



FROM THE PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION
GENEVA

17 December 2015

Ms Natacha Faucard
Officer in-Charge
Special Procedures Branch
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14, avenue de la Paix
1211 Geneva 10, Switzerland

Dear Ms Faucard,

Joint Urgent Appeal of 16 November 2015 - Special Procedures communication on behalf of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences concerning alleged sexual violence against Ms [REDACTED] and allegation of ill-treatment.

I refer to the communication [AUS7/2015] concerning Ms [REDACTED] and Mr [REDACTED] dated 16 November 2015.

In response to this request, the Australian Government provides the following information.

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

The Australian Government is aware of the allegation of sexual assault raised by Ms [REDACTED] Ms [REDACTED] and her family were provided with medical treatment and welfare support in Nauru until she was transferred to Australia. Ms [REDACTED] remains in Australia receiving medical treatment.

The Australian Government understands that the investigation of this incident by the Nauru Police Force is ongoing. This is a matter for the Government of Nauru.

- 2. What action has been taken to prevent any further acts of sexual violence and ill-treatment against asylum seekers in the country?**

The Government of Nauru has established a Gender Violence and Child Protection Unit within the Nauruan Department of Home Affairs. The Unit is responsible for developing and implementing a gender violence and child protection framework, provides victim support services and operates a 24/7 telephone hotline.

The Australian Federal Police has experienced advisors deployed to Nauru to provide mentoring, capacity development and training initiatives to members of the Nauru Police Force. One area of AFP focus is in enhancing the skills and abilities of Nauru police to respond to and investigate complaints of physical and sexual assaults. Further, Australia supports the Government of Nauru's Community Liaison Officer network initiative, whereby local officers provide a 'neighbourhood watch' presence and are involved in defusing, reporting and referring incidents and providing information and assistance to refugees and transferees.

- 3. Please provide full details of any prosecutions which have been undertaken in relation to human rights violations which have taken place at the abovementioned detention facility.**

This is a matter for the Government of Nauru.

- 4. Please provide details regarding the reunification of the [REDACTED] family, as their separation in such difficult circumstances has strongly deteriorated the mental and physical health of Ms [REDACTED] and that of her relatives, in particular [REDACTED]'s mother and brother.**

As Ms [REDACTED] arrived without a valid visa by boat, she is subject to transfer to a regional processing country. She has been brought to Australia as a transitory person for the temporary purpose of receiving medical treatment. When she no longer needs to be in Australia for that temporary purpose, consideration will be given as to whether it is reasonably practicable for her to be returned to Nauru in accordance with the *Migration Act 1958*.

The travel of her family to Australia to accompany her during her treatment is subject to ongoing consideration by the Department of Immigration and Border Protection.

- 5. Please provide information on the steps that your Excellency's Government has undertaken to assure the enjoyment of the right to the highest attainable standard of physical and mental health of [REDACTED] and her mother, and please inform us about the access of the family to this information.**

Ms [REDACTED] and her family have received appropriate medical care. This care is ongoing for all members of the family.

Regular contact between Ms [REDACTED] and her family, while Ms [REDACTED] is in Australia, is facilitated by telephone and the Internet, for example Skype. Ms [REDACTED] has significant opportunity to share her health information with her family. It would be inappropriate for a health professional to share information with a third party without explicit patient consent.

- 6. Please provide information on measures taken to prevent ill treatment of asylum seekers by private security companies.**

Service providers under contract to the Australian Government receive full training prior to deployment and ongoing training while on deployment. Strict codes of conduct and behaviour are in place.

Any incident involving contracted staff is investigated and, where appropriate, referred to the Nauru police. Any matter alleging criminal behaviour is referred to the Nauru police for investigation and action.

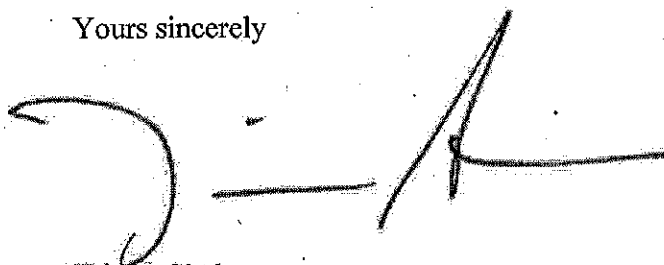
7. Please kindly indicate what measures have been taken to ensure that human rights defenders working on issues relating to the detention of asylum seekers in immigration facilities are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

Nauru and Papua New Guinea have both established Joint Advisory Committees with Australia, to oversee implementation of arrangements for regional processing centres. These committees include independent subject matter experts and observers from independent scrutiny agencies, such as the Commonwealth Ombudsman and UNHCR.

Questions in relation to the regional processing centres are a matter for the Governments of Nauru and Papua New Guinea.

I trust this information will be of assistance.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a diagonal stroke.

Tristen Slade.
Chargé d'Affaires *a.i.*