



Australian Government

Australian Government response to the
Foreign Affairs, Defence and Trade References Committee
report:

Wrongful detention of Australian citizens overseas

June 2026

Executive Summary

The Australian Government appreciates the work of the Senate Foreign Affairs, Defence and Trade References Committee ('the Committee'). The Government welcomes the opportunity to respond to its inquiry '*Wrongful detention of Australian citizens overseas*' and to outline the practical steps already taken or under consideration in response to its recommendations.

The whole-of-government response has been coordinated by the Department of Foreign Affairs and Trade (DFAT) in consultation with the following Commonwealth agencies:

- Attorney-General's Department (AGD)
- Department of Home Affairs

DFAT also consulted other stakeholders, including Non-Government Organisations (NGOs) and former detainees, in preparing its response.

The Government notes that while the term 'arbitrary detention' is clearly defined in international law, the term 'wrongful detention' is not. This response uses the term 'wrongful detention' when referring to a broad range of case circumstances.

The Government recognises the significant personal impact of wrongful detention overseas—both on those detained and on their families. We are committed to using the Committee's recommendations to strengthen the compassionate delivery of consular services and improve how we manage cases of wrongful detention. This approach is not static and will continue to evolve through ongoing engagement with former detainees and other stakeholders.

Under the existing framework, the Government:

- prioritises support for Australians detained overseas, focusing on resolving cases and ensuring their welfare;
- considers each case individually, taking into account charges, legal processes, international law, detention conditions, the detainee's wishes and the risks and opportunities of public advocacy;
- works closely with international partners to deter both wrongful and arbitrary detention for the purposes of diplomatic leverage; and
- makes clear to countries engaging in these practices that there will be consequences.

This approach has helped secure the release of several high-profile Australian detainees in recent years, as well as others less publicly known.

The Government strongly supports international efforts to deter arbitrary detention for diplomatic leverage, including through endorsement of the Canadian-led *Declaration Against Arbitrary Detention in State-to-State Relations*. DFAT leads Australian advocacy against the practice of arbitrary detention in multilateral forums, including the United Nations Human Rights Council, and will continue to prioritise effective international responses.

The Government acknowledges the contributions of all individuals and organisations who provided submissions and/or testimony to the inquiry, particularly those with firsthand experience of wrongful detention.

Response to the recommendations

Recommendation 1

3.128 *The committee recommends that the Australian Government should adopt a clear, publicly available definition of wrongful detention and implement a framework which ensures cases of Australians being wrongfully detained overseas are identified, categorised and reported as being cases of wrongful detention.*

3.129 *The definition adopted by the Australian Government should allow for the identification and classification of a wrongful detention case as a case of hostage diplomacy (arbitrary detention for diplomatic leverage).*

3.130 *The definition should also be in alignment with definitions used by key partners, to allow for multilateral action when a citizen from Australia or our partners is wrongfully detained.*

Response:

The Government partially accepts this recommendation.

The Government will publish a framework used to assess cases of ‘wrongful detention’, including for diplomatic leverage. Categorisation of cases under this framework will reflect a policy assessment and be informed by a number of considerations, including the approaches of key partners, international human rights instruments such as the International Covenant on Civil and Political Rights, and the *Declaration Against Arbitrary Detention in State-to-State Relations*.

Cases reported and assessed as ‘wrongful detention’ would be referred to DFAT’s complex case team for specialised strategy development and advocacy.

The Government will not routinely publicly identify individuals whose cases are assessed as wrongful detention. The best interests of the consular client, including their treatment in detention and prospects for resolution of their case, will remain a primary consideration in any public advocacy.

Recommendation 2

3.131 *The committee recommends that the Australian Government should legislate to ensure that agencies have powers, tools and accountabilities to respond to and deter wrongful detention of Australians, including providing greater transparency and reporting on cases of wrongful detention.*

Response:

The Government does not accept this recommendation.

Government agencies already have the necessary powers, tools and accountabilities to the Australian Parliament and people to respond to and deter the wrongful detention of Australians.

As noted in the response to Recommendation 1, greater transparency or public reporting may have adverse impacts on the case outcomes of wrongfully detained individuals.

Recommendation 3

3.132 The committee recommends that the Australian Government's framework acknowledge the unfortunate reality that some foreign regimes engage in the practice of hostage diplomacy because it has proven to be a successful tactic for securing prisoner swaps or obtaining leverage over the national government. Acknowledgement of this reality is a critical part of designing a framework which reduces the risk of the Australian Government being leveraged in this way, therefore reducing the risk of Australians being wrongfully detained for this purpose.

Response:

The Government accepts this recommendation.

Recommendation 4

3.133 The committee recommends that the Australian Government collect data on the wrongful detention of Australian citizens, which should be regularly reported to the National Security Committee of Cabinet and the Minister for Foreign Affairs, and publicly disclosed in a deidentified manner.

Response:

The Government partially accepts this recommendation.

DFAT regularly briefs the Minister for Foreign Affairs on overseas detention cases, including those that may constitute wrongful detention, requiring enhanced or urgent diplomatic action.

The Australian Government does not disclose the considerations of the National Security Committee of Cabinet.

DFAT will develop a new protocol within the Consular Information System (CIS) to flag cases assessed as complex, including due to an assessment of wrongful detention under the new framework (recommendation 1). This capability will improve data collection and internal reporting and may support earlier identification of trends relating to complex cases and more consistent monitoring. It will also provide a stronger evidence base for decision-making and for targeting consular and diplomatic responses. This data will be regularly reported to the Foreign Minister's Office.

The Government considers that publicly disclosing data related to Australians detained overseas, including those who may be considered 'wrongfully detained', may in many cases be contrary to the interests of the clients, including their prospects for release and welfare. The small number of Australians involved means that deidentification is unlikely to be possible.

Recommendation 5

3.134 The committee recommends that the Australian Government should take steps to increase public awareness in the Australian community about the practice of foreign governments wrongfully detaining citizens for a variety of reasons, including establishing leverage over that citizen's national government.

Response:

The Government accepts this recommendation.

The travel advice for Afghanistan, Burkina Faso, China, the DPRK, Iran, Mali, Myanmar, Russia, Syria and Venezuela all contain clear warnings regarding the risk of arbitrary detention. The travel advice for Belarus, Macau and Hong Kong highlight the risks around the arbitrary or harsh enforcement of local laws.

Smartraveller publishes two employment-specific advisories that highlight the risk of arbitrary arrest or detention for journalists and academics. Smartraveller also publishes an advisory that notes the risk of arbitrary detention for travellers to locations listed as 'Do not travel'.

The Government continues to invest in advertising, public relations and digital communication activities to raise awareness of Smartraveller.gov.au, the risks of overseas travel and how to stay safe. This activity is supported by targeted outreach to the community and travel and tourism industry stakeholders by Ministers and senior officials.

DFAT will continue to highlight the risks of arbitrary detention for Australians travelling abroad.

Recommendation 6

3.135 The committee recommends that the Australian Government should increase the visibility of warnings to Australian travellers intending to visit countries where regimes are known to engage in wrongful detention.

Response:

The Government accepts this recommendation.

All Smartraveller destination advisory pages with arbitrary detention warnings contain an alert at the top of the advice in the prominent 'Latest Advice' header.

DFAT will continue to use Smartraveller to increase public awareness of countries that engage in the practice of arbitrary detention and highlight risks to specific communities and professions. Smartraveller advice is prominently promoted including through advertising, public relations, media engagement, digital communications (including social media) and partnerships. In 2025-26 to date (at 5 May 2026), the Smartraveller website has been viewed more than 26 million times, has more than 620,000 email subscribers and over 460,000 people follow Smartraveller on social media.

Recommendation 7

4.123 The committee recommends that the Australian Government should establish an inter-agency, specialist team led by a Special Envoy for Wrongfully Detained Australians to lead the management of all cases of wrongful or arbitrary detention of Australians.

Response:

The Government partially accepts this recommendation.

The Whole-of-Government response to complex cases is overseen by a Deputy Secretary-level inter-agency Complex Case Committee (CCC), established in 2023. The CCC is supported by dedicated teams which draw on knowledge, skills and expertise across government to develop strategies for case resolution.

Since 2023, DFAT has strengthened the framework underpinning the CCC, including in response to this Inquiry and recent case management lessons. This includes clearer terms of reference, a broader remit to address a wider range of complex cases, and strengthened referral processes. Together, these changes provide a more systematic basis for considering bespoke options, including the appointment of special envoys and other options to pursue justice and accountability. The Government considers that appointing special envoys on a case-by-case basis, rather than a standing appointment, provides the flexibility required across a diverse and evolving case load.

DFAT will continue to appoint special envoys with specific knowledge and connections that may enable positive outcomes for clients on a case-by-case basis. An assessment of the best interests of the client will determine whether any appointment is made public. In other cases, interventions using senior government and diplomatic channels may be assessed more effective than the appointment of a special envoy for that case.

The Government assesses these arrangements remain appropriate for the nature and volume of the Australian caseload and provide a range of options to secure positive outcomes.

Recommendation 8

4.124 The committee recommends that the newly created Office of the Special Envoy should be resourced with the expertise (and ability to call on external expertise as required) to improve the Australian Government's ability to provide:

Specialised and dedicated case management of each case of wrongful detention, including dedicated family liaison contacts.

Increased support for the families of Australians wrongfully detained during the period of detention.

Coordination with victims, families and their legal representatives in regard to legal assistance.

A greater level of ongoing support for victims of wrongful detention post-release, including medical support and counselling, and assistance navigating legal and administrative issues created by a wrongful conviction.

Ensure there is a proper process for reintegrating and debriefing an Australian released from wrongful detention and providing ongoing advice as required.

Response:

The Government partially accepts this recommendation.

The Government acknowledges the difficult, and often prolonged, circumstances faced by Australians detained overseas and their families, and that reintegrating to life in Australia can be challenging. In all cases, DFAT seeks to be compassionate and flexible in its delivery of consular services.

The Government recognises the importance of the functions of the proposed dedicated Office of a Special Envoy outlined in the recommendation and notes that a number of these functions are captured through either existing or planned consular and whole-of-government arrangements.

The Government is committed to supporting Australians and their families in cases of wrongful detention, with a focus on resolving the case and ensuring the detainee's welfare. Families are assigned a dedicated case manager as a single point of contact throughout the detention and following release. DFAT will continue to consider ways it can maintain continuity in engagement with Australians and their families. Legal assistance may be available in exceptional circumstances through schemes administered by the Attorney-General's Department.

DFAT has strengthened support in recent years, including relationships with non-government sector domestic providers of mental health support. DFAT now prepares tailored reception and repatriation plans for returning detainees whose circumstances warrant additional assistance including access to medical, dental and psychological support. Vulnerable clients are connected directly with Services Australia and other domestic service providers best placed to provide ongoing care.

In 2026 DFAT is building on the External Advisory Group (EAG), originally formed due to feedback from former detainees, to enhance relationships with domestic stakeholders involved in supporting the needs of complex consular cases returning to Australia. DFAT will convene the EAG to refine support pathways for post-release debriefing and reintegration, including improved coordination with domestic federal agencies, states, territories and other service providers. This will complement more regular, ad hoc engagement with domestic agencies on specific cases. Further consideration will be given to how external expertise can better inform case handling.

Recommendation 9

4.125 The committee recommends that Australians who have been deemed to be wrongfully detained overseas should be supported by the government with a clear acknowledgement that the person's detention was a wrongful detention, for example, by providing a government issued explanatory letter.

Response:

The Government partially accepts this recommendation.

The Government acknowledges that for many former detainees the challenge of reintegrating back into life in Australia or travelling abroad may be aggravated by a conviction, or unexplained periods on their record. Some former detainees have also had charges against them reinstated after their release leading to further difficulties with international travel.

DFAT has on a number of occasions liaised with foreign governments to proactively help manage these issues for former detainees, including by providing explanatory letters tailored to the specific circumstances of the individual concerned. DFAT has also supported former

detainees through engagement with domestic government and private entities on return to Australia to help smooth the reintegration process.

The Government considers the detainee's needs are best addressed through case-by-case assessment of their requirements. Where appropriate and as requested, an explanatory letter and/or other assistance can and has been provided, along the lines described above.

DFAT will work with relevant government agencies to incorporate into return and reception processes a dedicated briefing on federal government assistance that can be provided to support reintegration.

Recommendation 10

4.126 The committee recommends the Australian Government explore options for exempting consular cases from relevant privacy legislation, in order that the Department of Foreign Affairs and Trade is able to legally disclose information to a detainee's family in a prompt manner, even in circumstances when a detainee is unable to physically sign a privacy waiver form.

Response:

The Government notes this recommendation.

The [Privacy Act 1988](#) (Cth) (Privacy Act), including the Australian Privacy Principles (APPs) contained in Schedule 1 to that Act, regulates how APP entities (which includes most Commonwealth government departments and agencies, including DFAT) collect, store, use and disclose personal information.

Where practicable, DFAT prefers to obtain consent from a consular client prior to disclosure of their personal information to family members, as this provides the client with autonomy over how their personal information is handled.

However, even if it is not possible to obtain consent from an individual, the Privacy Act provides for circumstances in which DFAT may disclose personal information to a detainee's family, and in such cases DFAT makes every effort to do so. If consular access is subsequently established, DFAT takes early steps to notify the client of any disclosures of their personal information and seeks their consent for any future disclosures of personal information to family members.

Recommendation 11

4.127 The committee recommends that the Department of Foreign Affairs and Trade employ specially trained case workers and family liaison officers to engage with detainees and their families. These personnel should be trained in trauma-informed practice and communication and not be subject to diplomatic rotation.

Response:

The Government partially accepts this recommendation.

The Government acknowledges the high levels of uncertainty and stress encountered by the families of Australians detained overseas. DFAT continues to refine and improve its support to families based on their feedback.

DFAT assigns dedicated case managers to be the primary point of contact for families. These case managers complete a range of training, including on trauma informed practices and communications. DFAT also refers detainees and their families to specialist service providers and support organisations with experience in protracted detention.

DFAT is working with specialist service providers to review and expand the trauma informed training offered to case managers, as well as to senior managers.

DFAT seeks to ensure continuity of case managers to the extent possible. For operational reasons, however, and particularly given the high psychosocial pressures of these roles, it is not feasible for case managers to be excluded from leave, diplomatic rotation or redeployment. DFAT is also in the process of strengthening its internal processes – including to capture and embed lessons learned and to integrate communications considerations - to ensure that when it does become necessary to rotate case managers, good handover arrangements, including strong record keeping, provide as much continuity as possible for the detainee and their family.

Recommendation 12

5.95 The committee recommends that the Australian Government recognise the deterrence of wrongful detention of Australians as a top priority of Australian foreign policy. The government should utilise all the tools available to it to increase this deterrence.

Response:

The Government accepts this recommendation, consistent with the response to recommendation 3 above.

Recommendation 13

5.96 The committee recommends that the relevant agencies of Australia's counter-foreign interference framework acknowledge hostage diplomacy as a serious and egregious form of foreign interference and work closely with the Special Envoy on Wrongfully Detained Australians to counter this foreign interference threat.

Response:

The Government partially accepts this recommendation.

There is already a significant intersection of those agencies working on counter-foreign interference frameworks, and those agencies are routinely consulted in relation to complex consular matters. DFAT will convene a dedicated session with relevant agencies which will focus on wrongful detention and hostage taking as a vector for foreign interference.

The response to individual instances of hostage diplomacy will continue to be determined on a case-by-case basis, with the welfare of the client a primary consideration. Where foreign interference concerns may arise, relevant agencies will be consulted and, where appropriate, DFAT will meet with the relevant Special Envoy regularly, including to discuss foreign interference issues.

Recommendation 14

5.97 The committee recommends that where regimes are known to engage in wrongful detention for diplomatic leverage or to secure prisoner exchanges, such as Russia and the Islamic Republic of Iran, the Australian Government should make clear to those regimes that they should expect severe diplomatic consequences and sanctions in response to this behaviour.

Response:

The Government notes this recommendation.

The Government stands resolutely against the use of wrongful detention or arbitrary detention to exercise diplomatic leverage. We support international and multilateral efforts to address this and will continue to work with international partners to end its use as a coercive tool.

The Government has publicly condemned the Islamic Republic of Iran's use of arbitrary detention for diplomatic leverage at a Ministerial level:

- the 22 March 2024 Australia-United Kingdom Ministerial Consultations Joint Statement called on Iran to “cease arbitrarily detaining foreign nationals”
- the 7 August 2024 Australia-United States Joint Statement “denounced” Iran’s “arbitrary and unjust detention of foreign and dual nationals”.

Senior officials have regularly raised, through Iran's Embassy in Australia and through Australia's Embassy in Iran (before the current suspension of its operations), concerns about Iran's arbitrary detention of foreign nationals – in the context of discussions on our Do Not Travel advice for Australian citizens; and regarding individual cases where our citizens have been affected.

The Government has had limited bilateral engagement with Russia since its invasion of Ukraine in February 2022. The Government only engages with Russia to deliver on Australia's national interests, including the safety of Australian citizens.

Australian ministers and officials have consistently raised concerns, both publicly and privately, about politically motivated detention by Russia. The Government has also imposed sanctions in response to politically motivated detention by Russia of its own nationals, including opposition figures Alexei Navalny and Vladimir Kara-Murza.

Sanctions are just one of a suite of possible measures the Government considers alongside all strategic and tactical levers in responding to cases of arbitrary detention. Consistent with longstanding practice, the Government does not speculate publicly on potential sanctions measures.

Recommendation 15

5.98 The committee recommends that the Australian Government should sanction senior officials responsible for the wrongful detention of Australians, including judges responsible for allowing or authorising wrongful detention and imprisonment.

Response:

The Government partially accepts this recommendation.

When an Australian citizen has been detained overseas, including cases amounting to wrongful detention, the Government's primary concern is the welfare of that individual.

As noted in the response to Recommendation 14, sanctions are just one of a suite of possible measures the Government considers, alongside all strategic and tactical levers.

In 2023, the Government expanded its autonomous sanctions regime against Iran to allow the designation of individuals and entities under new categories, reflecting concerns about serious human rights abuses and other unacceptable practices.

Any decision to impose autonomous sanctions requires careful consideration of whether doing so is in the best interests of the client's welfare, including whether imposing sanctions would improve the prospects of release. Consistent with long-standing practice, the Government does not speculate publicly about potential sanctions measures.

Recommendation 16

5.99 The committee recommends that where a foreign regime is currently wrongfully or arbitrarily detaining an Australian, the Australian Government should exercise restraint in its public engagements with representatives of that regime.

Response:

The Government notes this recommendation.

When an Australian citizen may have been arbitrarily or wrongfully detained, the Government's primary concern is the welfare of that individual. An assessment of what is in the best interests of the client will determine how DFAT manages all aspects of their case. In some instances, it may be to the advantage of the detained individual's case if the Government continues to engage publicly with representatives of the detaining state.

Recommendation 17

5.100 The committee recommends that the current Department of Foreign Affairs and Trade travel advice that Australian travellers to the People's Republic of China, Afghanistan, North Korea, the Islamic Republic of Iran, Mali, Myanmar and Russia are at increased risk of arbitrary detention should be reflected in Australia's bilateral approach to engagement with those countries.

Response:

The Government accepts this recommendation.

Australia's bilateral engagement with the countries listed above takes into account our consular equities and travel advice.

Recommendation 18

5.101 The committee recommends that the Australian Government should increase transparency and utilise public attribution wherever possible as a deterrent to regimes which seek to wrongfully detain Australians.

Response:

The Government notes this recommendation.

Describing an Australian as wrongfully detained in public communications, or even in bilateral advocacy, may carry risks for the client and in some circumstances may undermine work towards a resolution.

When an Australian citizen has been detained overseas, including cases that may amount to wrongful detention, the Government's primary concern is the welfare of that individual. DFAT's assessment of the best interests of the client determines how it manages their case.

Working with like-minded partners to advance multilateral and group advocacy on the broader practice of wrongful detention, rather than on individual cases, helps to reduce risks to clients while still achieving the goal of increasing attribution and deterrence. This approach strengthens international norms, amplifies Australia's influence through collective action, and ensures that advocacy efforts do not compromise the welfare of those directly affected.