

4 October 2021

To the United Kingdom Parliamentary Committee scrutinising the Nationality and Borders Bill

1. We welcome the opportunity to make a submission to this the debate on the *Nationality and Borders Bill (UK)* in the hope that doing so will prevent the United Kingdom from taking such a perilous path.
2. The Australian Women Without Borders (AWWB) is an organisation which seeks to improve, empower and advocate for women whose rights are being violated systemically within Australia's immigration detention and processing regime. The foundational members are Professor Carmen Lawrence – former State Premier of Western Australia, Professor Wendy Bacon, Claire O'Connor S.C, Julie Macken and Pamela Curr. In its first campaign, AWWB highlighted the conditions of women and children living in Australian detention on Nauru. This was done by investigating, writing and disseminating an investigation into the systemic abuse and sexual abuse of women and children in immigration detention in Nauru. The report, Protection Denied Abuse Condoned, provided a detailed analysis of what happened offshore for refugee and asylum-seeking women and girls and the gendered nature of the abuse reported therein. AWWB administers the digital and community action campaign Australian Women in Support of Women on Nauru. AWWB is dedicated to exposing the truth about detention on Nauru and is determined to bring about the end of mandatory offshore detention which leads to unspeakable abuse against women.
3. On 12 August 2012, then Prime Minister, Julia Gillard, announced all asylum seekers arriving in Australia by boat would be transferred to Nauru or to Manus Island in Papua New Guinea. In both the offshore environments the asylum seekers were to wait for an unspecified time for their asylum claims to be processed with the understanding that, regardless of the outcome, settlement in Australia would not occur.
4. Stories of the sexual assault of women on Nauru, both in the camps and in the community where some detainees were placed after many years, had been told in horrified whispers to trusted people. The histories were backed up by reports of shocking incidents to police and medical personal as well as to the Australian government workers and to service providers on the island. Women and children were and, as we acknowledge, continually exposed to sexual abuse, humiliation and harassment within the camp where they live in tents without privacy and where they are subjected to intrusive body searches with scanners by security personnel including men. The very infrastructure of the camp leaves women open to physical abuse including rape and a fear of retaliation if abuse was reported. Those women in accommodation outside the camp have been preyed upon by staff and locals and numerous reports go without adequate or any investigation.
5. The process of offshoring Australia's immigration detention regime, outsourcing its management to private contractors and ensuring journalists, civil society leaders and lawyers were barred from entry enabled the Australian government – with the support of Nauru government's – to turn these camps into lawless black sites. Two of the member of

AWWB, a former State Premier and a QC from the Australian bar were refused entry. Secret filming of the detainees has occurred and enabled a documentary detailing the abuse and conditions was able to be made and some of the former workers have been whistle blowers detailing their concerns about the safety of the conditions in Nauru.<sup>1</sup>

6. Many national and international bodies have criticised the offshore processing and we refer you to the BBC report at <https://www.bbc.com/news/world-asia-28189608> and <https://www.bbc.com/news/world-australia-33113223>.
7. In a study of families detained in a remote onshore immigration detention centre, Steel et al. (2004) concluded that all adults and children met diagnostic criteria for at least one psychiatric disorder. Among 14 adults, they identified 26 disorders. Among 20 children, they identified 52 disorders. Retrospective comparisons indicated that adults displayed a threefold and children a tenfold increase in psychiatric diagnoses subsequent to detention. Other evidence has come from asylum seekers treated in the Australian community. Mares and Jureidini (2004) conducted assessments on 16 adults and 20 children who were held in detention and referred to a child and adolescent mental health service. All children had at least one parent with a psychiatric illness. Of the 10 children aged 6-17 years all fulfilled criteria for both posttraumatic stress disorder (PTSD) and major depression with suicidal ideation. Eight of the ten children, including three pre-adolescents, had made significant attempts at self-harm. Seven had symptoms of an anxiety disorder and half reported persistent severe somatic symptoms. The majority (80%) of preschool-age children were identified with developmental delay or emotional disturbance.
8. The AHRC Forgotten Children Report (AHRC, 2014) examined children's health and wellbeing and the impact of onshore and offshore immigration detention. It found that immigration detention was having "profound negative impacts on the mental and emotional health of children" (p. 29). In relation to offshore detention on Nauru, the report found that, "[c]hildren detained indefinitely on Nauru are suffering from extreme levels of physical, emotional, psychological and developmental distress" (p. 13). In a follow up study, Young and Gordon (2016) re-examined the data collected by the AHRC in relation to 25 onshore detention centres. They concluded that length of time detained was associated with higher self-reported depression scores, with females more vulnerable to length of time in detention. Approximately half of the individuals were identified as having symptoms of PTSD on healthcare professional-rated measures. One-third of the children, adolescents and adults suffered with clinical symptoms requiring tertiary outpatient assessment. Mares (2016) also re-examined this data set. Amongst a sample of 166 asylum seekers, 83% of adults and 86% of teenagers had co-morbid depression and anxiety.
9. There is inadequate auditing or monitoring of conditions for detainees in Nauru. In an extraordinary development, in September 2015, the United Nations Special Rapporteur on

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<sup>1</sup> See <https://markjisaacs.com/the-undesirables/>  
<https://www.abc.net.au/4corners/the-forgotten-children:-four-corners/7930052>

the Human Rights of Migrants, Francois Crepeau, cancelled a visit to Nauru because he said that the newly introduced *Australian Border Force Act 2015* (the Act) would have made it too difficult and risky for staff in the centres to report to him. Mr Crepeau said in a statement that the Act, which makes it a crime for immigration and border protection workers to disclose information about offshore detention centres, “*serves to discourage people from fully disclosing information relevant to my mandate.*”

10. Despite detailed evidence of sexual assault, abuse and harassment, particularly confirmed by pregnancies resulting from rapes, the Australian Government refused to recognise the essentially unsafe environment on Nauru and to move refugees and asylum seekers to a secure but less harmful onshore environment or to allow the detainees to go to New Zealand which offered sanctuary.<sup>2</sup> Instead the Government continued to expose vulnerable women to the threat of rape and other forms of sexual assault, humiliation and trauma on Nauru, which we say was not only an intentional breach of the care the women and children should have had but part of a policy to force detainees to seek return to the countries they escaped from. Further, the Government policy, being as harsh as it was, was designed to ensure that other persons needing sanctuary from a fear of persecution in their home countries, did not come to Australia. We submit that it is clear from the evidence that removal from Nauru to safety was the only solution for the harm being caused to the detainees which included widespread violence towards these women and children.
11. While we did not advocate for those detainees held on Manus we note that a challenge to then detention environment therein was held to be unlawful under the Papua New Guinea constitution<sup>3</sup> and that those detainees, in a class action, settled with the Commonwealth of Australia paying the class \$70 million in damages plus costs for breaches of the duties of care owed and for false imprisonment.<sup>4</sup>
12. We are deeply concerned that your proposed Bill reflects the worst aspects of Australia’s brutal refugee policy as developed over the last twenty years. The implementation of this policy has seen Australia accused of violating the
  - *Universal Declaration of Human Rights;*
  - *The United Nations Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment,*
  - *The International Covenant on Civil and Political Rights,* and
  - *The United Nations Convention on the Rights of Children* referred to in the Australian Human Rights Commission Inquiry into Children in Immigration

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<sup>2</sup> see <https://www.reuters.com/article/us-australia-newzealand-refugees-idUSKCN1L81FB>

<sup>3</sup> *Namah v Pato* [2016] PGSC 13

<sup>4</sup> <https://www.slatergordon.com.au/media/court-approves-70-million-manus-island-class-action-settlement>

Detention (albeit discussing on shore detention) - *“A Last Resort – National Inquiry into Children in Immigration Detention (2003).<sup>5</sup>*

Further, we say that offshore detention is, in its implementation and practice in breach of

- *The United Nations Convention in Relation to the Status of Refugees [1951] and The United Nations Protocol in Relation to the Status of Refugees [1967]<sup>6</sup>*

13. The evidence in this submission and the references contained herein focuses on the similarities between Australia’s detention regime and the regime proposed in this Bill.

9 Clause 10 of the *Bill* creates two categories of refugees, with different rights and entitlements: This mimics Australia’s position in terms of that nation’s victimisation of those who come via boat versus those who arrive via plane or seek asylum after they arrive here on a legitimate visa. Refugees will be classified as Group 2 if they have not come directly from a country or territory that threatens their rights under Article 1 of the Refugee Convention, and/or they have not made an immediate claim for asylum on arrival. Those who have entered the UK irregularly will also have to show ‘*good cause*’ for this or will fall into Group 2. Urgent clarity is needed on how Government will seek to interpret each of these elements.

10 Clause 10, subsection 5 of the *Bill* gives powers to treat Group 2 refugees differently, including with the amount of leave they are granted, and whether they are able to be reunited with their family members under the UK’s refugee family reunion rules. As with the Australian policy, the different treatment outlined in Clause 10 punishes refugees based on the way that they arrived in the UK not on their need for protection or, indeed that of their families. The Australian practice which also does this through the practice of temporary protection with no right of reunification results in essentially discriminatory practices and known harm to those family members left behind. We say that it is incompatible with the Universal Declaration and the Refugee Convention and Protocol referred to above. We urge members seek to amend the *Bill* to remove Clause 10.

11 Clause 10, subsections 5 and 6 mimics Australian law and gives Government powers to limit or end access to refugee family reunion for Group 2 refugees. This has had a devastating impact on refugees within Australia and has been recently highlighted in the collapse of the Government of Afghanistan with Afghani refugees and asylum seekers on temporary protection living in Australia not being able to secure protection for those family members impacted by the Taliban rulers taking over. If implemented in the UK this practice will

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<sup>5</sup> <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/last-resort-national-inquiry-children-immigration>

<sup>6</sup> For an analysis of the UN obligations and breaches alleged through the off-shore policy see <https://lr.law.qut.edu.au/article/download/579/566/579-1-2198-1-10-20151102.pdf>

severely curtail one of the only safe and legal routes for refugees to arrive in the UK and is important as it is often physically and age vulnerable family members who stay behind, living in fear, while fitter and younger members leave hoping to secure asylum then reunification. We submit that this practice would also harm the integration chances of those who have been recognised as refugees in the UK and risk those who are less able to, to leave their countries of residence. We know many refugees drown each year in the Mediterranean trying to get to the UK and Europe for sanctuary and safety. This policy will see an enormous increase in those fatalities.<sup>7</sup>

- 12 Clause 11 of the *Bill* relates to accommodation for people in the asylum system and gives the Government powers to house different groups of asylum seekers in an (undefined) 'accommodation centre'. This mimics Australia's move to house asylum seekers in prison-like conditions. The vulnerability of women and girls in such places we submitted led to the sexual assaults that we reported on in Nauru and is also of concern in the onshore detention centres Australia has managed throughout the country for the last almost 30 years. Such a move away from housing in the community we say will also impede integration prospects for refugee and, because of the high security employed is a far more expensive option.
- 13 A *Save the Children/UNICEF Report* in 2016 found that the Australian Government's deterrence policies against refugees cost a total of \$9.6 billion over four years between 2012 and 2016. Refugee Action reported that  
*"Detaining a single asylum seeker on Manus or Nauru costs \$400,000 per year, according to the National Commission of Audit in 2014. Amnesty put it at \$570,000 per person in a 2016 report. **Detention in Australia costs \$239,000 per year. By contrast, allowing asylum seekers to live in the community while their claims are processed costs just \$12,000 per year, one twentieth of the cost of the offshore camps, and even less if they are allowed the right to work...."***<sup>8</sup> (our emphasis).
- 14 Clause 26 of *the Bill* – relating to schedule 3 - amends the UK *Asylum and Immigration Act 2002* to allow for someone seeking asylum in the UK to be removed while their claim is still pending, thus making it possible for the UK to legally process asylum claims offshore in the future. The key international example of this policy is in Australia, causing a well-documented human rights crisis in relation to their asylum system with immense suffering of individuals. Members should support amendments to remove this clause and schedule.
- 15 Part 3, clause 37 of *the Bill* includes an amendment to the UK *Immigration Act 1971* to create an offence where someone knowingly enters the UK without leave to enter, with a maximum five-year prison sentence. Criminalising seeking asylum in this way contravenes

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<sup>7</sup> According to the data kept by *Missing Migrants* 22,673 drownings occurred in the years since 2014. See <https://missingmigrants.iom.int/region/mediterranean>. This year alone, almost 1000 have drowned.

<sup>8</sup> [https://www.refugeeaction.org.au/?page\\_id=3447](https://www.refugeeaction.org.au/?page_id=3447)

the aforementioned Conventions and Protocol and we support the UK Refugee Council's criticism of this change.<sup>9</sup> Members should support an amendment to remove clause 37.

- 16 The UK is in the privileged position of being able to see the real-world impacts these changes will have on the lives of the most vulnerable people by examining the Australian and the USA Mexican border experiences. It is not just our organisation but many national and international bodies who have criticized the offshore and processing system we have here which is similar to those parts of the UK *Bill* we have addressed.
- 17 Some further References to the impact of Australia's detention policies of offshore and indefinite detention.
- 18 November 2012: Amnesty International reports '*a climate of anguish*' inside the Nauru Regional Processing Centre (NRPC), with at least nine people on hunger strike and noting the first self-harm and suicide attempts.
- 19 December 2012: The UN Refugee Agency (UNHCR) reports widespread depression on Nauru, as medical staff describe '*a steady and rapid incidence in mental health diagnoses, self-harm, including hanging attempts, with more than 10 new referrals each day*' and 40 people on hunger strike. UNHCR flags the '*deleterious impact on the mental and physical health of refugees and asylum-seekers if this is not addressed promptly*'.
- 20 February 2013: From Manus RPC, UNHCR notes that harsh detention conditions, uncertainty and delays in processing asylum claims, and the perceptions of unfairness and arbitrariness – by which some people were transferred to Manus while others, often from the same boat, remained in Australia – are leading to hunger strikes and self-harm.
- 21 July 2013: '*All asylum-seeker groups [on Manus Island] expressed deep anxiety and said their mental health was deteriorating*,' UNCHR notes in a Report that also cites service providers (the Salvation Army, Save the Children as well as numerous G4S staff) who, '*...expressed concerns over the likely deterioration of mental health of asylum-seekers at the facility if certainty and progress was not made in processing and case resolution*'.
- 22 November 2013: On Manus, UNHCR reports the mental state overall among those detained is less acute than in the previous visit but warns that, '*...without any clarity or certainty... the level of tension, anxiety, depression and community unrest are likely to rise. It can reasonably be anticipated that the mental health of asylum-seekers will deteriorate rapidly if those underlying factors are not addressed as a matter of priority*'.
- 23 November 2013: '*Widespread depression*' on Nauru, reports UNHCR, urging vigilance because, '*...the conditions of mandatory and arbitrary detention within a "return-oriented environment", delays in RSD [refugee status determination] processing and the absence of*

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<sup>9</sup> See <https://www.refugeecouncil.org.uk/latest/news/what-have-we-learnt-about-the-nationality-and-borders-bill-this-week/>

*clear durable solutions, if left unaddressed, will inevitably have a detrimental impact on the physical and psychosocial health of asylum-seekers, particularly vulnerable individuals.'*

24 December 2013: Conditions on Manus Island were, 'breaking' the men detained there', Amnesty International notes in a lengthy report.

25 May 2014: Amnesty publishes a lengthy follow-up report that conditions on Manus Island and notes that the conditions and lack of care is *'still breaking people'* detained there.

November 2014 : the Australian Human Rights Commission reported that, *'Children detained indefinitely on Nauru are suffering from extreme levels of physical, emotional, psychological and developmental distress,'*

26 November 2014: The UN Committee Against Torture notes 'serious physical and mental pain and suffering' on Nauru and Manus created by the combination of harsh conditions, closed detention and uncertainty about the future. It said,

*"The Committee remains concerned that detention continues to be mandatory for all unauthorized arrivals, including for children, until the person concerned is granted a visa or is removed from the State party. It is also concerned that the law does not establish a maximum length for a person to be held in immigration detention, reportedly resulting in protracted periods of deprivation of liberty. The Committee is further concerned at reports that stateless persons whose asylum claims have not been accepted and refugees with an adverse security or character assessment can be detained indefinitely (arts. 2, 11 and 16)."*

And further said that

*"The Committee is concerned at the State party's policy of transferring asylum seekers to the regional processing centres located in Papua New Guinea (Manus Island) and Nauru for the processing of their claims, despite reports on the harsh conditions prevailing in those centres, such as mandatory detention, including for children, overcrowding, inadequate health care, and even allegations of sexual abuse and ill-treatment. The combination of the harsh conditions, the protracted periods of closed detention and the uncertainty about the future reportedly creates serious physical and mental pain and suffering. All persons who are under the effective control of the State party, because inter alia they were transferred by the State party to centres run with its financial aid and with the involvement of private contractors of its choice, enjoy the same protection from torture and ill-treatment under the Convention (arts. 2, 3 and 16)."*

The Committee recommended that

*The State party should adopt the necessary measures with a view to considering : ( a) repealing the provisions establishing the mandatory detention of persons entering its territory irregularly; ( b) ensuring that detention should be only applied as a last*

*resort, when determined to be strictly necessary and proportionate in each individual case, and for as short a period as possible; and ( c ) establishing, in case it is necessary and proportionate that a person should be detained, statutory time limits for detention and access to an effective judicial remedy to review the necessity of the detention . It should also ensure that persons in need of international protection , children and families with children are not detained or, if at all, only as a measure of last resort, after alternatives to detention have been duly examined and exhausted, when determined to be necessary and proportionate in each individual case, and for as short a period as possible. The State party should also continue and redouble its efforts with a view to expanding the use of alternatives to closed immigration detention . It should also adopt all necessary measures to ensure that stateless persons whose asylum claims were refused and refugees with adverse security or character assessments are not held in detention indefinitely , including by resorting to non-custodial measures and alternatives to closed immigration detention.*

Further it recommended that,

*“The State party should adopt the necessary measures to guarantee that all asylum seekers or persons in need of international protection who are under its effective control are afforded the same standards of protection against violations of the Convention regardless of their mode and/or date of arrival. The transfers to the regional processing centres in Papua New Guinea (Manus Island) and Nauru , which in 2013 were deemed by the Office of the United Nations High Commissioner for Refugees not to provide “ humane conditions of treatment in detention ” , do not release the State party from its obligations under the Convention, including prompt, thorough and individual examination of the applicability of article 3 in each case and redress and rehabilitation when appropriate.”*

- 27 December 2014: The Senate Legal and Constitutional Affairs References Committee reports evidence of widespread mental health problems on Manus, where there are mounting incidents of serious self-harm and suicide attempts.
- 28 March 2015: Australia’s former Integrity Commissioner reported in the Philip Moss’s Review into the Allegations and relating to the circumstances of Nauru <sup>10</sup> that children as young as 11 are self-harming in Nauru and that there were allegations of sexual assault and harassment within the centre..
- 29 August 2015: ‘A high level of physical and mental health problems experienced by the asylum seekers resident’ is reported by the Senate Select Committee on the Recent

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<sup>10</sup> <https://s3.documentcloud.org/documents/1689988/moss-report-review-conditions-circumstances-nauru.pdf>

allegations relating to the conditions and circumstances at the Regional Processing Centre in Nauru.

- 30 February 2016: 'Children [detained] at Wickham Point, (which is on shore and about one hour from the Northern Territory capital of Darwin, most of whom had spent several months in Nauru, are amongst, *'the most traumatised children the paediatricians have ever seen,'* the Australian Human Rights Commission reports.
- 31 May 2016: Madeline Gleeson publishes the award-winning book, 'Offshore: Behind the Wire on Manus and Nauru', extensively documenting critical concerns about the physical and mental health of asylum seekers and refugees offshore caused by the circumstances of the detention and the failures to diagnose and treat the detainees .
- 32 August 2016: 'Many' people detained in Nauru *'have dire mental health problems and suffer overwhelming despair'*, Amnesty International and Human Rights Watch Joint Press Release. The members are urged to read the said release as it details many of the references to National and International Concerns which had been expressed in relation to the dire conditions that refugees and asylum seekers were in..
- 33 October 2016: *'Disturbing, detailed accounts of the disintegration of their own or others' mental health'* are noted in Amnesty International's *'Islands of Despair'* Report, with Senior Director for Research, Anna Neistat, reporting after a visit to Nauru, *'The distressing and heartbreaking accounts of deteriorating mental health, discrimination and violent attacks, sexual violence, inadequate medical care and harassment that I heard from mothers, fathers, adults and children as young as six, paint a picture of people driven to absolute despair.'*
- 34 2016 Senate Inquiry: Hears evidence on, 'Serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru Regional Processing Centre and any like allegations in relation to the Manus Regional Processing Centre' including UNHCR's report and found that *'88 per cent of asylum seekers and refugees surveyed on Manus Island were suffering from a depressive or anxiety disorder and/or post-traumatic stress disorder, while 83 per cent on Nauru suffered from posttraumatic stress disorder and/or depression'*.
- 35 April 2017: *'Mental health issues are rife [in Nauru], with post-traumatic stress disorder, anxiety and depression being the most common ailments. Many refugees and asylum seekers are on a constant diet of sleeping tablets and antidepressants. Children also show signs of mental distress... Many adolescents are themselves already on antidepressants,'* reports the UN Special Rapporteur on the human rights of migrants.
- 36 November 2017: A UNHCR medical expert mission to Papua New Guinea reports that, *'if refugees are not able to be knowingly placed on a pathway to a suitable destination, there is the risk of catastrophic mental health outcomes including suicide and further harm'*.
- 37 January 2018: On Manus, 93.4 per cent of asylum seekers and refugees surveyed on Manus Island were suffering from a depressive or anxiety disorder and/or post-traumatic stress

disorder, while 83 per cent on Nauru suffered from posttraumatic stress disorder and/or depression. There is, *'A worsening sense of helplessness and hopelessness among asylum-seekers and refugees at all facilities'*, UNCHR reports.

- 38 May 2018: Indrika Ratwatte, UNHCR Director of the Bureau for Asia and the Pacific, tells a briefing in Geneva, *'The long-term detention – five years plus – in Nauru has taken an immense toll on the people... Over 80 per cent of the people have been diagnosed by clinical psychiatrists and others as suffering from PTSD and trauma and depression, in both PNG and Nauru. ... The sense of hopelessness and despair was extremely tangible.*'
- 39 July 5 2018: UNHCR states that, *'Protection staff and medical experts observed a high level of tension and further deterioration in the mental health of refugees and asylum-seekers on Manus Island. Separation from family members and a deep-seated fear of being abandoned in Papua New Guinea by Australia without adequate support has contributed to an acute sense of insecurity and helplessness. It can be anticipated that an ongoing lack of support for vulnerable individuals will lead to serious, adverse outcomes, in the context of high levels of anxiety and depression. These negative consequences are clearly foreseeable and preventable.'*
- 40 July 17 2018: *'In more than one instance, children have also remained in Nauru separated from an adult parent sent to Australia for medical care,'* UNCHR reports. *'This has had a particularly devastating effect on their deteriorating mental health.'*
- 41 October 12 2018: *'In September this year, more refugees and asylum-seekers had to be medically evacuated from Nauru to Australia than in the preceding two years combined,'* amid a *'collapsing health situation among refugees and asylum-seekers at offshore facilities in Papua New Guinea and Nauru,'* UNHCR notes in a Geneva briefing, adding: *'...even this number is significantly lower than the total with acute health needs, particularly with regard to mental health....One, a suicidal pre-teenage girl... remains on Nauru despite doctors' advice to the contrary.'*
- 42 October 23 2018: Appealing to Australia to take urgent action to evacuate all refugees and asylum-seekers held offshore, UNHCR notes that, *'Lives are at immediate and critical risk' and that 'the desperate situation of refugees and asylum-seekers in Papua New Guinea and Nauru is now such that evacuation of only some individuals would heighten the despair and exacerbate severe mental health risks of those left behind'*.
- 43 November 2018: The Australian Child Rights Taskforce and UNICEF Australia reports that *'Australia's immigration and asylum framework violates fundamental human rights, and... has continued to cause profound harm and distress to thousands of asylum seeker and refugee children and their families', particularly those offshore, where on Nauru children are self-harming and suffering Post-Traumatic Stress Disorder, depression, anxiety, learning difficulties, bed wetting, nightmares, behavioural regression, memory loss, separation issues, and some suicidal ideation.'*

- 44 December 2018: Médecins Sans Frontières (MSF) reports that, 'The mental health suffering on Nauru is among the worst MSF has ever seen, including in projects providing care for victims of torture'.
- 45 The outcry in Australia amongst medical and other concerned persons during the five years before 2019 had resulted in debates within parliament and elsewhere about the health impact of Nauru and Manus on detainees. In 2019 the Government, under pressure from such organisations and politicians interested in human rights and following concern after deaths of offshore detainees passed legislation allowing for the medical evacuation of detainees from Nauru and Manus (and PNG itself where many were housed after the challenge to the centres aforementioned in the PNG Courts). The need for the transfer of thousands of detainees who were seriously ill in the 18 months following the passing of the *Medivac Bill* (which amended the *Cth Migration Act 1958*, then its subsequent repeal, highlighted the severe impact on health the policy had on those detained, by then, for in excess of five years awaiting processing and removal to a third country.
- 46 In conclusion we ask that you look closely at the policies and their cruel and costly implications. Australia no longer has moral authority or a reputation for upholding the human rights values it once did. In reframing asylum seekers as a national security issue rather than a humanitarian responsibility, Australia has damaged thousands of innocent people. And have had to pay for that harm. We implore the Committee to not take a similar path.

#### References and further reading

- AHRC. (2014). *The Forgotten Children: National Inquiry into Children in Immigration Detention*.
- Bull, M., Schindeler, E., Berkman, D., & Ransley, J. (2013). Sickness in the System of Long-term Immigration Detention. *Journal of Refugee Studies*, 26(1), 47-68. doi:10.1093/jrs/fes017
- Commonwealth Ombudsman. (2013). Suicide and self-harm in the Immigration Detention Network. Retrieved from <http://www.ombudsman.gov.au/reports/investigation/2013>.
- Dudley, M. (2003). Contradictory Australian national policies on self-harm and suicide: The case of asylum seekers in mandatory detention. *Australasian Psychiatry*, 11 (Supplement), S102-S108.
- Essex, R., & Kalocsányiová, E. (Manuscript submitted for publication). The health of adults in Australian immigration detention centres: An analysis of the quarterly health reports from 2014-2018.
- Essex, R., Kalocsányiová, E., Pacella, R., & Scott, J. (Manuscript submitted for publication). The health of children in Australian immigration detention centres: An analysis of the quarterly health reports from 2014-2018.
- Essex, R., Kalocsányiová, E., Young, P., & McCrone, P. (Manuscript submitted for publication). Psychosocial distress in Australian onshore and offshore immigration detention centres from 2014-2018.
- Green, J. P., & Eagar, K. (2010). The health of people in Australian immigration detention centres. *Med. J. Aust.*, 192.
- Hedrick, K., Armstrong, G., Coffey, G., & Borschmann, R. (2019). Self-harm in the Australian asylum seeker population: A national records-based study. *SSM-population health*, 8, 100452.
- Mares, S. (2016). The mental health of children and parents detained on Christmas Island: secondary analysis of an Australian human rights commission data set. *Health and Human Rights*, 18(2), 219.
- Mares, S., & Jureidini, J. (2004). Psychiatric assessment of children and families in immigration detention—clinical, administrative and ethical issues. *Australian & New Zealand Journal of Public Health*, 28(6), 520-526.
- Médecins Sans Frontières. (2018). *Indefinite Despair: The tragic mental health consequences of offshore processing on Nauru*. Retrieved from <https://www.msf.org/indefinite-despair-report-and-executive-summary-nauru>

- Steel, Z., Momartin, S., Bateman, C., Hafshejani, A., Silove, D. M., & Everson, N. (2004). Psychiatric status of asylum seeker families held for a protracted period in a remote detention centre in Australia. *Aust N Z J Public Health, 28*. doi:10.1111/j.1467-842X.2004.tb00042.x
- Sultan, A., & O'Sullivan, K. (2001). Psychological disturbances in asylum seekers held in long term detention: a participant-observer account. *Medical Journal of Australia, 11*, 593-596.
- Young, P., & Gordon, M. S. (2016). Mental health screening in immigration detention: A fresh look at Australian government data. *Australasian Psychiatry*. doi:10.1177/1039856215624247