

27 August 2012

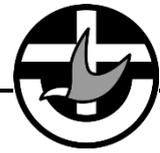
Dear Minister Bowen,

Re: Offshore Processing on Nauru & Manus Island

We are writing to express the deep disappointment of the Uniting Church in Australia at the recent passing of the *Migration Amendment (Regional Processing and Other Measures) Bill 2012*. We believe that the legislation, rushed through Parliament with virtually unchallenged bipartisan support, undermines the already weak protections for asylum seekers in the *Migration Act 1958*. Of particular concern, children – including unaccompanied minors – are stripped of their rights under both Australian and international law with the included amendments to the *Immigration (Guardianship of Children) Act 1946*.

The Uniting Church in Australia has long been opposed to the ‘warehousing’ of vulnerable men, women and children, and we have voiced our concern over the serious mental health implications of indefinite detention. Under the Howard Government’s ‘Pacific Solution’, approximately 1500 asylum seekers were processed on Nauru. Those detained suffered from protracted mental health issues including self-harm and depression. There was a lack of suitable medical and psychiatric care on Nauru, which exacerbated the impact on already-traumatised asylum seekers.

Compounding the suffering of asylum seekers, families were often separated on the island, despite the fact that then – as the Government has promised now – detainees were ‘free’ to move about the island during specified times of the day. Young people and unaccompanied minors have been promised access to the local education system. When last used to detain asylum seekers and refugees, the local school system was plagued by a dearth of resources and poor infrastructure, as well as a shortage of suitably qualified translators to assist young asylum seekers. The school suffered continual blackouts – an issue that persists today due to the island’s reliance on generators – which also impacts the running of the aging desalination plant and the provision of fresh water to the students.



In its 2011 *World Malaria Report*, the World Health Organisation (WHO) found that Papua New Guinea is the highest risk country in the Western Pacific Region for malaria, with 616 deaths in 2010 – six times greater than any other nation in the region. Of even greater concern, is that Manus Island was categorised by the WHO as having the highest number of probable and confirmed malaria cases in all of PNG.

When Manus Island was last in operation, a malaria outbreak prompted the Royal Australasian College of Physicians (RACP) to call for an immediate evacuation of all asylum seekers from the island, citing particular concern for pregnant women and children, neither of whom are able to take most malaria prophylaxis. Children, also, should not be exposed to repeated applications of DEET, the most common basis of anti-malarial aerosols used in the region, as there is evidence it can lead to staggers, agitation, tremors, slurred speech, convulsions and death.

Both Manus Island and Nauru have been inspected by military and governmental officials since the passing of the legislation. The dilapidated state of the infrastructure on both sites includes unusable demountable buildings with broken windows and holes in the walls and ceilings, inoperative ablution facilities, termite infestations, and a lack of secure freshwater sources on Nauru.

We acknowledge the attempts of the Houston Panel to find solutions to what is a worldwide challenge. However, we believe the human costs associated with offshore processing are simply too high. While the Government was quick to adopt Recommendation 8 of the Houston Panel report, the calls made by the Panel in section 3.46 of the Report are yet to be addressed. Consequently, we are left with numerous questions as to the practicalities of its implementation, and the ramifications for asylum seekers. These questions include:

1. What provisions are in place or have been made for appropriate physical and mental health services on Nauru and Manus Island?
2. What access will children and adults have to educational and vocational training programs on Nauru and Manus Island?



President: Rev Dr Andrew Dutney BA, PhD, EdD

General Secretary: Rev Terence Corkin BA, BTh, BLegS

3. How will the Government ensure that the treatment of asylum seekers on Nauru and Manus Island is consistent with Australia's human rights obligations, including the right to seek asylum and protection against indefinite and arbitrary detention?
4. Given the dilapidated state of facilities on both Nauru and Manus Island, why is the Government persisting with the transfer of asylum seekers by the end of September, when only temporary shelter will be available?
5. What assistance with refugee applications will be provided to asylum seekers on Nauru and Manus Island? What translation services will be available to them? What legal services and advice will be available to them?
6. What access rights will NGOs have to the detention facilities on Nauru and Manus Island? Will the Government commit to the establishment of a group drawn from both government and civil society to monitor care and protection arrangements on the islands?
7. What case management arrangements are in place for individual applications being processed in Nauru?
8. With the UNHCR stating that they will not participate in the processing of detainees on Nauru, who will be responsible for safeguarding the rights of detainees and ensuring claims are processed according to our obligations under the Refugee Convention and associated international human rights statutes?
9. Will access to an appeals mechanism against negative decisions on asylum applications be available to those detained on Nauru and Manus Island?

We would be happy to meet with you to discuss our concerns at your earliest convenience.

Grace and peace,

Rev Prof Andrew Dutney
President
Uniting Church in Australia

Rev Terence Corkin
General Secretary
Uniting Church in Australia