9. GSL (Australia) should, as a minimum refuse to continue to detain any person unless assured by DIMIA that there is continuing appropriate justification for it.65

General

10. GSL (Australia) should, as a minimum, seek the advice of HREOC as to what actions GSL should take in order to ensure compliance with international human rights law.

11. GSL (Australia) should ensure that at all times it acts in accordance with the interpretations, decisions or views of any United Nations body responsible for

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64 Such detainees are a result of s 196 and 198 of the Migration Act, and the High Court’s reasons in Al-Kateb v Godwin. Section 196 requires detention until either (a) or (b) is satisfied. Where neither (a) nor (b) can be satisfied in a particular case, the “unlawful non-citizen” remains in detention indefinitely.

interpreting any international human rights convention, or for deciding whether there has been a breach of any international human rights convention.

12. If any United Nations body responsible for deciding whether there has been a breach of any international human rights convention determines that a particular person’s detention breaches any international human rights convention, GSL (Australia) must refuse to continue to detain that person under the conditions which lead to a finding of breach.

13. GSL (Australia) should, as a minimum, ensure that a clause in its contract with DIMIA is to the effect that: “GSL is not required to do any act, or refrain from doing any act where that act or omission would be contrary to international human rights law”.

14. GSL (Australia) should ensure that where it is responsible for the provision of health, housing, education and recreation for detainees, those services meet international human rights standards.

15. If DIMIA refuses to allow GSL (Australia) to alter current contractual obligations so that GSL can meet its international human rights obligations, GSL must, in order to comply with the OECD Guidelines, not provide detention services to DIMIA.

16. That the Australian NCP, in accordance with its own guidelines for hearing a complaint, establishes an expert panel with representation from the complainants, or their nominated representatives, to provide advice during the investigation of the ‘specific instance’ against GSL (Australia).

Appendices

Appendix A: ChilOut statistics (hard copy available)
Appendix B: http://www.users.bigpond.com/burnside/UNreport.htm
Appendix E: www.amnesty.org.au/whats_happening/refugees/resources/fact_sheets/mandator...2/06/2005
Appendix F: Letter to Peter Olszak GSL (Australia) from HRCA (hard copy available)
Appendix G: Response from Director, Public Affairs, GSL (Australia) to HRCA (hard copy available)

Please note, a hardcopy version of this submission will be posted to the Australian NCP
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