



Submission to Legal and Constitutional Affairs References  
Committee inquiry into offshore processing and resettlement  
arrangements

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## **Amnesty International**

Amnesty International is a global movement of more than 10 million people who take injustice personally. We are campaigning for a world where human rights are enjoyed by all.

We investigate and expose the facts, whenever and wherever abuses happen. We lobby governments as well as other powerful groups such as companies, making sure they keep their promises and respect international law. By telling the powerful stories of the people we work with, we mobilise millions of supporters around the world to campaign for change and to stand in the defence of activists on the frontline. We support people to claim their rights through education and training.

Our work protects and empowers people – from abolishing the death penalty to advancing sexual and reproductive rights, and from combating discrimination to defending refugees' and migrants' rights.

We help to bring torturers to justice, change oppressive laws, and free people who have been jailed just for voicing their opinion. We speak out for anyone and everyone whose freedom or dignity are under threat.

We are impartial and independent of any government, political persuasion or religious belief and do not receive funding from governments or political parties.

Amnesty International is a proud People Powered movement founded on the work of volunteers and activists all around the country. More than 500,000 Amnesty International supporters live in Australia.

## 1. Summary

1.1 Amnesty International Australia (AIA) welcomes the opportunity to make a submission to the Legal and Constitutional Affairs References Committee for the inquiry into offshore processing and resettlement arrangements.

1.2 Amnesty recommends the complete abolition of offshore processing centres and third-country resettlement arrangements, as these policies violate fundamental human rights and are incompatible with Australia's human rights obligations. These policies have caused immense suffering, resulted in loss of life, and failed to provide safety or protection to people seeking asylum.

1.3 Australia must uphold its international obligations under the 1951 Refugee Convention and related human rights treaties. Shifting responsibility to third countries, where human rights protections are inadequate, is inconsistent with international law and Australia's legal and moral obligations.

1.4 AIA's research, including the *Island of Despair* report, has consistently documented widespread human rights abuses in offshore processing centres in Nauru and Papua New Guinea. These abuses include violence from private contractors and police, prolonged, indefinite detention causing poor mental health, leading to loss of life, and other abuses, that Amnesty ultimately found to constitute torture.

1.5 Evidence shows that refugee children and families resettled in Nauru experienced serious harm, fear, and insecurity, including threats of violence and barriers to education. These outcomes demonstrate the systemic failure of offshore processing to protect vulnerable people.

1.6 AIA calls for immediate durable solutions for individuals affected by the *NZYQ* High Court decision and all people still trapped in Nauru and PNG. Amnesty has stated that indefinite detention is "inhumane, cruel and punitive" and that punitive post-release measures violate international legal principles.

1.7 Policies that impose surveillance, curfews, or coercive visa conditions, on released individuals risk compounding unlawful punishment and undermining the separation of powers. Migration laws and policies must not be used as a mechanism for continued punishment.

1.8 The Committee should recommend full transparency and independent oversight of taxpayer expenditure on detention, offshore processing, and third-country resettlement. Taxpayer funds should not be used for policies that violate human rights standards.

1.9 Future funding should be redirected toward community-based alternatives to detention, legal assistance, and durable protection pathways, that comply with human rights law and promote social integration.

## 2. Recommendations

2.1 AIA calls on the Senate Legal and Constitutional Affairs Committee to recommend the abolition of offshore processing centres and third countries resettlement of refugees and non-citizens, and policies that perpetuate punitive migration controls, and instead ensure compliance with Australia's international legal obligations.

2.2 Amnesty calls on the Legal and Constitutional Affairs References Committee to ask for a thorough review of the system and bring justice to those who suffered under this regime.

2.3 The Committee should recommend that the Australian Government ensure full transparency and accountability in the use of taxpayer funds for immigration detention, offshore processing, and third-country resettlement arrangements.

### 3. Human rights violations associated with offshore processing and detention policies

3.1 Amnesty has repeatedly highlighted the human rights violations, harm and suffering, caused by offshore processing and detention policies, since the police was reintroduced in 2012. Amnesty calls on the Legal and Constitutional Affairs References Committee to ask for a thorough, independent review of the system and bring justice to those who suffered under this regime.

3.2 The offshore processing centre should have not been, and should not be, a means to deport non-citizens to a third country where their human rights are not protected. The Australian government has obligations as a signatory to Refugee Convention to protect the rights of those seeking asylum, it cannot and should not shift its obligations to another country.

3.3 AIA has conducted research on the ground in Nauru and Papua New Guinea concerning the human rights of people seeking asylum and refugees. AIA's 2016 report *Island of Despair* has highlighted mass human rights violation of refugees in Nauru.<sup>1</sup> Almost all of the people Amnesty spoke to – including young children – suffered from poor mental health following prolonged periods of indefinite detention. Amnesty ultimately found that the system to which refugees and asylum seekers on Nauru are subjected amounts to torture.

3.4 Amnesty's research has shown refugees regularly feared for their safety from both the Australian governments' private contractors and the Nauruan police. Many refugees reported having been abused by the Nauruan security guards and the Australian governments private contractors.<sup>2</sup>

3.5 An attempt by the Australian government to resettle refugee families and 29 unaccompanied minors in Nauru caused immense harm to the refugee children. Children reported being beaten and receiving threats, including at school, and not feeling safe to go to school or even outside. Reporting by SBS highlighted that refugee children suffered injuries and were hospitalised following attacks.<sup>3</sup>

3.6 In 2015, the UN Special Rapporteur on Torture determined that Australia's offshore detention constituted systematic violations of the International Convention Against Torture. In January 2025 the UN Human Rights Committee found that offshore policies significantly impacted the wellbeing and health of asylum seekers, with findings that minors have experienced weight loss, self-harm, kidney issues, and insomnia.<sup>4</sup> In 2026 UN Committee against Torture found that Australia failed to protect an Iranian asylum seeker from torture and ill-treatment during his detention in offshore processing facilities in Papua New Guinea, and later in mainland Australia, and that this treatment violated Australia's international obligations under the Convention against Torture.<sup>5</sup> The UN has called on Australia to compensate victims and ensure such violations are never repeated.

3.7 July 2025 marked twelve years of Australia's offshore processing and detention policy. For over a decade, refugees and people seeking asylum have been subjected to harm and suffering through prolonged detention.<sup>6</sup> Today, twelve years since being forcibly deported, 30 people remain in Papua New Guinea. In their own words, those remaining on Papua New Guinea, have said that

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<sup>1</sup> See <https://www.amnesty.org/en/documents/asa12/4934/2016/en/>

<sup>2</sup> See, for example, *Island of Despair*, pages 36, 39, 40

<sup>3</sup> SBS News, "We will f\*\*\*ing kill you": Beaten Nauru refugees fear for their lives' (19 June 2018) SBS News <https://www.sbs.com.au/news/article/we-will-f-g-kill-you-beaten-nauru-refugees-fear-for-their-lives/998vzmp6u>.

<sup>4</sup> See <https://www.amnesty.org.au/nauru-detention-centre-must-be-urgently-evacuated-in-light-of-un-ruling/>

<sup>5</sup> See <https://www.ohchr.org/en/press-releases/2026/01/australia-offshore-and-prolonged-detention-exposed-iranian-asylum-seeker>

<sup>6</sup> See <https://www.amnesty.org.au/12-years-on-australias-cruel-offshore-detention-policies-continue-to-leave-refugees-in-limbo-with-no-hope-for-the-future/>

they feel that their lives are wasting away as they cannot plan their futures.<sup>7</sup> These policies fail to provide protection to vulnerable people that came to Australia's shores simply seeking safety.

#### **4. An immediate, durable, and human rights respecting, solution for the NZYQ cohort and all those trapped in both Nauru and PNG**

4.1 Amnesty International Australia has consistently warned that the treatment of individuals affected by the NZYQ High Court decision risks compounding unlawful punishment rather than remedying it. Amnesty has repeatedly stated that "indefinite detention is inhumane, cruel and punitive," and violates Australia's international human rights obligations, including under the International Covenant on Civil and Political Rights and the Refugee Convention.<sup>8</sup> Following the NZYQ ruling, Amnesty further cautioned the Government against a "knee-jerk reaction" that would "further punish individuals who are stateless or who have served their time," including through restrictive monitoring, curfews, and coercive visa conditions.<sup>9</sup>

4.2 These concerns are particularly relevant to any proposal involving offshore processing or third-country resettlement, which risks replicating unlawful detention practices and exposing individuals to further human rights violations. The Committee should therefore recommend the abolition of policies that perpetuate punitive migration controls and instead ensure compliance with Australia's international legal obligations.

#### **5. Transparency and accountability for expenditure**

5.1 The Committee should recommend that the Australian Government ensure full transparency and accountability in the use of taxpayer funds for immigration detention, offshore processing, and third-country resettlement arrangements, particularly where such policies have been associated with human rights violations.

5.2 Amnesty International Australia has repeatedly highlighted that Australia's migration and detention policies, including prolonged and indefinite detention, are inhumane, cruel and punitive, and contrary to Australia's international human rights obligations. The significant expenditure of public funds on policies that have been found to violate international legal standards raises serious concerns regarding fiscal responsibility, oversight, and human rights compliance.

The Committee should recommend that:

- a. all current and historical expenditure on detention, offshore processing, and third-country resettlement arrangements be publicly disclosed in a disaggregated and accessible manner,
- b. independent oversight mechanisms, including the Auditor-General and human rights bodies, be empowered to review whether such expenditure complies with Australia's international human rights obligations,
- c. future funding be redirected toward community-based alternatives to detention, legal assistance, and durable protection pathways,
- d. any government policy involving the deprivation of liberty or removal to third countries be subject to parliamentary scrutiny and independent human rights impact assessments prior to funding approval, and
- e. Ensuring transparency and accountability in the use of taxpayer funds is essential to upholding the rule of law, maintaining public trust, and preventing the continuation of

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<sup>7</sup> The Guardian Australia, "We just sit here": the broken men Australia's offshore detention regime left behind in Papua New Guinea' (6 June 2025) *The Guardian* <https://www.theguardian.com/australia-news/2025/jun/06/we-just-sit-here-the-broken-men-australias-offshore-detention-regime-left-behind-in-papua-new-guinea>.

<sup>8</sup> Amnesty International Australia, *High Court ruling reinforces prolonged and indefinite detention practices violating Australia's international obligations* (2025).

<sup>9</sup> Amnesty International Australia, *Amnesty cautions government against knee-jerk reaction following High Court ruling on indefinite immigration detention* (2023).

policies that Amnesty International and other human rights bodies have identified as causing severe and systemic human rights violations.

## **6. Conclusion**

6.1 Amnesty International Australia reaffirms our longstanding for the abolition of offshore processing and third-country resettlement arrangements, which have caused profound human rights violations and failed to provide protection to people seeking safety. We urge the Committee to recommend abolishing offshore processing and third-country resettlement arrangements.

6.2 These policies are inconsistent with Australia's obligations under international law. Urgent and durable solutions are required for the NZYQ cohort and all those remaining in Nauru and Papua New Guinea. The Committee should also ensure transparency and accountability in the use of taxpayer funds and redirect resources toward rights-compliant, community-based alternatives.

6.3 Ending offshore processing is essential to restoring a humane, lawful, and just asylum system where the rights of those simply seeking safety are protected and respected.