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The Hazara people: Refugees from Afghanistan still in need of protection

In July 2004, the Federal Government announced changes to asylum seeker policy, allowing some of those on Temporary Protection Visas and Temporary Humanitarian Visas to apply for permanent visa status.

The changes in policy come as a result of pressure across the community particularly from refugee advocates. Meanwhile, the right to continue unlimited detention of those seeking asylum has been upheld by the Federal Court. Thus, many still face an uncertain future. Public awareness of refugee issues is increasing but it is important to understand what persecution means and why people flee their home countries and seek protection within our borders.

Who is a refugee?

Article 1 of the UN Convention of Refugees defines a refugee as a person who is:

- Outside their own country of origin
- Has a well founded fear of persecution because of their race, religion, nationality, membership in a particular social group and/or political opinion; and
- Is unable or unwilling to avail him/herself of the protection of that country or to return for fear of persecution.

**This definition is recognized in international circles and is enshrined in international law. Countries who have signed this convention such as Australia are bound to uphold the convention in its national laws.*

What do we mean by the term persecution?

From Article 33 of the UN Convention: Persecution relates to a threat of life or freedom due to a person's race, religion, political opinion, or membership of a particular group. The UN Declaration of Human Rights (1948) also sets out the rights people are entitled to receive. Violations of such rights can also be defined as persecution.

According to reports from the UNHCR, the number of refugees world wide is reducing. In 2003, the UNHCR estimated there were 9.7million refugees. As high as this number remains, it represents one of the lowest figures for more than a decade. The return of many Afghans to their homeland has been one of the primary reasons the overall number of refugees is now lower. However, Afghans continue to be the largest single group of refugees worldwide. The Hazara people, many of whom have claimed continual persecution in their country for generations, make up many of the Afghani refugees.

The Hazara people and their story

Claims of discrimination and persecution of the Hazara peoples by other Afghani tribes go back as far as the 1800s. The Hazara people are mostly Shiite Muslims whose heritage dates back to Genghis Khan. They differ ethnically from the dominant Pashtoon tribe who are mostly Sunni Muslims. The Hazaras were forced from their traditional lands in central Afghanistan over many



decades. According to the Hazara's own website, the Mujahideen and Taliban regimes of recent decades have merely been a continuation of long standing abuse and persecution. Examples of this history of persecution include:

- Under the Soviet led government, calls were made for the massacre of Hazara people and the dis-possession of their assets.
- After the Soviets left, the Hazara people were not given a vote in the new government.
- The Taliban governor announced "The Hazaras are not Muslims; they should either become Muslims or leave Afghanistan."
- Under the current Afghani administration, their previously undivided province has been divided among 12 different provinces, which has left the Hazara people as a minority in most provinces as well as largely unrepresented in the council.

“Ethnic minorities with as recent experience as the Hazaras of intense and murderous persecution will [need] unambiguous evidence that (a) change in the political situation in Afghanistan is fundamental, stable, and durable, and (b) that it extends throughout the country, so that they are not subject to persecution by non-state actors which the government lacks the capacity to control. Realistically, neither of these conditions has yet been satisfied.”

*Professor William Maley, Director, Asia-Pacific College of Diplomacy
Australian National University*

Pakistan

In the year 2000, there were more than 110,000 Hazara residing in Pakistan. Many Hazara are declared by the Australian Government to be Pakistani rather than Afghani, and, therefore, not in need of protection. There has been at least one case where such a declaration has been disproved by refugee advocates who have gone to the Hazara's home village and proven legitimacy of their Afghani identity.

The Hazara are not immune to persecution even in Pakistan. Twelve Hazara trainee police officers were massacred by Wahabi terrorists in Quetta, Pakistan on 7 January 2004, which suggests that regional sectarian violence has not stemmed since the US invasion of Afghanistan.

The Hazara in Australia

There are more than 3,500 Afghans who are mainly of Hazara origin, who as refugees and asylum seekers in Australia have either Temporary Protection Visas or are currently being detained in detention centres.

The UNHCR has declared that Hazara people are not at additional risk of persecution in the new Afghanistan. The Hazara people disagree. They argue that many of the UN advisors and interpreters are Pashtoon or Tadjik, the people who are their historical persecutors. Mohammed, a Hazara refugee living in Murray Bridge, South Australia says: “They are the people who did not want us in Afghanistan and do not want us in Australia”. He feels that his fate (and others like him) in Australia is now back with those who persecuted him in Afghanistan (*Mental Health & Suicide Prevention Workshop 2003*).

Many refugees suffer from a unique manifestation of post traumatic stress disorder that culminates in ‘flashforwards’ rather than ‘flashbacks’. They feel unable to see or ensure the safety of their relatives back in Afghanistan while their status remains temporary. For those rejected for permanent residency, they must choose between returning to Afghanistan voluntarily, appealing the decision while remaining in detention or being forcibly returned.

Dr Habib Vahedi was both a Hazara refugee living in Murry Bridge and a psychologist. Faced with a choice of returning to a detention camp or returning to Afghanistan, he took his own life instead. Exceptionally high levels of stress have been recorded amongst Hazara refugees in Australia, as many are tormented by the uncertainties of their future. Clinical depression among TPV holders is common, and many have attempted suicide in Australian detention centres.

Australia's new policy includes:

1. Access to a reintegration package for those who are prepared to return to their home country.
2. A new “Return Pending Visa” which gives 18 months stay in Australia for unsuccessful applicants, so they can make orderly arrangements to leave Australia.
3. The ability for some TPV and THV holders to apply for a range of onshore visas, including permanent visas.

The Refugee Council of Australia recently assessed these policy changes and

found that the new provisions failed to address the real and genuine protection needs of people found to be refugees.

- The Return Pending Visa and the Reintegration Package just continue the uncertainty, rather than addressing the problem of unsafe return countries in particular Afghanistan and Iraq.

- Overall, the package fails to alter the fundamental problem with the TPV system, creating a distinction between those genuine refugees able to obtain employment and those who cannot through personal circumstances, (health, age, women with children for example).

TPVs and International law

The 1951 UN Convention Relating to the Status of Refugees does not require persecution to be at the hands of a government, and refers not to persecution but to a ‘well founded fear of persecution’, as illustrated in this article. Hazara fears of returning home are ‘well-founded’, given their long history of persecution and the ongoing instability of the political situation in Afghanistan.

Thus, under the Refugee Convention the Hazara, people should not be expected to return to Afghanistan.

Just Action

- Check out the following websites for more information:
www.hazara.net
www.acc.asn.au/Hazaras.htm
www.unhcr.ch -do internal search on ‘Hazara’
www.amnesty.org.au/whats_happening/refugees
www.immi.gov.au/refugee/tpv_thv/overview.htm
www.refugeecouncil.org.au
- Write expressing your concern to:
Minister for Immigration
Amanda Vanstone
PO Box 25
Belconnen ACT 2616

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