

MIGRATION AMENDMENT (PROHIBITING ITEMS IN IMMIGRATION DETENTION FACILITIES) BILL 2020

7 June 2020

Submission

I am making this submission as a private individual and Australian citizen who is concerned about the human rights of people seeking asylum in Australia. I have no affiliation to any political party.

I object to the proposed new section 251A to enable the Minister to prohibit people in immigration detention facilities from having mobile phones, SIM cards and internet-capable devices.

I assert the right of detainees having mobile communications devices in order that they may remain connected to family and friends and contact their legal advisors and other advocates. Seizure of such items will lead to isolation from family and external support. The removal of these items is a barrier to transparency and accountability of those running detention facilities. Mobile phones allow greater access and privacy than shared facilities.

I agree that detainees who have been convicted of serious criminal offences, including organised crime and registered sex offenders, should be prohibited from having such communication devices. However, such limitations on communication should not be placed on those who have not been convicted of a crime, including those simply seeking asylum or detained following the expiry or revocation of a visa.

Applying these limitations to all detainees is not reasonable, necessary, and proportionate to achieving the objective of ensuring a safe and secure environment for those who visit, work at or are detained in, an immigration detention facility.

Australia should not make legislation that contradicts the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, particularly:

- Rule 58, 1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means
- Rule 61, 1. Prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff

I realise my submission is not detailed and does not hold the weight of a response from an organisation. However, I wish to add my voice as an ordinary citizen wishing to protect the rights of the vulnerable.