8 April 2016

Senator Glenn Lazarus
Chair
Senate Legal and Constitutional Affairs Reference Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email to: legcon.sen@aph.gov.au

Dear Senator Lazarus

Re: Senate Inquiry into the conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to make a submission in response to the Senate Inquiry into the conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea (the Inquiry).

The RANZCP particularly wishes to respond to the Inquiry’s terms of reference (a) and (b) as set out below.

**Term of reference (a) - Conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea**

In recent years, the RANZCP, together with the Royal Australian College of General Practitioners (RACGP), the Royal Australasian College of Physicians (RACP) and other key professional medical bodies, has consistently advocated for the physical and mental health needs of asylum seekers and refugees who are being held in immigration detention, including in regional processing centres in the Republic of Nauru (Nauru) and Papua New Guinea (PNG).

Specifically, the RANZCP believes that prolonged, indefinite detention of asylum seekers and refugees in immigration detention centres violates basic human rights and contributes adversely to their mental health. There is clear evidence that the risk and severity of mental illness increases the longer a person is in detention. Prolonged immigration detention has been shown to worsen mental illness in those already suffering when detained and to result in the development of completely new conditions in those without mental illness on arrival (Steel et al., 2006).
The RANZCP particularly opposes the routine, prolonged and indefinite detention of child asylum seekers and refugees under the Australian Government’s policy of mandatory detention. Children are profoundly vulnerable and their wellbeing and safety is compromised in the institutionalised detention environment. Detention is highly detrimental to children’s physical and mental health and has been shown to result in developmental regression and delays in children, with the potential to cause long-term damage to their physical, cognitive, social and emotional functioning (Mares, 2016; AHRC, 2014).

The mental health of refugees and asylum seekers is further compromised by the reality of regional processing centres, which were introduced as the sole point of processing of new arrivals with no legal possibility of resettlement on the Australian mainland.

Relevant issues include:

- major barriers related to the provision of adequate and independent health care in regional processing centres, including limited facilities and workforce difficulties. This also raises issues about the suitability of these locations for particular vulnerable groups such as pregnant women, infants and people with chronic physical and mental illness (Moss, 2015).

- resettlement of asylum seekers and refugees in the communities of Nauru, PNG and Cambodia, which has had minimal take-up and is compounded by significant difficulties related to community acceptance, lack of infrastructure and support

- recent episodes of conflict and violence on Nauru and Manus Island, loss of life of detainees on Manus Island and many injured with ongoing tensions between local community members and detainees.

- repeated concerns about the assault and sexual assaults of young people and of women placed in the community on Nauru. The case of ‘Abyan’ - who became pregnant after an alleged rape on Nauru and who is currently in a psychiatric facility in Australia, and whose care was the subject of considerable media and political attention, highlights the vulnerability of these people and the lack of independent and adequate health and mental health care.

All these factors represent a breach of the human rights of those Australia is detaining in regional processing facilities.

The RANZCP has developed position statements that advocate for the mental health needs of asylum seekers and refugees:

- Position Statement 46 ‘The provision of mental health services to asylum seekers and refugees’ (2012)


We urge the Inquiry to take these documents into account when making recommendations in relation to the current treatment and conditions of asylum seekers and refugees in regional processing centres in Nauru and PNG.
Term of reference (b) transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea

The RANZCP is also extremely concerned about the lack of independent monitoring or oversight of conditions in the Nauru and PNG regional processing centres.

We call on the Australian Government to establish an independent health advisory body to oversee health service provision for asylum seekers, including in regional processing centres.

The RANZCP also considers that the lack of transparency and accountability impacts on the capacity of health professionals, including psychiatrists to provide high quality physical and mental health care to refugees and asylum seekers and to practice ethically and effectively in regional processing centres. The remote location of, and limited access to, regional processing centres means that health professionals often negotiate these conflicts of interest without ready access to the usual and necessary professional supports, such as supervision and peer review.

The possible interpretation of the Australian Border Force Act 2015 (Cth) further complicates this issue, by exposing psychiatrists to risk or perceived risk of legal or professional ramifications when undertaking their clinical duties (Dudley, 2016). These issues and the RANZCP’s recommendations are set out in more detail in the RANZCP’s Guidance for psychiatrists working in Australian immigration detention centres (2016).

If you would like to discuss further any of the issues raised in the submission, please contact Rosie Forster, Senior Manager, Practice, Policy and Partnerships via rosie.forster@ranzcp.org or by phone on (03) 9601 4943.

Yours sincerely

Prof Malcolm Hopwood
President

Ref: 0202o
References


Moss P Review into Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru (Final Report, 10 February 2015).


