

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 27 February 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE17/061) - Juan Mendez report on Sri Lankan refugees - Programme 2.4: Refugee and Humanitarian Assistance

Senator McKim, Nick (L&CA 109) asked:

Senator McKIM: I just did not want you to fall into the trap that the Chair fell into earlier. You would be aware of the UN Special Rapporteur on torture's report in January of this year—only a few weeks ago—recommending that Tamils should not be returned to Sri Lanka because of concerns about torture?

Mr Pezzullo: There are quite a number of Special Rapporteur reports. I would have to refresh my memory. Who was the rapporteur?

Senator McKIM: I do not have that in front of me at the moment, but I happy to provide that to you.

Mr Pezzullo: I will refresh my memory. I might have seen some reporting about it, but I do not want to mislead you into thinking that I have.

Senator McKIM: That is okay. Perhaps if I could ask you to take on notice, in the context of refreshing your memory: has the department updated its guidance to DIBP officers to reflect that? Perhaps you could answer that in general terms: when there is a report such as that from a Special Rapporteur on torture is that information conveyed to people, for example, doing on-water assessments?

Mr Pezzullo: There is a standard process that we share with the Department of Foreign Affairs and Trade. Perhaps Mr Mansfield will return to assist me. Country guidance is periodically reviewed. I do not know as a matter of fact. I would have to take it on notice as to whether every UN report that may have a bearing is scrutinised in the preparation of revised country guidance. Perhaps Mr Mansfield knows, but otherwise we will take it on notice.

Mr Mansfield: We very, very regularly update country information. In fact, it is pretty close to real time. If there are significant reports by the UNHRC, other UN groups or, indeed, partner countries with whom we share country information, then that is reflected in the most up-to-date guidance. I do not particularly know whether that particular report is reflected in the most recent guidance, but I am aware that our Sri Lankan guidance has been updated within the last month.

Senator McKIM: Does that update offer guidance that no Tamils should be returned to Sri Lanka?

Mr Mansfield: I think the picture is more complex than that, but I will take on notice whether that particular report is currently reflected in our guidance.

Answer:

In December 2016, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reported on his April-May 2016 mission.

Information from this report has been made available to key personnel, along with more recently published annual reports by the Department of Foreign Affairs and Trade (February 2017), Amnesty International (February 2017) and Human Rights Watch (January 2017). The March 2017 US Department of State report has also been made available to staff in the time since the 27 February 2017 Additional Senate Estimates hearing for the Immigration and Border Protection portfolio.