



The Hon Julie Bishop MP
Minister for Foreign Affairs
Parliament House
CANBERRA ACT 2600

via email

15 September 2016

Dear Minister,

I write to you regarding the UN General Assembly (UNGA) high-level plenary meeting on addressing large movements of refugees and migrants, to be convened on 19 September 2016. This meeting will provide a most significant opportunity to improve global and national responses and cooperation to the situation of refugees and migrants and those people seeking safety.

UnitingJustice Australia is the justice policy and advocacy unit of the Uniting Church in Australia Assembly. The Uniting Church has a long history advocating for the rights of refugees and people seeking asylum, and has repeatedly expressed concern about how Australia's policies of deterrence and punishment fall short of our international obligations to provide protection to people fleeing persecution.

I understand that at the meeting on 19 September member states will seek agreement on an outcome document which they have termed a Political Declaration. It will be important for Australia to endorse this outcome document as it encourages a "shared responsibility to manage large movements of refugees and migrants in a humane, compassionate and people-centred manner" (1.11). The outcome document expresses a commitment to "facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration zones" (1.16) and to protect the human rights and freedoms of all refugee and migrant children (2.11). These principles are consistent with the humanitarian and rights-based responses the Uniting Church has been advocating.

I hope that the Australian delegates at this meeting will work constructively with other states parties to ensure that the final outcome document is strongly worded in support of the rights of refugees.

In particular, the section of the outcome document that relates to the rights of refugee children could be strengthened. The United Nations Convention on the Rights of the Child (CRC) repeatedly refers to the "best interests of the child" and Article 37 (b) states that detention of children should be "only as a measure of last resort and for the shortest appropriate period of time".

Evidence from numerous inquiries and reports, including the Australian Human Rights Commission's

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The Forgotten Children report and the more recent *Nauru Files* database, highlights the extremely detrimental effects of detention on children and clarify that it is *never* in the best interests of the child. Yet the draft outcome document for adoption at the September 19 meeting states that detention is “seldom” in the best interests of the child (2.12). This current wording dilutes the intent of the CRC and should be amended to stress that detention is *never* in the best interests of the child. I encourage the Government to support, and if necessary, propose, this amended language.

Alongside Australia’s attendance at the special meeting, I take this opportunity to once again reiterate the Church’s concern that Australia immediately ratify the Optional Protocol on the Convention Against Torture. Ratification would signal to the international community Australia’s willingness to uphold the human rights of people in detention and continue our proud history of leadership on human rights in the international community.

I look forward to Australia playing a constructive role in these discussions on 19 September, and endorsing the final outcome document.

Yours faithfully,

Rev. Elenie Poulos
National Director
UnitingJustice Australia

cc The Hon Malcolm Turnbull MP, Prime Minister
The Hon Peter Dutton MP, Minister for Immigration and Border Protection

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