



FROM THE PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION
GENEVA

14 July 2016

Mr Karim Ghezraoui
Chief Officer
Special Procedures Branch
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
Palais Des Nations
1211 Geneva 10
Switzerland

Dear Mr Ghezraoui

Subject: Joint Urgent Appeal from Special Procedures relating to five asylum seekers in Nauru

I refer to the communication AUS5/2016 dated 1 June 2016 concerning five people in Nauru. Answers to the questions asked of the Australian Government are detailed below.

Please provide any additional information and any comment you may have on the above mentioned allegations.

I refer to the statement that “regional processing facilities were established under the control of Australia”. The regional processing facilities in Nauru are managed by the Government of Nauru. Nauru is a sovereign nation and Australia does not exert control over its executive, legislative or judicial functions. Australia works in partnership with the Government of Nauru and provides the latter with significant support to implement refugee status determination and settlement arrangements in Nauru.

I also refer to the use of the terms “detention facilities on Nauru” and references to people “detained on Nauru”. On 5 October 2015, the Government of Nauru declared the Nauru Regional Processing Centre (RPC) a fully open centre where all residents are permitted to enter and exit 24 hours a day, seven days a week, without curfew or limitation. For the safety of all residents at the RPC, asylum seekers are checked in and out of the centre and visitors are not permitted. Additionally, certain contraband items are not permitted into the RPC, including alcohol. All residents continue to receive full services at the RPC, including health services, meals, and programmes and activities. Asylum seekers have access to the canteen where they can purchase items with their Individual Allowance Programme (IAP) points and are permitted to take water and snacks out of the centre.

Please provide detailed information on the steps your Excellency's Government has undertaken to ensure the enjoyment of the right to the highest attainable standard of physical and mental health of asylum seekers detained on Nauru. In particular, please provide information on any measures taken to ensure that Mr Saghar, Ms Narges Ali Zadeh, Mr Daryoush Ali Zadeh, Mr Jabar Hamidavi and Mr Musa Hamidavi have access to adequate specialised treatment, including therapy and medication.

All asylum seekers at the Nauru RPC receive clinically indicated health care, which includes prescribed medication where appropriate. Healthcare clinics are open at the Nauru RPC seven days per week. There is also after-hours medical staffing to respond to any after-hours medical emergencies. These services are supplemented by visiting health practitioners (including specialists), a tele-health service and medical transfers when required. Asylum seekers also access health services through the Republic of Nauru (RoN) Hospital.

As at 3 June 2016, with the agreement of the Government of Nauru, the Australian Government's contracted health services provider employed 55 health professionals on Nauru, operating at the Nauru RPC and the Settlement Health Clinic. The Department of Immigration and Border Protection also provides significant medical support to asylum seekers and refugees through:

- funding of \$11 million provided for the medical clinic at the RPC;
- funding of \$27 million provided for upgrades at the Republic of Nauru Hospital;
- the establishment of a visiting specialist programme that provides consultation and surgical services to transferees and refugees;
- the installation and commissioning of a CT scanner at the Republic of Nauru Hospital;
- improvements in neonatal and obstetric services, including enhanced birthing services in Nauru and access to midwives and an obstetrician;
- enhanced capability and training assistance provided to Republic of Nauru Hospital staff; and
- additional mental health professionals working in the RPC supporting transferees and refugees.

Additional emergency health services professionals, including a resuscitative and trauma surgery response team, from contracted health service providers arrived in Nauru in April and May 2016, to provide assistance at the Republic of Nauru Hospital.

To support mental health service delivery for asylum seekers and refugees, the Australian Government engages on-site general practitioners, mental health nurses, psychologists and psychiatrists. In addition, any person disclosing or displaying symptoms of a possible history of torture or trauma is referred to a specialist torture and trauma counselling service for further assessment, care, and counselling. Mental health screening is provided by mental health clinicians at the RPC regularly and on an as required basis, in line with mental health screening policies. All asylum seekers and refugees are supported under the Psychological Support Programme, which includes higher levels of Supportive Monitoring and Engagement when a person is assessed to be at risk of self-harm. In Nauru, there is a team of dedicated mental health nurses delivering community outreach services to refugees.

Asylum seekers receiving additional welfare and medical support through Supportive Monitoring and Engagement have additional phone access outside of the Individual Allowance Programme policy and points accumulation.

On 28 September 2015, a mental health inpatient unit at the Nauru RPC became operational to support high risk asylum seekers. The Australian Government is working to assist the Government

of Nauru to further enhance the provision of mental health services to asylum seekers and refugees in Nauru. The Government of Nauru has provided in principle agreement for the delivery of expanded mental health services at the RPC, including inpatient and respite facilities for asylum seekers and refugees.

The Australian Government is aware of the circumstances of the individuals identified in your letter and is advised by its health services provider that the health of each person continues to be regularly monitored and reviewed. The Australian Government continues to liaise with its contracted health services provider to ensure all individuals are being provided with clinically indicated and appropriate health care, which includes the provision of prescribed medication.

Given the indefinite family separation in such difficult circumstances has led to the significant deterioration of the mental and physical health of the five individuals mentioned above and that of their relatives, please provide information regarding the steps your Excellency's Government has undertaken to ensure their family reunification.

Where an asylum seeker or refugee is transferred to Australia for medical treatment family members may accompany the individual.

The Department of Immigration and Border Protection continues to review requests for family reunion in Australia. Submissions are presented to the Department for consideration on a regular basis, and individuals are advised of the decision when it is available.

Persons transferred to Australia for a temporary purpose will be returned to the regional processing country at the conclusion of their medical treatment pursuant to the *Migration Act 1958* (Australia). A significant proportion of persons transferred to Australia for medical treatment are now fit for return travel, but they remain in Australia due to ongoing litigation.

A review of Mr Saghar's case was recently conducted and the Department of Immigration and Border Protection approved the temporary transfer of Mr Saghar to Australia to reunite with his sister and her family (in Australia following the birth of a child).

Please provide detailed information on measures taken to ensure that asylum seekers detained on Nauru can regularly communicate with their family members abroad.

All asylum seekers and refugees in Nauru have equitable access to communications and media, including internet and voice over internet protocol (VOIP) telephone.

As part of the induction process, asylum seekers arriving at the Nauru RPC on Nauru are entitled to a telephone call on arrival at the RPC to notify family or a friend of their arrival. Telephones are available at Nauru RPC for use by asylum seekers. Telephone cards are available for purchase at the RPC in exchange for Individual Allowance Programme (IAP) points.

From March 2015, basic mobile phones have been made available at the RPC in exchange for IAP points. Mobile phone credit is available for purchase in exchange for IAP points.

All residents have access to computer and internet services for personal use. Internet and computer services are accessible when the computer rooms are open. In the event that there are more users than computers available, the BROADSPECTRUM staff member will manage this to ensure equitable use. Filters are in place to restrict access to sites which may be deemed to be of risk or prohibited, including pornographic sites or sites containing or promoting illegal acts or inciting violence or hatred.

Two compounds in the Nauru RPC are currently occupied: RPC2 and RPC3. The number of telephones at RPC2 is 36 and at RPC3 is 36. The number of computers at RPC2 is 36 and at RPC3 is 50. Access to telephones for adults located at RPC2 and RPC3 is accessible 24 hours per day (unscheduled).

To ensure equitable access for all adults accommodated at RPC2, internet access is approximately 3.5 hours access per adult per week (unscheduled). For adults located at RPC3, access is approximately 11 hours access per adult per week (unscheduled). For youths located at RPC3, access is approximately 5 hours access per youth per week (scheduled).

Service providers facilitate regular phone contact between the family members separated due to medical treatment. Family members of individuals being treated in a country other than Nauru also have access to Skype.

Please indicate whether Mr Saghar faces possible charges for attempted suicide.

This is a matter for the Government of Nauru. The Australian Government understands, however, that no charges have been laid against Mr Saghar.

The Australian Government understands that with the commencement of the *Crimes Act 2016* (Nauru) on 12 May 2016, the criminal law of Nauru no longer includes an offence of attempting to commit suicide.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'John Quinn', with a stylized, flowing script.

John Quinn
Ambassador and Permanent Representative to the United Nations, Geneva