



Andrew & Renata Kaldor Centre  
for International Refugee Law

## Factsheet

## TURNING BACK BOATS

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*To deter boat arrivals*

prevent infringement of its immigration laws within its waters, that right is limited by Australia's obligations under international refugee and human rights law.

Australia has international obligations to assist those in distress at sea and to protect asylum seekers from *refoulement* (return to countries where they face a risk of persecution and other serious harms). If Australia turns back boats that are unseaworthy, or returns people to harm, it will be in breach of international law. [UN representatives have found Australia to be in breach](#) of these and other international obligations.

### **What happens to people who Australia turns back at sea?**

Australia does not monitor [\(p120\)](#) what happens to people it returns under OSB. [In Indonesia](#), several boats are reported to have run out of fuel or run aground after being left at the edge of Indonesian waters by Australian authorities. [In Sri Lanka](#), passengers are generally taken into custody, where at least one returnee has claimed he was tortured. [In Vietnam](#), several returnees have been charged and imprisoned, despite assurances from the Vietnamese Government that no returnees would face punishment for having fled. A number of returnees have fled their places of origin a [second time](#) and been found to be refugees by UNHCR.

### **Do turnbacks save lives?**

The Government [claims](#) that turnbacks deter dangerous journeys to Australia by boat, thus avoiding [deaths at sea](#). On the other hand, Australian navy officials have [noted](#) that turnback