

An era of shame we can ill afford to forgive or forget

Adele Horin August 2, 2008 SMH

A shameful era is over in Australian politics. The Minister for Immigration, Chris Evans, has announced fundamental changes to a detention regime that was the cruellest in the Western world.

It is cause for celebration, but it would be a terrible waste if Australians failed to learn the lessons of that time. It should never be forgotten that Australian politicians, with mass support, locked thousands of children and adults behind razor wire in desert camps, demonised them, stripped them of their names, turned the water cannon on them and drove many of them insane. This treatment broke their spirits and damaged their minds in ways Saddam Hussein and the Taliban never did. The vast majority were eventually found to be genuine refugees.

It would do a disservice to the refugees if their ordeal taught us nothing. What is the lesson? It is, as I see it, for a country never to allow the ends to justify its means, especially when the means involve cruelty to children. Second, to respect the rule of law and the human rights that underpin a civilised society. Innocent people are destroyed when a government jettisons basic legal principles and betrays time-honoured values.

Labor initiated and was complicit in a policy of staggering cruelty. Now it is atoning. Under the reforms, detention will be used only as a last resort and for the shortest practicable time. The presumption of automatic detention for people without valid visas will be over for most. Instead of a "lock 'em up, ask questions later" approach, the Immigration Department will have to ask questions first. A person who is not deemed to pose a risk will be able to stay in the community while their status is resolved.

"Boat people" will still be detained for health, identity and security checks, but they will be given publicly funded advice and assistance. And once the checks are complete, will be freed pending a decision on their status.

The "Pacific Solution" is gone with the closing of the offshore processing centres in Nauru and Manus Island. Labor has also abolished temporary protection visas, which consigned bona fide refugees to a death row existence even when they left the gulags, their status subject to regular revision.

When Australia turned its back on the rule of law, abandoning habeas corpus and restricting the right to legal assistance, bad things happened to good people. Peter Qasim, a Kashmiri asylum seeker, was locked up in Port Hedland, Curtin, Woomera and Baxter detention centres for seven years. Others spent more than four years in detention for having the temerity to arrive on our shores seeking asylum. Asylum seekers landing on Christmas Island or Ashmore Reef found they were in a netherworld beyond the reach of law or human rights after the Howard government excised these places to thwart access to Australia's courts and lawyers. And the same denial of basic rights applied to those exported to Nauru and Manus Island.

Australia flouted its human rights obligations and a regime of calculated cruelty took over. Detention centres became de facto mental asylums. If the government had wanted to undertake an experiment in how to destroy children's futures and saddle them with life-long problems, it could not have picked a better laboratory. More than 2000 children were locked up between 1999 and 2003 to punish their parents for fleeing, and to act as a warning to others. One was locked up for over five years. Psychiatrists told of the traumas children endured, and of parents' decline into depression and psychosis, but the government didn't care.

Australia decided the ends justified the means and abuses of power resulted against its citizens and residents, too. Cornelia Rau and Vivian Alvarez Solon were the tip of an iceberg - at least 247 people were wrongly locked up, including a 15-year-old boy. An out-of-control bureaucracy got its marching orders from an unfeeling minister in Philip Ruddock and a lackadaisical one in Amanda Vanstone, both wedded to a policy of deterrence whatever the human cost.

Yet cruelty had a limited deterrent effect. The boats kept coming through the worst, lip-sewing, hunger-strike years. Numbers fell away with a general decline in international refugee movements.

The immigration lawyer David Manne concluded from his discussions with thousands of detainees, "There was never a serious suggestion the (detention) policies had anything to do with whether people came here - the driving motive was people fleeing to save their lives." The lesson is surely an ends-justifies-means stance can almost never be justified. But there is another lesson. Australians had the chance to reject the political spin and support the detainees. Many - mainly from the despised elites, such as lawyers and psychiatrists - saw the damage done behind the wire and gave blood, sweat and tears to alert the country. But most Australians greeted the accounts with indifference or hostility.

We carry the legacy of that reaction in the broken adults and children living among us. If some Australians say "never again", that will be a lesson learnt.