

# Hope Against the Odds - The Campaign to Free the Refugees

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Three recent moves have brought the Gillard Labor government full circle, to embrace the full suite of the anti-refugee policies of the Howard era.

The first is the introduction of draconian legislation that will allow only Temporary Protection Visas (TPVs) for any refugee convicted of a criminal offence while in detention. The second step is the opening of discussions with the government of Papua New Guinea about reopening Manus Island as a regional asylum seeker processing centre.

The third, and perhaps the most astonishing, is the announcement of a deal with Malaysia to send 800 asylum seekers from Australia to Malaysia in return for Australia accepting 4000 UNHCR refugees from Malaysia over four years.

Leave aside the shocking conditions in Malaysia's detention centres and Malaysia's shocking history of mistreatment of refugees. The Gillard government will be directly violating the human rights of the 800 arbitrarily selected asylum seekers. They will be condemned to the uncertainty of detention and processing in Malaysia, a country in which asylum seekers or refugees have no legal status, and they will be permanently excluded from possible resettlement in Australia.

The only thing that presently stands between the Gillard and Howard governments in refugee policy terms is that refugees processed in Australia still get permanent visas. But the re-introduction of TPVs for anyone convicted of a criminal offence while in detention has

undermined any confidence that Labor will maintain even this difference.

We now face a situation similar to the years of the Howard government in which both political parties are singing from the same song sheet. There is no longer any pretence of a public debate on refugee policy, and certainly no talk of a humanitarian refugee policy. We have been reduced to domestic politicking solely about which party is toughest on refugees; which party can lay claim to "stopping the boats".

The tragedy is that it all could have been so different. In 2007, a Rudd Labor government was elected in a landslide and many believed – hoped – that the refugee bashing of the Howard era was at an end.

The new Rudd Labor government had perhaps an unprecedented opportunity to systemically dismantle the policies of the Howard era. It is worth remembering that the Liberal Party actually supported Labor ending Temporary Protection Visas in May 2008.

Labor could have undone some of the damage caused by its own responsibility for mandatory detention (introduced in 1992) and for its complicity in supporting Howard's anti-refugee legislation, such as the excision of Australian territory from the Migration Act in the wake of the Tampa events of 2001.

But that's not what happened. There were warning signs. In the run up to the 2007 election, Kevin Rudd insisted that Labor was absolutely wedded to the central pillars of

Howard's policies, mandatory detention and off-shore processing. He even told *The Australian* that a Labor government would turn around sea-worthy asylum boats intercepted on their way to Australia.

After the election, Labor reneged on its promise to return all Australian territory to the Migration Act. The thousands of islands excised by the Howard government – most importantly Christmas Island and Ashmore Reef and Cocos Island – remained excised.

And while the Pacific Solution was effectively ended in February 2008, by December 2008, the Labor government had opened the Howard-built Christmas Island detention centre to maintain off-shore processing. After that the decline was rapid.

As more boats arrived, in April 2009, the government froze the processing of refugee visas for Afghan and Sri Lankan asylum seekers. At the end of that month Immigration Minister Chris Evans announced the worst of the worst of Howard's detention centres, Curtin, would re-open.

April 2009 was also the month in which Kevin Rudd escalated the "tough on border protection" rhetoric with his media outburst declaring people smugglers to be "the vilest form of human life."

But Labor was now playing on the Opposition's turf. As pressure mounted, Rudd gave more and more ground to the Opposition. In October 2009, Kevin Rudd called on the Indonesian president to stop a boat of 253 Tamil asylum seekers.

The hypocrisy is astounding. In 2004, Labor's then immigration spokesperson, Stephen Smith, told ABC's PM program, "I don't accept for a moment that Nauru or Manus Island play any significant or any role in deterring unauthorised arrivals from trying to come to Australia... What we do know about the so-called Pacific Solution, Nauru and Manus Island is that it's now an expensive farce."

Just before the 2007 Federal election Gillard said, "Labor will end the Pacific solution, the so-called Pacific Solution, the processing and detaining of asylum seekers on Pacific islands because it is costly, unsustainable and wrong as a matter of principle."

In 2002, Gillard told the Liberal government, "What we will not do is to play cheapjack political opportunism with you." But, now as Prime Minister, Julia Gillard is doing exactly that, playing cheapjack political opportunism with Tony Abbott and Scott Morrison.

With the latest proposals of TPVs and a regional processing centre, there seems little hope that the cheap politicking between the Liberal and Labor Parties is going to end any time soon.

Chris Bowen's condemnation of people who set fires in Villawood and Christmas Island is reminiscent of Howard's condemnation of "these people" who he falsely accused of throwing their children overboard.

## Re-building the movement

There is an urgent need to re-galvanise the refugee movement that fought the Howard government to change attitudes to refugees and to change detention policies.

In the early 2000s, despite the Howard government, a compliant Labor Party and a compliant media, the refugee movement did shift public opinion.

Newspoll records show that between 2001 and 2004, the number of people who thought some or all asylum boats should be able to land increased from 47 percent to 61 percent, while the number supporting Howard's response to Tampa fell from 68 percent to 35 percent.

While the law did not change, the campaign did force administrative changes to detention under the Howard government. Children and families were released from detention and long-term detention was effectively ended in 2005.

Shamefully, there are now more asylum seekers and more families and children in detention than ever was the case under John Howard. The levels of despair shown by the incidents of self-harm and suicide are higher than under the Howard government. The protests and fires in the detention centres have erupted for the same reason they erupted under Howard – the conditions in detention are intolerable.

It is impossible to calculate the toll that mandatory detention takes on asylum seekers lives. For asylum seekers, art –whether in letters, painting or poetry – has been both a refugee from the despair of the detention centres and its poignant expression. The murals of Port Hedland and Woomera are not as well known as they should be.

I recently met an Afghan film maker, Nazir Hussein Rezai in Curtin detention centre. Although a well known artist, in detention, like all the other Curtin detainees, he was known - he knew himself - by his boat number NEK 002. He said his next big project would be to document the refugee journey - the danger, the hope, the desperation, involved in making the trip from Afghanistan through Asia to Australia and detention; that he had one film left to do and this would be it.

He was released a few weeks later after being detained one year and three days. "In detention, you count the days and the hours," he told me. We can only hope that Rezai's film gets to be made, and that more of the art trapped behind the razor wire gets to be seen, so more people understand the refugee story.

The bi-partisan political support for "stopping the boats" has again created a huge challenge for the refugee movement.

But it is a challenge that can be met. Actors for Refugees, Rural Australians for Refugees, the Refugee Action groups in every state, the campus groups of students and staff, the Circles of Friends writing letters, Labor for Refugees, all humanised the asylum seekers, told their stories, exposed the deliberate inhumanity of government policy, and mobilised the pro-refugee sentiment in rallies and marches. Art exhibitions revealed at once the talent and the soul-destroying waste of lives of refugees trapped in the detention centres. Even the "reality" TV program Big Brother became a forum beaming "Free the Refugees" into lounge rooms across the country.

Union campaigns to support asylum seekers persecuted for union activity in Iran (and other countries) and then incarcerated in Australian detention centres brought the campaign into workplaces. This brought home the message to workers fighting Howard's anti-union legislation that, despite the fences, indeed, we are all in the same boat.

A 2010 Australian Red Cross poll showed 83 percent agreed that people fleeing persecution should be able to seek protection in another country. It is one indication that, regardless of our political leaders, there remains a positive sentiment for refugees, and the hope, on which we can build public support for a humanitarian refugee policy.



Syed Ruhollah Musavi, Portrait of Julia Gillard, pencil on paper, 21x29cm