

Briefing Paper for those attending the APEC Leaders Forum in Port Moresby from 12-18 November 2018

- APEC Leader delegates
- accompanying personnel, and
- media representatives

Regarding:

The Australian Government's Offshore Processing regime, which has resulted in around 2,000 refugees and asylum seekers being held indefinitely in PNG and on Nauru since 2013.

The Australian Refugee Action Network (ARAN) calls on the Governments of PNG and Nauru to:

- withdraw from the offshoring arrangements (set up to protect partisan political interests in Australia) which are destroying innocent people, and fostering unrest in local communities; and
- seek aid from Australia to support economic development which does not require the abuse of human rights of innocent people.

ARAN calls on the Australian Government to end the offshoring arrangements and the associated human rights abuses, and to provide protection for these people in Australia, and to also accept the offer by New Zealand.

ARAN commends the New Zealand Government for offering to provide protection to some of these people, and encourages NZ to do whatever possible to implement this offer.

ARAN requests that members of the APEC forum urge the Australian Government to end the offshore regime and provide permanent protection in Australia.

The Australian Refugee Action Network has over 70 member groups engaged in advocacy for refugee rights across Australia.

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KEY ISSUES

As a signatory to the UN Convention on Refugees, Australia has an obligation to consider the claims of people seeking asylum regardless of mode of arrival. In 2013 the Australian Government re-opened detention centres with Nauru and PNG in order to reduce the obligation to provide permanent protection to people who travel by boat to seek asylum in Australia. More than 1350 men women and children were sent from Australia to Nauru to between July 2013 and September 2014, and more than 1000 men were sent to Manus Island PNG.

The Australian Government maintains control of the offshore arrangements, hiring private contractors to operate the facilities and to provide basic services, and making substantial incentive payments to both the PNG and Nauruan Governments.

From the very beginning there have been **serious human rights, safety and health concerns about Australia's offshore arrangements**, articulated in numerous reports by the United Nations High Commissioner for Refugees, and the Australian Human Rights Commission. See Attachment 1 for a listing of relevant reports and a selection of related media coverage.

Around 626 men are held in PNG, mostly on Manus Island, and approximately 659 people (including 27 children) remain on Nauru. The majority of these people have been recognised as refugees. While most are no longer technically held 'in detention' they have limited freedom of movement, and are not recognized as citizens in either PNG or Nauru.

The #KidsOffNauru campaign lead by World Vision has been effective in galvanising public concern and has resulted in the Australian Government bringing over 100 children and their families from Nauru for treatment in Australia since August 2018.

Since late 2016 about 400 refugees (from PNG and Nauru) have been resettled in the US, but it is understood that a large number of those who remain will not be accepted for resettlement in the Us, and there are no plans for their future. They remain in limbo - many are suffering significant physical and mental health issues.

Current situation in PNG – a health crisis for refugees

Until early this week 70 detainees were residing in Port Moresby as outpatients receiving medical treatment – many for high risk and complex health conditions. In recent days around 50 of these men were forcibly removed and relocated back to Lorengau before completing their treatment, in preparation for the APEC Leaders Forum. See [ABC News 8 Nov 2018](#)

Most of these men have complex health needs – their health issues include:

- Cardiac disease
- Uncontrolled diabetes
- Kidney disease

- Major dental problems
- Untreated severed tendons
- Fractures that have not healed properly due to lack of timely treatment
- Failure to thrive & inability to eat
- Eye disorders, failing vision & fear of blindness
- Ear, nose & throat problems, some worse since PIH surgery
- Abdominal disorders
- Severe pain of unknown origin
- Severe skin disorders that don't heal & are cause debilitating emotional distress;
- Untreated H. pylori bacterial infections with complications of stomach & intestinal ulcers.
- At least one has not yet been investigated for suspected stomach cancer.
- Serious mental disorders including psychosis, depression, anxiety and suicidality.

There were five potentially fatal suicide attempts last week that required emergency care.

Lorengau medical facilities will have no capacity to support the medical needs of these men, and there will not be access to medical attention in Port Moresby for at least a month. Many local people have declared that this situation is now a medical crisis including : [Catholic Bishops of PNG call for removal of refugees to Australia](#) . The Papua New Guinea Bishop's Conference recently called for all the refugees and asylum seekers to be brought to Australia by Dec. 25, saying that their country cannot continue to provide adequate care.

After five years of indefinite detention, and with uncertain prospects for a secure future, many of these men are in a very vulnerable state. The situation is no longer tenable. The arrangements are morally indefensible – the Australian Government has been clear that the inhumane and degrading treatment of these people is deliberate and a central part of the policy designed to deter others from seeking protection in Australia.

In October 2018 [UNHCR Spokesperson Catherine Stubberfield](#) stated:

There is a clear and urgent imperative for medical evacuation. Several instances of self-harm or attempted suicide have taken place in Papua New Guinea in the past month. A number of people suffering both acute physical and mental health needs, including some who UNHCR brought to the attention of the Australian Government in 2017, remain untreated.

Australia remains responsible under international law for those who have sought its protection and whom it has forcibly transferred to so-called 'offshore processing' facilities," Ms Stubberfield said. "In the context of deteriorating health and reduced medical care, Australia must act now to prevent further tragedy and loss of life."

See further background information at Attachment 2.

ATTACHMENT 1:

NEWS REPORTS – UN HIGH COMMISSIONER CONDEMNS AUSTRALIA'S OFFSHORE ARRANGEMENTS:

Australia has received vigorous and repeated condemnation from international human rights groups including the United Nations High Commissioner for Refugees opposing the offshore regime.

<http://www.abc.net.au/news/2018-03-27/unhcr-says-nauru-refugees-mental-health-situation-shocking/9591846>

<https://www.sbs.com.au/news/very-very-shocking-un-official-slams-situation-on-nauru>

<https://www.theguardian.com/australia-news/2017/nov/10/australia-should-bring-manus-and-nauru-refugees-to-immediate-safety-un-says>

<https://www.theguardian.com/australia-news/2017/nov/04/un-attacks-australias-inhumane-refugee-processing-system>

<https://news.un.org/en/story/2018/04/1006501>

Related links:

['UN report to state Australia is in breach of international torture convention'](#), Report on UN and Manus, March 9, 2015.

['The Manus Solution'](#) – Four Corner report, ABC, April 2014.

['Kevin Rudd unveils 'hard-line' PNG solution for asylum-seekers'](#), July 2013, The Australian.

['Chilling footage has emerged of "war zone"-like scenes during last week's unrest at the Manus Island detention centre'](#), The Guardian.

['UN condemns 'Australia's Guantanamo Bay''](#), ABC 7:30 Report.

['Manus Island: How information is kept 'under control'](#), SMH.

['I was told to lie: Manus Island staffer'](#), SBS.

['Asylum seeker safety on Manus Island'](#), The Wire.

['We are in danger. Somebody please help us'](#), The Guardian.

['PNG Supreme Court rules Australian detention of asylum seekers on Manus Island is illegal'](#), ABC April 2016.

[Leaked UNHCR report: Manus Island world's worst](#), The Saturday Paper, Oct 2016.

REPORTS ON CONDITIONS ON HUMAN RIGHTS ABUSES ON MANUS ISLAND AND NAURU include:

- November 2014 The Australian Human Rights Commission released [The Forgotten Children report](#) based on a national Enquiry into children in immigration detention. This included 186 children then held on Nauru.

The evidence documented in this Report demonstrates unequivocally that prolonged detention of children leads to serious negative impacts on their mental and emotional health and development. It also noted numerous reported incidents of assaults, sexual assaults and self-harm involving children indicate the danger of the detention environment

- Feb 2015: [The Moss Report](#) – an internal Government report was released supporting the AHRC findings

- March 2015, [former UN Special Rapporteur Juan Méndez](#) concluded that Australia had “violated the right of the asylum seekers, including children, to be free from torture or cruel, inhuman or degrading treatment”.
- March 2016: [The Guardian Australia](#) published what became known as [The Nauru Files](#). The files cover the period from May 2013 to October 2015 and detailed over 2,000 reports of assaults, sexual abuse, self-harm attempts and child abuse at the Offshore Processing Centre.
- August 2016: over 100 doctors teachers, caseworkers managers and social workers [call for both Manus and Nauru to be shut down](#).
- October 2016 report by Amnesty International [Island of Despair](#): concluded that the Australian government’s policy has been “explicitly designed to inflict incalculable damage on the hundreds of women, men and children on Nauru”.

“Behind a fortress of secrecy, the Australian Government is isolating over a thousand people – adults and children – in a remote place which they cannot leave, where many in the local population do not want them, and the local police do not protect them, with the specific goal that these people should suffer. And suffer they have – it has been devastating and, in some cases, irreparable.”

The report concluded that the conditions endured on Nauru actually amounted to a form of torture:

The conditions on Nauru – refugees’ severe mental anguish, the intentional nature of the system, and the fact that the goal of offshore processing is to intimidate or coerce people to achieve a specific outcome – amounts to torture.

- March 2018 [SBS News](#) The Asia Pacific director for the UN High Commissioner for Refugees, Indrika Ratwatte, criticised Australia’s immigration detention policies. Mr Ratwatte visited the Nauru detention centre, concluding that some people currently detained in the facility are worse off than the Rohingya in Bangladesh.
- In May 2018 The Human Rights Law Centre and GetUp published [Four Years Too Many](#) stated that refugees and people seeking asylum endured a critical or major incident on Manus Island, on average, almost every day.
- In August 2018 over 140 service, religious and advocacy organisations, many of them national, and over 100,000 individuals joined the World Vision [#KidsOffNauru campaign](#). This campaign calls on Australia’s political leaders, to free the 119 children then trapped on Nauru by Universal Children’s Day; to bring them to Australia and either offer resettlement in Australia or find another suitable country that welcomes them.
- In 2017 [five submissions were made to the International Criminal Court](#) urging an investigation into successive Australian Governments, who have knowingly enabled the commission of crimes against humanity. Their victims have been people whose only “crime” was to seek Australia’s protection from persecution.

Attachment 2: Further background information

Background and Key facts

We understand there are 495 recognised refugees still in PNG (and 131 asylum seekers), and 541 recognised refugees currently on Nauru (and 118 asylum seekers), including 27 children.

Many of these people have been separated from family members for over 5 years, and they are trapped without prospects for freedom and a secure future.

The Australian Government has repeatedly refused an offer by New Zealand to resettle refugees from Nauru and Manus Island.

It is clear that most people seeking asylum who are held on Nauru and in PNG should be granted protection by Australia.

While the majority of people remain, a small number of people have returned to their countries of origin, a very small number (2) have gone to Cambodia, and 2 were accepted by Canada. The most recent figures indicate that 415 people have been resettled in the US (146 from Manus), and 188 people have been rejected for US resettlement as of the same date. By far the largest number of those refused are from Iran (91), although 16 Iranians have been accepted.

Nearly 300 people have been transferred to Australia to receive medical treatment for serious conditions, or to give birth at which point they are called 'transitory persons'. Shamefully, in many cases the Australian Government has resisted calls by medical specialists for medical evacuations until ordered to do so by the Federal Court. It is Government policy that all transitory persons must be sent back offshore as soon as medically possible, but legal action in Australia has prevented the Government from returning these people to Nauru and Manus Island. Many of these people are recognised as refugees, but Australia continues to deny them protection.

LEGAL ISSUES IN PNG

- In 2016 PNG Supreme Court ruled that the detention of people who had committed no crime was unconstitutional. Some time after this the detention centre was reclassified and deemed to not be a detention centre by the Australian Government. Men were able to leave the detention centre but many chose not to due to concerns about their safety.
- A petition signed by 368 refugees and asylum seekers on Manus Island was presented to PNG's Supreme Court, calling compensation and the opportunity to apply for travel documents, opening possibilities for resettlement in other countries, given the 2016 ruling that the detention centres on the island are unconstitutional and unlawful.

The PNG Supreme Court dismissed the case brought by Manus Island detainees on a technicality. The lawyer representing the more than 730 refugee and asylum seeker men has vowed to keep fighting for compensation.

HUMAN RIGHTS ABUSES

- See attachment 1 for a listing of reports describing the human rights abuses since the re-activation of off-shore arrangements in 2013.
- In October 2017, the Australian Government closed down the detention centre on Manus Island, disconnecting water, electricity, and food supply. This led to a siege as the men refused to leave on account of safety concerns and issues with the centres they were being moved to, and in protest against the continuing violation of their rights under UN Law and the PNG Constitution.
- The siege ended when the men were violently apprehended and forcibly relocated to 'purpose built centres' in Lorengau, which the Australian Government claimed were safe, of a high standard, finished and able to accommodate all. None of these claims were accurate.

SAFETY

- A riot in the detention centre in February 2014 resulted in the death of Reza Barati and serious injury of 70 other detainees.
- Six other men have died while in detention on Manus Island.
- A number of men have been violently attacked, and many are fearful for their safety in the local community.

HEALTH

- While the medical services in the detention centre were far from adequate they are even worse in the accommodation at Lorengau.
- Torture and trauma counselling services were discontinued on Manus Island in October 2017 and the new centres are now served by one small medical clinic and a public hospital, which are far from adequate to meet the refugees' needs.
- The psychological trauma of prolonged and indefinite detention has taken a serious toll on the mental health of refugees, with many suffering from depression or post-traumatic stress disorder in addition to their other health issues. The desperation has resulted in suicides and self harm.
- However no one from Manus has been brought to Australia for medical treatment this year, ostensibly because treatment is available in Port Moresby.

LACK OF TRANSPARENCY AND ACCOUNTABILITY

- The Australian Government has sought to limit the information available about the situation of the people being held in PNG and on Nauru, and has encouraged the restriction of visas to journalists.