

Pacific Islands Report

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Pacific Islands Development Program, East-West Center
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Reporters Without Borders Decry Gags On Australia Detention Centers

Border Force Act criminalizes exposing conditions in Nauru, Manus camps

AUCKLAND, New Zealand (Pacific Scoop, Aug. 6, 2015) – Australia's Border Force Act, which took effect on 30 June, reflects a disturbing desire to deny access to information about the often deplorable treatment of refugees in detention centres, by classifying this information as "protected" on national security grounds, says Reporters Without Borders.

Approved by the two main political parties, the act provides for two-year jail terms for "entrusted persons" working in Australia's refugee detention centres (including the centres on Manus Island in Papua New Guinea and Nauru), who disclose information about conditions in the centres and how refugees are treated.

Without prior permission from the Department of Immigration and Border Protection, doctors and health professionals working in these centres are now forbidden to talk about the conditions in which asylum-seekers are being held and to report any abuses or human rights violations.

They are nonetheless the only people who could act as whistleblowers about what is going on in these centres, to which the public has no access.

"We firmly condemn this act, which effectively censors all sources of information about the problematic issue of refugees in Australia," said Benjamin Ismail, head of the Reporters Without Borders Asia-Pacific desk.

"Doctors and other care personnel are potential whistleblowers. They have long been the only people able to talk about conditions in these centres and the health of the detainees. As such, they are a link between these closed and secret centres and the media and public opinion.

"By threatening this link, which is essential for media coverage, the authorities are clearly flouting the right of Australia's citizens to question their government's stance on human rights and democracy."

Right to information

The government already imposed drastic curbs on journalists' access to refugee detention centres in 2011 after several refugees died in detention.

These restrictions constituted a grave violation of the right to information, which is supposed to be guaranteed by the law.

"They are trying to prevent any information about conditions in detention centres reaching the public," said Melbourne-based barrister Julian Burnside.

"A journalist who requests information or records from an entrusted person can be charged with aiding and abetting the commission of that offence," human rights lawyer George Newhouse added.

Against the Act

Many people have spoken out against this latest attempt to prevent doctors, social workers and other employees of detention centres for asylum-seekers from telling the media about any human rights violations and abuses they might witness.

A health workers collective has held demonstrations in various Australian cities to protest against the Border Force Act.

One of its members, University of Sydney professor Maria Fiatarone Singh, said doctors have a duty, both as professionals and citizens, to report human rights violations.

Although some of the law's opponents have said they will circumvent it, "many are afraid of losing their jobs, which is stated in the act, or imprisonment up to two years," Singh said.

In a report submitted to the UN Human Rights Council on 9 March, Juan E. Méndez, the UN's special rapporteur on torture, criticised Australia's treatment of refugees and voiced particular concern about the detention of immigrants, including children, in the centres located in Papua New Guinea and Nauru.

The report says Australia is violating its obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment, by failing to guarantee sufficient protection for refugees, and that the conditions in which it detains asylum-seekers and recent changes to its maritime laws violate international conventions on immigration.

The Australian government has disputed these conclusions.

Australia is ranked 25th out of 180 countries in the 2015 Reporters Without Borders press freedom index.

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