



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

International complaint launched against Global Solutions Ltd over Australian Immigration Detention Centres

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Today, five human rights non-government organisations (NGOs) launched a complaint in the United Kingdom and Australia against Global Solutions Ltd. (GSL) for complicity in serious human rights violations in Australian immigration detention centres.

“GSL advertises that its policies ‘are guided by respect for the human rights and fundamental freedoms as laid out in the Universal Declaration of Human Rights’. Yet Australia’s detention regime for asylum seekers has been found to be in clear breach of international human rights,” say the NGOs.

The complaint - by the International Commission of Jurists (ICJ), Rights and Accountability in Development (RAID), the Human Rights Council of Australia (HRCA), Children Out of Detention (ChilOut) and the Brotherhood of St Laurence - is based on the Guidelines for Multinational Enterprises of the Organisation for Economic Co-operation and Development (OECD).

According to the Australian Department of Immigration and Multicultural and Indigenous Affairs, there are currently 884 people in immigration detention in Australia and Nauru, 52 of them children. “Violations of the detainees’ human rights are well documented and have been severely and repeatedly criticised by national human rights bodies as well as the UN refugee agency and UN human rights bodies”, according to the NGOs. “GSL is fully responsible for administering the centres and carrying out its contract and for the human rights of those in its care. It cannot escape accountability. The company is obliged by its own policies and the OECD Guidelines not simply to follow government demands or accept government contracts, if these contracts mean violating human rights.”

“Now, it is for the governments who claim to promote and implement the OECD Guidelines through their national contact points to live up to their commitment and hold GSL accountable. They must fulfil their obligation to examine the complaints thoroughly and to allow the complainants a proper opportunity of presenting their views and information.” The NGOs will raise the complaint at the forthcoming OECD meeting in Paris, where governments will discuss how they ensure that the OECD Guidelines are respected by companies.

Background:

GSL administers Australia’s immigration detention centres on the basis of a public-private partnership contract. Under Australian law, all non-citizens who do not hold a valid visa must be detained. Detainees are being held without any legal limit on the length of their detention. This violation of their human rights is often compounded by denial of other human rights such as the right to adequate and appropriate health care. Many detainees do not know if they will ever be released. Reports reveal high incidents of depression, self-harm and suicide attempts among the detainees. Stateless Kashmiri Peter Qasim has been detained for over six years in Australian detention centres, and was transferred to a psychiatric hospital on the weekend. Three year old Naomi Leong has recently been released after being detained all her life. There are a further seven children who have been detained their whole life, ranging from age 2 months to 38 months.

The NGOs presented the complaint to the OECD contact points in the UK and Australia, which supervise the implementation of the OECD Guidelines on Multinational Enterprises. The Guidelines include a clause which states that ‘[e]nterprises should ... respect the human rights of those affected by their activities’.

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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