

## **Article 14.1**

### **Julian Burnside AO QC**

It is useful to remember the origins of the Universal Declaration of Human Rights.

From 1933 onwards, Germany's mistreatment of Jews became increasingly harsh. They were stripped of many basic civil rights, then in November 1938 *Kristallnacht* occurred: the lead set by the government spilled over into public hostility and there were widespread public attacks on Jewish citizens.

After the end of WWII, the world drew back in horror when it saw the savagery of Hitler's Final Solution. Six million Jews, Gypsies, Communists and homosexuals had been exterminated in the largest mass killing in human history.

Most remembered, if they could bear to, how little regard had been shown for Jewish refugees before the war. Some remembered the fate of the MS St Louis, which had set sail from Hamburg in May of 1939 with 900 Jews on board. Captain Gustav Schröder took his cargo all around the world. He did whatever he could to try and land them somewhere in safety. The St Louis ended up Cuba but the Cuban government would not take them ashore except at extortionate prices which no-one could afford. They were warned off the coast of Florida by American guns and ended up having to go back to Europe. More than half of them perished in concentration camps.

The world did little to help Jewish refugees before WWII, but recognised afterwards the terrible consequences.

The Universal Declaration begins by reciting the circumstances, which prompted its creation:

“...Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, ...and

... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, ...”

Then, in Article 14.1 it provides:

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

In recent years, both major political parties in Australia have acted as if the highest national aspiration is to ensure that asylum seekers cannot reach us to ask for help. Before the election in September 2013, both major parties sought to out-promise each other in the cruelty with which they would treat asylum seekers. Deterrence rather than compassion; exclusion rather than protection: this was the vision of Australia's politicians in 2013.

It stands in marked contrast to the policy of the Fraser Liberal government in the late 1970s, when we received about 25,000 Indo-Chinese boat people each year for a few years, with support from the Whitlam Labor Opposition.

Malcolm Fraser has now resigned from the party he once led; that party has forgotten the ideals it once stood for, and its leaders have forgotten that the right to seek asylum is universally recognized, and that it is a profound expression of conscience.

But we remember.