



For Official Use Only

MINUTE

To: Secretary *MP 8/11/2014*
Through Deputy Secretary Mark Cormack
Cc: FAS CODD, FAS ISD, FAS CPCD, FAS ED, AS RAB

FOLLOW UP FROM NAURU JOINT MINISTERIAL FORUM

Timing:

This information was requested by you following the recent Nauru-Australia Joint Ministerial Forum. Please action by 28 November 2014. The Minute is for noting only.

Purpose:

To:

1. Provide you with an update on the six matters requested following the Nauru-Australia Joint Ministerial Forum on 5 November 2014 being:
 - The Nauru Five Plan;
 - Moving to an Open Centre on Nauru;
 - Training of Community Liaison Officers;
 - s. 33(a)(iii)
 - The Nauru Trust Fund; and
 - A handling strategy for the Moss Review.

Background:

2. On 7 November 2014, you met with senior executive officers from the Immigration Status Resolution Group following the Joint Ministerial Forum and requested information on the above six matters.

Issues:

Nauru 5 Year Plan

3. s. 33(a)(iii)
4. A draft outline of the Plan was considered at the last Steering Committee meeting and can be found at Attachment A.

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5. At that meeting it was agreed that the Plan should detail:

s. 33(a)(iii)

6.

7.

Moving to an Open Centre on Nauru

8.

s. 33(a)(iii)

9. In the draft paper an open centre arrangement is defined in the following manner:

s. 47E(d)

10.

s. 33(a)(iii)

Training of Community Liaison Officers on Nauru

s. 47E(d)

s. 33(a)(iii)

20.

21.

s. 33(a)(iii)

22.

s. 47E(d)

23.

s. 42(1)

24.

s. 47F(1)

Nauru Trust Fund

25.

s. 33(a)(iii)

26.

s. 33(a)(iii)

27.

s. 33(a)(iii)

28.

s. 33(a)(iii)

29.

30.

s. 33(a)(iii)

31.

s. 33(a)(iii)

Handling Strategy for the Moss Review

32.

s. 47C(1)

Consultation:

33. Consultation has occurred across the relevant Divisions of the Immigration Status Resolution Group and with the Risk and Assurance Branch.

Recommendation:

It is recommended that you:

- Note the contents of this brief.

Noted / Please Discuss

s. 22(1)(a)(ii)

John Cahill

First Assistant Secretary

Infrastructure Services Division

s. 22(1)(a)(ii)

14 / 11 / 2014

Contact Officer: s. 22(1)(a)(ii)

Phone: s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Michael Pezzullo

Secretary

20 / 11 / 2014

Attachments:A.
B.
C.

s. 33(a)(iii)

s. 33(a)(iii)

FOI Document A

s. 33(a)(iii)

FOI Document A

s. 33(a)(iii)

FOI Document A

s. 33(a)(iii)

FOI Document A

s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

FOI Document A

Nauru Regional Processing Centres

Draft Consultation Paper

Transition to Open Centre Arrangements

s. 47E(d)

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s. 47E(d)

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s. 42(1)

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s. 33(a)(iii)

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Australian Government

Department of Immigration and Border Protection

Submission

For information

PDMS Ref. Number MS15-009504

To Minister for Immigration and Border Protection

Subject Improving arrangements for medical transfers from the Nauru Regional Processing Centre to Australia

Timing Please action by 29 May 2015

Update me as at 1st July.

Recommendations

That you:

RECEIVED

19 JUN 2015

in the Office of the
Secretary DIBP
Correspondence No: 1434

MP

19/06/2015.

1. Note the Secretary has agreed to expand health services

noted / please discuss

s. 33(a)(iii)

s. 33(a)(iii) The priority services to be provided

RECEIVED

19 JUN 2015

in the Office of
Deputy Secretary ISRG
Correspondence No: 1434

ar

- a. MRI and CT scanning capability and staffing at Republic of Nauru Hospital; noted/please discuss
- b. A full time obstetrician to be placed at Republic of Nauru Hospital; and noted/please discuss
- c. A multidisciplinary mental health team with in-patient psychiatric facility at Republic of Nauru Hospital. noted/please discuss

2.

s. 47E(d)

noted/please discuss

3.

noted/please discuss

noted/please discuss

4.	s. 47E(d), s. 33(a)(iii)	noted / please discuss
5.		noted / please discuss
6.		noted / please discuss

Minister for Immigration and Border Protection

Signature.....

Date:...../...../2015

Minister's Comments

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

s. 47E(d), s. 33(a)(iii)

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s. 47E(d), s. 33(a)(iii)

E21 Document B

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s. 47E(d)

FOI Document B

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Client service implications

There are no client service implications.

s. 33(a)(iii)

s. 33(a)(iii)

Sensitivities

There is likely to be criticism by advocacy groups in regards to any changes in the family policy.

s. 33(a)(iii)

Financial/systems/legislation/deregulation implications

s. 33(a)(iii)

This is further compounded by the Budget decision to reduce RPC operations funding by three percent.

The current Regional Processing Countries Health Services Contract expires on 31 October 2015. This may pose a challenge in recruitment given the limited tenure.

Attachments

Attachment A MS15-001045 Nauru Regional Processing Centre – Transfers to Australia for Medical Treatment

Attachment B Recent Health Capability Improvements on Nauru

Attachment C Visiting Specialists to Nauru RPC June 2014 – May 2015

Attachment D Nature of Medical Conditions of the Nauru RPC Cohort Currently Detained in Australia (as at 14 May 2015)

Authorising Officer

Cleared by:

Cindy Briscoe
Deputy Secretary
Immigration Status Resolution Group

Date: 15 May 2015

Ph: s. 22(1)(a)(ii)

Contact Officer Mark Painting, A/g First Assistant Secretary, Infrastructure and Services Division, Ph: s. 22(1)(a)(ii)
Through

CC Minister for Immigration and Border Protection
Secretary
Deputy Secretaries



Australian Government

Department of Immigration and Border Protection

Submission

For information

PDMS Ref. Number MS15-001045

To Minister for Immigration and Border Protection

Subject Nauru Regional Processing Centre - Transfers to Australia for Medical Treatment

Timing Please action by 17 April 2015

Recommendations

That you:

1. Note the information provided in this submission.

noted please discuss

Minister for Immigration and Border Protection

Signature.....

Date: 21/04/2015

Received

31 MAR 2015

Minister for Immigration
and Border Protection

s. 33(a)(iii), s. 47E(d), s. 42(1)

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s. 33(a)(iii), s. 47E(d), s. 42(1)

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s. 33(a)(iii), s. 47E(d)

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Financial/systems/legislation/deregulation implications

N/a

Attachments

Attachment A Submission SM2013/03588 – Managing Health Issues at Offshore Processing Centres (21 November 2013)

Attachment B Summary of the Nauru RPC medical treatment cohort – Detained in Australia as at 16 March 2015

Attachment C IHMS advice regarding the risks of birthing in Nauru – 20 November 2013

Authorising Officer

Cleared by:

Cindy Briscoe
Deputy Secretary
Immigration Status Resolution Group

Date: 26/03/2015
Ph: s. 22(1)(a)(ii)

Contact Officer Paul Windsor, Assistant Secretary, Detention Health Services Branch Ph: s. 22(1)(a)(ii)

Through Mark Painting
A/g First Assistant Secretary
Infrastructure and Services Division

CC Assistant Minister for Immigration and Border Protection
Secretary



Australian Government

Department of Immigration and Border Protection

Submission

For decision

ExecCorro Reg.Number 5112013/0 3588

To Minister for Immigration and Border Protection
Subject Managing Health Issues at Offshore Processing Centres
Timing Please action by 27 November 2013

Received

22 NOV 2013

Recommendations

Minister for Immigration
and Border Protection

That you:

s. 47E(d), s. 33(a)(iii)

Minister for Immigration and Border Protection

Signature

Date

28/11/2013

s. 33(a)(iii), s. 47E(d), s. 42(1)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 47E(d)

24. Guiding principles for future medical transfers or evacuations for your consideration and agreement are at Attachment C.

Consultation – internal/external

IHMS has provided input on certain aspects of the submission.

The DIBP Chief Medical Officer Dr Paul Douglas and the Chair of the Immigration Health Advisory Group, Dr Paul Alexander AO have been consulted and agreed with the content of submission.

The DIBP Chief Financial Officer has been consulted and is aware of the financial impacts.

Client service implications

Not Applicable

Financial/systems/legislation implications

s. 47C(1)

Attachments

Attachment A s. 42(1)

Attachment B s. 33(a)(iii)

Attachment C

Authorising Officer

s. 22(1)(a)(ii)

Mark Cormack

Deputy Secretary

21/11/13

Ph: s. 22(1)(a)(ii)

Contact Officer: Offshore - Simon Schiwy, Assistant Secretary, Offshore Detention Services, Ph: s. 22(1)(a)(ii)
Onshore - Paul Windsor, Assistant Secretary, Detention Health Services, Ph: s. 22(1)(a)(ii)

CC Assistant Minister for Immigration and Border Protection
Commander, Operation Sovereign Borders
Deputy Secretaries
Head, Offshore Detention and Returns Task Group
FAS Detention Infrastructure and Services
FAS Status Resolution Services
FAS Community Programs and Children
Chief Medical Officer
Chief Financial Officer
Special Counsel

s. 42(1)

s. 42(1)

s. 33(a)(iii), s. 47E(d)

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s. 47E(d)

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**Summary of the Nauru RPC medical treatment cohort
Detained in Australia as at 16 March 2015**

Cohort composition

Medical Transferees		
<i>With family group</i>	74	
<i>Single adult male</i>	29	
<i>Single adult female</i>	7	
Total	110	43%
Accompanying family	133	52%
Children born in Australia	14	5%
Grand Total	257	100%

Nature of medical condition – Top 10

Musculoskeletal	20	18%
Pregnancy / Childbearing / Family Planning	16	15%
Psychological / Psychiatric	9	8%
Cardiovascular	9	8%
Eye	9	8%
Neurological	8	7%
Urological	7	6%
Digestive	5	5%
Ear	5	5%
Genital	5	5%
Other	17	15%
Total	110	100%

s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 47E(d), s. 33(a)(iii), s. 42(1)

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Australian Government
Department of Immigration
and Border Protection



Australian
BORDER FORCE

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24 SEP 2015

in the Office of the
 Secretary DIBP
 Correspondence No: 2364

MINUTE

To:
 Through
 Cc:

AP 24/09/2015
 Secretary and ABF Commissioner
 Deputy Commissioner Support, Australian Border Force *es 23/9/15*
 Chief Operating Officer
FAS Executive Division

Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru

Timing:

The Department is required to table responses to the recommendations from the report of the Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru by 30 November 2015.

Please note the contents of this brief by 25 September 2015 in order to progress the response process internally, and with external departments and agencies.

Purpose

To:

1. Provide you with the Department's draft responses to the 15 recommendations at **Attachment A**.

Background:

2. The Final report was tabled in the Parliament on 31 August 2015.
3. The Department has three months (till 30 November 2015) to table responses to the recommendations.
4. Parliamentary and Executive Coordination Branch is coordinating the Whole of Government Response for the Department, in consultation with external department/agencies.
5. The Department has initiated engagement with the Australian Federal Police (AFP), Attorney-Generals Department (AGD), Department of Finance (DoF), the Commonwealth Ombudsman, Department of the Prime Minister & Cabinet (PM&C) and Department of Foreign Affairs and Trade (DFAT) in order to provide a coordinated single response.

Consultation:

6. Input from external departments/agencies is due with the Department by 30 October 2015.
7. Internally, the responses to the recommendations attached have been prepared by, and in consultation with, Children, Community and Settlement Division, Detention Services Division, Legal Division, Integrity, Security and Assurance Division and Finance Division.
8. The AGD has requested they be consulted with on recommendations 1-2; 4-6; and 9-14.
9. DFAT requested they be consulted on the responses to the recommendations.

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10. The AFP and the Commonwealth Ombudsman have indicated they do not wish contribute to the recommendations, however a final consolidated copy of the recommendations will be provided to the AFP for information.
11. As at 20 September 2015, the Department is waiting to hear from PM&C and DFAT on contributions or input they may wish to make.
12. Once noted, the Department's draft responses to the recommendations will be forwarded to external department/agencies that will be involved in the consultation process to include their input.
13. Once all responses to the recommendations have been consolidated, the recommendations will then be cleared by relevant Ministers and the Minister for Immigration and Border Protection.
14. Once this has been considered by the Minister/s, the response will then be presented to Cabinet and or the Prime Minister to be approved (this part of the process is handled through PM&C).
15. Once approved, this will then be provided to the Senate tabling office to be tabled in the Senate.

Recommendation

It is recommended that you:

note the contents of the draft responses to the recommendations

*Draft responses
noted but revert
with final responses.*

Noted / Please Discuss

s. 22(1)(a)(ii)

Cheryl-anne Moy

First Assistant Secretary

Children, Community and Settlement Services

s. 22(1)(a)(ii)

23 / 9 / 2015

s. 22(1)(a)(ii)

Michael Pezzullo

Secretary

24 / 09 / 2015

Noted / Please Discuss

Roman Quaadvlieg APM

Commissioner

..... / / 2015

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Australian Government
Department of Immigration
and Border Protection



Australian
BORDER FORCE

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24 SEP 2015

in the Office of the
Secretary DIBP
Correspondence No: 2364

MINUTE

To: **Secretary and ABF Commissioner**
Through: **Deputy Commissioner Support, Australian Border Force** *ES 23/9/15*
Cc: **Chief Operating Officer**
FAS Executive Division

Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru

Timing:

The Department is required to table responses to the recommendations from the report of the Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru by 30 November 2015.

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Purpose

To:

1. Provide you with the Department's draft responses to the 15 recommendations at **Attachment A.**

Background:

2. The Final report was tabled in the Parliament on 31 August 2015.
3. The Department has three months (till 30 November 2015) to table responses to the recommendations.
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5. The Department has initiated engagement with the Australian Federal Police (AFP), Attorney-Generals Department (AGD), Department of Finance (DoF), the Commonwealth Ombudsman, Department of the Prime Minister & Cabinet (PM&C) and Department of Foreign Affairs and Trade (DFAT) in order to provide a coordinated single response.

Consultation:

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7. Internally, the responses to the recommendations attached have been prepared by, and in consultation with, Children, Community and Settlement Division, Detention Services Division, Legal Division, Integrity, Security and Assurance Division and Finance Division.
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11. As at 20 September 2015, the Department is waiting to hear from PM&C and DFAT on contributions or input they may wish to make.
12. Once noted, the Department's draft responses to the recommendations will be forwarded to external department/agencies that will be involved in the consultation process to include their input.
13. Once all responses to the recommendations have been consolidated, the recommendations will then be cleared by relevant Ministers and the Minister for Immigration and Border Protection.
14. Once this has been considered by the Minister/s, the response will then be presented to Cabinet and or the Prime Minister to be approved (this part of the process is handled through PM&C).
15. Once approved, this will then be provided to the Senate tabling office to be tabled in the Senate.

Recommendation

It is recommended that you:

note the contents of the draft responses to the recommendations

Noted / Please Discuss

s. 22(1)(a)(ii)

Cheryl-anne Moy
First Assistant Secretary
Children, Community and Settlement Services

Michael Pezzullo
Secretary

s. 22(1)(a)(ii)

23 / 9 / 2015

..... / / 2015

Noted / Please Discuss

Roman Quaadvlieg APM
Commissioner

..... / / 2015

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Freedom of Information Act 1982

Contact Officer: s. 22(1)(a)(ii)

Phone: s. 22(1)(a)(ii)

Attachment:

Attachment A - Department responses to the recommendations – Nauru Final Report

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DIBP Input - Government Response

Select committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru

Taking responsibility: conditions and circumstances at Australia's Regional Processing Centre in Nauru

Recommendation 1

5.22 The committee recommends that, consistent with the terms of the Memorandum of Understanding and related arrangements between the governments of Australia and Nauru, Australia ensure that support and assistance is provided to Nauru's police, judicial, prosecutorial and other law and justice entities to the extent necessary to ensure that Nauru's justice system meets the standards of accountability and probity required by Australian and international law.

Response

5.22 Noted

The Australian Government provides assistance to the Government of Nauru to support its judicial system. The support provided to date includes:

- Legal counsel (defence and prosecution) and Magistrate to support the 2013 riot trials. Lawyers were procured and engaged by the Government of Nauru, and were funded by the Department of Immigration and Border Protection (the Department) under the MOU.
- Refugee status determination lawyers, and Magistrate and Counsel to manage refugee status determination judicial review process. Legal personnel are employed by the Government of Nauru and funded by the Department under the MOU.

Additionally, the Department, on behalf of the Government of Nauru, contracts a claims assistance provider to assist transferees prepare their refugee claims and any subsequent reviews.

Australian Federal Police have also deployed officers to work with the Nauru Police Force to build its capacity to manage complex investigations, including allegations of sexual assaults.

The Republic of Nauru is a sovereign nation and the Government of Australia does not exert control over matters for which Nauru is responsible, including its judicial system and law enforcement. Therefore, while Australia will continue to support Nauru to build its capacity to deal with police and legal matters through its courts and associated systems, Australia cannot ensure a set standard.

Recommendation 2

5.26 The committee recommends that the Government of Australia, in consultation with the Government of Nauru, agree on and publicly commit to a model timeframe for refugee status determinations, and that Australia provide the Government of Nauru with the support necessary to achieve faster and more predictable processing of claims.

Response

5.26 Noted

The Nauru Refugee Status Determination process is a matter for the Government of Nauru. It is not appropriate for the Government of Australia to comment on the time it takes the Nauruan Government to complete this process, however it is important to note that a range of variables may impact the time it may take to process a protection claim, including:

- Complexity of cases
- Location of individuals (processing ceases for example if an asylum seeker has been transferred to Australia for medical treatment)
- Documentation and evidence to support claims (including proof of nationality or statelessness)
- Willingness and/or fitness (medical) of individuals to engage in the process
- Number of active cases at any one time

The Government of Australia has provided assistance, training and mentoring to the Government of Nauru to build its capacity to manage its end to end Refugee Status Determination process.

The Nauru Memorandum of Understanding Implementation Plan 2015-20, which was signed on 27 July 2015, confirmed the ongoing support and commitment of the Government of Australia to supporting the Nauru regional processing and settlement arrangements.

5.27 The committee further recommends that asylum seekers be informed about the steps being taken to process their claims, be regularly updated on the progress of the claim, and that an extension be provided to asylum seekers when model timeframes are not met.

Response

5.27 Noted

Messaging to transferees and the timeframes related to the Nauru Refugee Status Determination process is a matter for the Government of Nauru.

The Australian Government, through a contracted service provider, funds the provision of a protection claims assistance service to assist asylum seekers to lodge a protection claim and any subsequent review applications under the Nauru Refugee Status Determination process. Claims assistance providers operate a shopfront service at the Nauru Regional Processing Centre to provide advice to transferees on their protection claim.

Recommendation 3

5.37 The committee recommends that the Immigration Ombudsman undertake independent external review of all complaints involving the conduct of Australian - funded staff or contractors at the Regional Processing Centre, and that the government ensure that the office of the Ombudsman is adequately resourced to do so.

Response**5.37 Noted**

The Department of Immigration and Border Protection (the Department) and the Immigration Ombudsman have a strong, collaborative relationship. The Department will continue to cooperate fully with all reviews conducted by the Immigration Ombudsman. In accordance with established practice, the Department will consider and respond to any recommendations made by the Immigration Ombudsman.

5.38 The committee further recommends that the Ombudsman report to parliament on an annual basis on the number and nature of the complaints received and the outcomes of the Ombudsman's assessment of them.

5.38 Noted

The Department will consider and respond to any recommendations arising from the Ombudsman's annual report.

Recommendation 4

5.39 The committee recommends that briefing be required to be provided to all asylum seekers on their rights to lodge complaints with independent bodies such as the Immigration Ombudsman, the Australian Human Rights Commission and the International Committee of the Red Cross, both generally and in specific response to any complaints made.

Response**5.39 Noted**

On arrival at the Nauru RPC, all transferees are made aware of their rights and responsibilities while they are in the RPC. Transferees are also made aware of how they can report any complaints, through safe, confidential channels.

In addition to the current complaints management process, Transfield has established a shopfront style drop in centres where transferees can lodge complaints, verbally or in writing. The drop in centres provide a supervised area for transferees to talk with others, seek advice and support from service providers, and engage in a range of activities.

Further, transferees have access to phones, email, social media and are able to communicate with a range of agencies. The agencies include, but are not limited to, Transfield, IHMS, DIBP, Save the Children, the International Committee of the Red Cross, the UN High Commissioner for Refugees, Amnesty International, and the Commonwealth Ombudsman.

Recommendation 5

5.43 The committee recommends that Australia increase the transparency of conditions and operations at the Regional Processing Centre, including by ensuring the provision of reasonable access, in negotiation with the Government of Nauru as necessary, by the Australian Human Rights Commission and by the media.

Response

5.43 Disagree

The Nauru Regional Processing Centre is managed and administered by the Government of Nauru. Access and visitation is a matter for the Government of Nauru. The Department believes that matters concerning the treatment of transferees at the Nauru Regional Processing Centre are not within the Australian Human Rights Commission's jurisdiction. The Commonwealth Ombudsman and the International Committee for the Red Cross conduct regular inspection visits to the Nauru Regional Processing Centre with permission from the Government of Nauru.

Recommendation 6

5.45 The committee recommends that the Department of Immigration and Border Protection require, in its contracts with service providers, that comprehensive drug and alcohol testing be conducted on staff employed at the Regional Processing Centre on Nauru, including daily random tests for both alcohol and drugs.

Response

5.45 Noted

The current Garrison and Welfare Services contracts refer to drug and alcohol policies through the following two clauses:

- The *Service Provider Personnel* clause which requires staff to be of "good conduct" and "will be subject to internal disciplinary processes"; and
- The *Behaviour of Service Provider Personnel at the Sites* clause which requires staff to comply with the "Code of Conduct at all times".

The Regional Processing Centre Code of Conduct guideline document issued by the Department prescribes the behaviour employees or subcontractors of the service providers must adhere to, under their respective contracts, which include the expectations around drugs and alcohol.

In addition to the Code of Conduct guidelines, Transfield Services also applies a drug and alcohol policy in both Manus and Nauru, which includes how testing is to occur. The Department has been advised that service provider staff have been disciplined through this process and is seeking further clarification and evidence of this through its contracted service providers.

The Tender documentation for future Garrison and Welfare Services placed stringent requirements on employees or subcontractors of the service providers in relation to drugs and alcohol. Drug and alcohol testing, including any impacts on the performance framework, will be addressed during negotiations with the preferred tenderer.

The Department will review drug and alcohol testing requirements in all further contractual negotiations. In addition, all Service Provider Personnel will be subject to the Australian Border Force Act 2015 and the Secretary's Directions 1, 2 and 3.

Recommendation 7

5.49 The committee recommends that the Department of Immigration and Border Protection provide full and disaggregated accounts in its Portfolio Budget Statements, annual reports and other relevant reports to Parliament and to the Australian public, of the expenditure associated with the Regional Processing Centre on Nauru. This accounting should include detailing costs specific to the Nauru RPC, as well as related support and assistance provided by the Australian Government to the Republic of Nauru.

Response**5.49 Disagree**

The Department already provides aggregated financial information against its agreed programme structure within its Portfolio Budget Statements and Annual Reports for IMA Offshore Management (Programme 1.5). In addition contract specific information is available on Austender.

Recommendation 8

5.52 The committee recommends that a full and disaggregated account of all works conducted in association with the Regional Processing Centre to date be reported by the Department of Immigration and Border Protection to the Senate.

Response**5.52 Noted**

Please refer to [Attachment A](#).

5.53 The committee recommends that a clarification be provided to the Senate by the Department of Immigration and Border Protection as to why exemptions on the grounds of assistance to foreign governments apply to expenditure associated with the Regional Processing Centre on Nauru.

Response**5.53 Noted**

The Department considers that none of the works carried out on Nauru in association with the regional processing centre is a public work for the purposes of section 5AA of the *Public Works Committee Act 1969*.

The Committee has noted the Department's response to the committee's request of 9 June 2015 about the nature of works carried out on Nauru. That response noted that, because of the urgency with which the RPC was constructed, the department sought an exemption from committee scrutiny under section 18 of the Public Works Committee Act.

The Department has carried out a number of other works, at Nauru's request, to build capacity in the Nauruan community to support refugee settlement and for the community's long term and general benefit. The Department considers that these additional works were constructed by way of assistance to Nauru and, accordingly, that none of them is a 'public work' for the purposes of the Public Works Committee Act.

Those additional works are the construction and/or renovation of the following community resources on Nauru:

- A court house
- A corrections facility
- Local education facilities and teachers' accommodation
- Upgrade to public water utilities
- Upgrade and renovation of the local hospital in collaboration with the Department of Foreign Affairs and Trade
- Upgrading and repair of local roads
- Refugee settlement housing

5.54 The committee further recommends that all expenditure associated with the Regional Processing Centre on Nauru, including expenditure considered to be assistance to a foreign government, should be specifically reported to the Senate Legal and Constitutional Affairs Legislation Committee before each estimates round.

Response

5.54 Disagree

Historically this information is requested as part of the Senate Estimates processes with the Department then having the opportunity to provide additional context to the answer depending on the specifics of the request.

Recommendation 9

5.59 The committee recommends that the Australian Government continue to review the operation of the Regional Processing Centre with a view to expanding open centre arrangements. The committee recommends that the Regional Processing Centre on Nauru move toward becoming a more open, lower security living arrangement for all asylum seekers except where there is a compelling reason for an asylum seeker to be accommodated more securely.

Response

5.59 Noted

Open centre arrangements are a matter for the Government of Nauru, which is responsible for managing and administering the Nauru Regional Processing Centre. The Government of Nauru recently conducted a review of open centre arrangements with a view to improving access and serviceability of the arrangements. Subject to improvements around transport, security and safety, the Government of Nauru has expressed a desire to further extend the arrangements to seven days a week. The Australian Government will assist the Government of Nauru to implement arrangements pursuant to the Government of Nauru's position.

Recommendation 9

5.60 The committee recommends that any savings resulting from the implementation of an open centre model be redirected toward improving the living conditions of asylum seekers in the Regional Processing Centre, with a focus on humane living arrangements, services and amenities, including improved access to communications. The committee recommends that the Department of Immigration and Border Protection report publicly and to the Senate within 12 months on progress in this regard.

Response**5.60 Noted**

There are no savings expected as a result of implementation of an open centre model. The full range of services, including but not limited to, accommodation, garrison, welfare and health services continue to be provided to transferees whether or not they participate in open centre. Transferees participating in open centre arrangements are provided with transport to and from the RPC, and around Nauru, as well as bottled water for use outside of the RPC. Transferees are able to return to the RPC throughout the day for meals and to engage in programmes and activities provided at the RPC. The Department is working closely with the Government of Nauru to further expand existing open centre arrangements

Recommendation 10

5.67 The committee recommends that the government commit to and publicly release a medium to long term plan for the completion of permanent infrastructure at the Regional Processing Centre on Nauru, including the construction of solid accommodation structures, and for tangible improvements to amenities for asylum seekers including lighting, water, toilets, air conditioning, cooking facilities and communications.

Response**5.67 Noted**

The Department will consult on the development of a medium to long term Nauru Estate plan with the Government of Nauru, including any proposals to install permanent or solid accommodation structures. The accommodation plan, land leases and works programme are a matter for the Government of Nauru, including whether to publicly release plans.

5.68 The committee is convinced that welfare services must be provided by a dedicated welfare service provider with the required experience and accreditation to undertake such work. The committee recommends that a non-government organisation be contracted directly by the Department of Immigration and Border Protection to provide welfare services to all asylum seekers within the Regional Processing Centre on Nauru.

5.68 Noted

The Department is currently in negotiations to contract services, including welfare services, at the Regional Processing Centre(s). The provision of these services will be captured under the requirements of the Garrison & Welfare Services Contract. The Department has undertaken an open approach to the market in accordance with the Commonwealth Procurement Rules. The Department may engage with a single or multiple service provider(s) to deliver a wide scope of services contained within the contract, based on a value for money assessment. The approach to market allowed for non-government organisations to tender either in their own capacity or as part of a consortium.

Recommendation 11

5.76 The committee recommends that the government extend its current policy commitment to remove children from immigration detention to the maximum extent possible, to include the removal of children from the Regional Processing Centre in Nauru. The government should develop a plan for the removal of children from the Nauru RPC as soon as possible, with their families where they have them, to appropriate arrangements in the community.

Response**5.76 Disagree**

The Government of Nauru is responsible for the appropriate placement of transferees and refugees who have been transferred or settled under the MOU. The Australian Government works with the Government of Nauru to assist in the implementation of the most appropriate placement arrangements for transferees and refugees in Nauru.

Recommendation 12

5.79 The committee recommends that the Australian Government commit to and publicly state a specific plan for addressing the educational needs of asylum seeker and refugee children in Nauru.

Response**5.79 Noted**

The educational needs of asylum seeker and refugee children in Nauru are a matter for the Government of Nauru. The Government of Nauru and the Government of Australia share a commitment to supporting the educational experience of Nauruan students including refugees and asylum seeker children. Participation in local schools is an important step in assisting children and their families to develop positive relationships with their local community. The Government of Nauru has the responsibility for driving initiatives to support and enhance existing educational arrangements. An Education Strategy to support the Nauruan education system and build its capacity to integrate refugee and asylum seeker children and young people is under development. Once endorsed by the Government of Nauru, the Australian Government and education stakeholders will work with the Government of Nauru to assist and support the development of implementation plans to further build capabilities and capacity.

Recommendation 13

5.85 The committee recommends that the Department of Immigration and Border Protection, in consultation with the Australian Federal Police, undertake a full audit of all allegations of sexual abuse, child abuse and other criminal conduct reported to the Australian Human Rights Commission, to the Moss Review and to this inquiry, seeking the agreement of these bodies to share confidential information where necessary to conduct such an audit.

Response**5.85 Noted**

The Department, and its service providers, refer all allegations of a criminal nature to the Nauruan Police Force (NPF) as a standard practice. While the Australian Federal Police (AFP) have been

providing general assistance to the NPF, that assistance is limited in nature due to training and capability development and does not include any active investigative functions as Nauru is not within the AFP's jurisdiction.

In relation to child abuse matters specifically, the Department's Child Protection Panel, under its terms of reference, is undertaking formal reviews of all such reported incidents, with the support of the Department's Children, Community and Settlement Services Division.

5.86 The committee further recommends that, taking into account the need to protect personal privacy, the minister should report to the Senate by the end of December 2015, and every six months thereafter, setting out all allegations of a criminal nature made in relation to the RPC, and the action taken by the department and other relevant authorities in response.

5.86 Disagree

The Government of Nauru is responsible for the administration and management of the Nauru Regional Processing Centre. Allegations of a criminal nature made to the Nauruan Police Force are the responsibility of the Government of Nauru.

Recommendation 14

5.91 The committee recommends that legislation be passed by the Australian Parliament requiring the mandatory reporting of any reasonably suspected unlawful sexual contact, sexual harassment, unreasonable use of force or other assault perpetrated against asylum seekers at the Regional Processing Centres, under similar terms as the mandatory reporting provisions contained in existing Commonwealth, state and territory laws.

Response

5.91 Disagree

Any legislative response is most appropriately dealt with by the Government of Nauru.

5.92 Such legislation should require that the reporting is made to the Department of Immigration and Border Protection and the Australian Federal Police, as well as any relevant state, territory or foreign police force and, where the matter relates to a child, child protection authorities in any relevant jurisdictions. The legislation should utilise Category C or D extraterritorial jurisdiction to apply in Nauru, and impose penalties for noncompliance comparable with those which apply in existing legislation within Australia.

Response

5.92 Disagree

Please see our response to 5.91.

Recommendation 15

5.94 Given the committee's concerns about the level of accountability and transparency that currently applies to the operation of the regional processing centre in the Republic of Nauru, the committee recommends that the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 December 2016:

- a) conditions and treatment of asylum seekers and refugees at the Regional Processing Centre in the Republic of Nauru;
- b) transparency and accountability mechanisms that apply to the Regional Processing Centre in the Republic of Nauru;
- c) implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru;
- d) the extent to which the Australian funded regional processing centre in the Republic of Nauru is operating in compliance with Australian and international legal obligations;
- e) the extent to which contracts associated with the operation of offshore processing centres are:
 - delivering value for money consistent with the definition contained in the Commonwealth procurement rules;
 - meeting the terms of their contracts;
 - delivering services which meet Australian standards; and
- f) Any related matter.

Response

5.94 Noted.

This is a matter for the Australian Parliament.

s. 33(a)(iii)

FOI Document #

s. 33(a)(iii)

FOI Document #

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s. 33(a)(iii)

FOI Document #

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s. 33(a)(iii)

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s. 33(a)(iii)

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s. 33(a)(iii)

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24 SEP 2015

in the Office Of
The Commissioner ABF
Correspondence No: 1265

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24 SEP 2015

in the Office of the
Secretary DIBP
Correspondence No: 2364.002

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25/09/2015

To:
Through
Cc:

Secretary and ABF Commissioner
Deputy Commissioner Support, Australian Border Force
Chief Operating Officer
FAS Executive Division

23/9/15

Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru

Timing:

The Department is required to table responses to the recommendations from the report of the Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru by 30 November 2015.

Please note the contents of this brief by 25 September 2015 in order to progress the response process internally, and with external departments and agencies.

Purpose

To:

1. Provide you with the Department's draft responses to the 15 recommendations at **Attachment A**.

Background:

2. The Final report was tabled in the Parliament on 31 August 2015.
3. The Department has three months (till 30 November 2015) to table responses to the recommendations.
4. Parliamentary and Executive Coordination Branch is coordinating the Whole of Government Response for the Department, in consultation with external department/agencies.
5. The Department has initiated engagement with the Australian Federal Police (AFP), Attorney-Generals Department (AGD), Department of Finance (DoF), the Commonwealth Ombudsman, Department of the Prime Minister & Cabinet (PM&C) and Department of Foreign Affairs and Trade (DFAT) in order to provide a coordinated single response. (Good)

Consultation:

6. Input from external departments/agencies is due with the Department by 30 October 2015.
7. Internally, the responses to the recommendations attached have been prepared by, and in consultation with, Children, Community and Settlement Division, Detention Services Division, Legal Division, Integrity, Security and Assurance Division and Finance Division.
8. The AGD has requested they be consulted with on recommendations 1-2; 4-6; and 9-14.
9. DFAT requested they be consulted on the responses to the recommendations.

WHILE I UNDERSTAND THE URGENCY TO FINALISE OUR INTERNAL POSITION TO COMMENCE EXTERNAL CONSULTATION, GIVING THE SECRETARY AND I A DAY TO

CONSIDER AND TURNAROUND THIS SUBMISSION WHEN WE HAVE IN EXCESS OF TWO MONTHS PRIOR TO TABELING SEEMS A LITTLE RUSHED.

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10. The AFP and the Commonwealth Ombudsman have indicated they do not wish contribute to the recommendations, however a final consolidated copy of the recommendations will be provided to the AFP for information. ✓
11. As at 20 September 2015, the Department is waiting to hear from PM&C and DFAT on contributions or input they may wish to make. ✓
12. Once noted, the Department's draft responses to the recommendations will be forwarded to external department/agencies that will be involved in the consultation process to include their input. ✓
13. Once all responses to the recommendations have been consolidated, the recommendations will then be cleared by relevant Ministers and the Minister for Immigration and Border Protection. ✓
14. Once this has been considered by the Minister/s, the response will then be presented to Cabinet and or the Prime Minister to be approved (this part of the process is handled through PM&C). ✓
15. Once approved, this will then be provided to the Senate tabling office to be tabled in the Senate. ✓

Recommendation

It is recommended that you:

note the contents of the draft responses to the recommendations

Noted / Please Discuss

s. 22(1)(a)(ii)

Cheryl-anne Moy

First Assistant Secretary

Children, Community and Settlement Services

Michael Pezzullo

Secretary

s. 22(1)(a)(ii)

23 / 9 / 2015

24 / 9 / 2015

Noted / Please Discuss

s. 22(1)(a)(ii)

Roman Quaadvlieg APM

Commissioner

24 / 9 / 2015

GENERALLY A
GOOD SET OF
RESPONSES. I'VE
ANNOTATED SOME
SUGGESTED EDITS IN
THE BODY OF THE
REPORT.

RQ

24.9.15

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Contact Officer s. 22(1)(a)(ii)

Phone: s. 22(1)(a)(ii)

Attachment:

Attachment A - Department responses to the recommendations – Nauru Final Report

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Australian Government
Department of Immigration
and Border Protection



Australian
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12 NOV 2015

in the Office of
Deputy Commissioner Support
Correspondence No:

Support Group

Noted

Date: 12/11/2015

Secretary Correspondence No: 2635

MP

8/01/2016

What are the facts on the various issues raised in the media article, "Birth on Nauru: Mother's despair at mice-ridden tent home for new baby", Sydney Morning Herald, Melbourne, 28 October 2015.

Response

Health Services for Pregnant Women

- Refugees and transferees have access to birthing services at the RoN Hospital. These services are provided by Nauruan midwives, with support from a RoN Hospital locum obstetrician. An IHMS obstetrician is located at the RPC to provide services to pregnant transferees and refugees currently residing at the RPC. On 20 October 2015, the RoN Hospital agreed that the IHMS obstetrician and several other IHMS staff can have practice privileges at the hospital to assist with birthing, as required. High medical risk refugee and transferee pregnancies are offered transfer for birthing services to Port Moresby, PNG.
- IHMS monitors the growth and development of children at the RPC per Australian standards and treats any health issues that arise. Specialist child health services are provided by visiting specialists supplemented by tele-health services.
- Refugee children receive health care support through a settlement health clinic located at the RoN Hospital, including support through visiting specialists.
- Further services are provided through transfer to Port Moresby, PNG as required.

Confiscation of Food

- On instruction from the Government of Nauru, transferees and refugees are prevented from taking some food and clothing items out of the centre when participating in open centre. The ban was placed on items being taken from the RPC for the following reasons:
 - To prevent items from being used as a commodity and bartered (some food and other items are provided to transferees for use and some quantities are unlimited)
 - Some food items require temperature control or other settings to ensure compliance with health standards such as bread and fresh produce.
 - Other items not permitted out of the centre include: new mobile phones, new clothing and shoes.
- The Government of Nauru is currently reviewing contraband items and centre rules to align with new full open centre arrangements. It is expected that the list of permissible items taken from the centre will increase to include certain food items. It is expected the review will be completed by the end of November 2015.

Vermin

- Rodent numbers are controlled using bait stations positioned at facility boundaries, and rebaited and monitored weekly for any increase in rodent activity.
- Transfield ensure rodents are not attracted by food-scrap or rubbish left in or around the centre.

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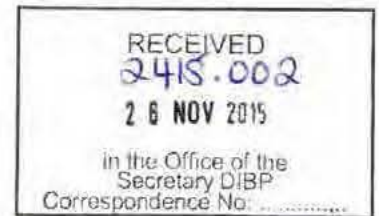
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in the Office of the
Secretary DIBP
Correspondence No:



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To:
Through

Secretary *MP 30/11/2015*
Deputy Secretary Corporate *Dec Sec Corporate cleared 26/11/15*
First Assistant Secretary (A/g) Integrity, Security & Assurance *26/11/15*
Cc: **Commissioner ABF**
Deputy Commissioner Support

OSEC2415/2015: RESPONSE TO INTERNATIONAL COMMITTEE OF THE RED CROSS

Timing

Your consideration is requested by 4 December 2015.

Purpose

To:

1. seek your signature on a proposed response to the ICRC's latest correspondence.

Background

1. The ICRC wrote to you on 25 September 2015 with findings and seven recommendations (**Attachment A**) concerning their tenth visit to Nauru RPC, which was conducted between 9 and 15 August 2015, to inspect the facilities in line with longstanding arrangements.
2. The ICRC's ninth visit to Nauru RPC resulted in recommendations directed to the Minister for Immigration and Border Protection on 18 June 2015. The Department's responses to these recommendations were received by the ICRC soon after their tenth visit in August 2015.

3. **s. 33(a)(iii)**
s. 33(a)(iii) The Minister signed the response to the ninth Nauru RPC visit report on 4 August 2015.

Issues

Response to the ICRC

4. In consultation with Detention Assurance Branch, a response has been drafted for your signature (**Attachment B**) covering off on the seven new recommendations contained within the latest report.

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5. **s. 33(a)(iii)**
s. 33(a)(iii) These issues are either under active management or have been agreed to by the responsible areas for implementation.

6. **s. 33(a)(iii)**

Consultation

7. External Accountability Section consulted with the Detention Assurance Branch, Regional Processing and Settlement Branch, Refugee and International Law Section and Detention Services Division in the preparation of the response.

Recommendations

It is recommended that you:

Note the contents of this brief; and

Noted / Please Discuss

Sign the attached letter to the ICRC (*Attachment B*).

Signed / Not Signed / Please Discuss

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

✓ Pierre Skorich
 A/g Assistant Secretary
 Risk and Assurance Branch

Michael Pezzullo
 Secretary

s. 22(1)(a)(ii)

30 / 11 / 2015

26 / 11 / 2015

Contact Officer: Stephen Reynolds, Director, External Accountability

Phone: **s. 22(1)(a)(ii)**

Attachments:

- A. September correspondence from the ICRC regarding their August 2015 visit to Nauru RPC;
 B. Proposed response to the ICRC's September correspondence.

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

FOI Document k

s. 33(a)(iii), s. 47E(d)

FOI Document k



Australian Government
Department of Immigration
and Border Protection

SECRETARY

OSEC 2415/2015

Mr Fred Grimm
 Head of Regional Delegation in the Pacific
 International Committee of the Red Cross
 PO Box 15565
 Suva FIJI

Dear Mr Grimm *Fred*

Thank you for your letter dated 25 September 2015, regarding the International Committee of the Red Cross (ICRC) visit to the Regional Processing Centre (RPC) in Nauru.

s. 33(a)(iii)

Please note the Department's response to the seven ICRC recommendations from your latest inspection of the Nauru RPC, enclosed as Attachment A.

Should your office require any further assistance in relation to the response to these recommendations, please contact Mr Pierre Skorich, Acting Assistant Secretary, Risk and Assurance on **s. 22(1)(a)(ii)**

Yours sincerely *regards*

s. 22(1)(a)(ii)

Michael *Vezzullo*

30 November 2015

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

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s. 33(a)(iii), s. 47E(d)

ECJ Document K

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s. 22(1)(a)(ii)

RECEIVED

03 DEC 2015

in the Office of the
Secretary DIBP
Correspondence No: 2885

From: Executive Support Unit
Sent: Tuesday, 1 December 2015 12:42 PM
To: s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Cc: External Accountability; Executive Support Unit;
Subject: FW: Sec DIBP No: 2885-001- MC15-278955 Two analytical reports on humanitarian concerns in the Regional Processing centres in Nauru and Manus [DLM=For-Official-Use-Only]
Attachments: RE: Urgent advice [DLM=For-Official-Use-Only]; 2885-002.pdf
Importance: High

Hi

As discussed, please find attached advice to s. 22(1)(a)(ii) that this correspondence has been tasked as MC15-278955. The email attached indicates that a Departmental response was initially required but the MinCorro Team have advised me that, at the request of the DLO this has now been tasked as a Ministerial response. I understand that you have only received this request today.

Also attached is a copy of Sec DIBP No: 2885-002 on which the Secretary has annotated "Noted. Could I see draft response, please. MP. 26/11/2015.

Could you please advise when the ESU will receive the draft for the Secretary's review.

Thank you and if you have any questions or need more information, please let us know.

Kind regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Acting Manager | Executive Support Unit
 Department of Immigration and Border Protection
 P: s. 22(1)(a)(ii)
 E: s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Thursday, 26 November 2015 1:32 PM



**THE HON PETER DUTTON MP
MINISTER FOR IMMIGRATION
AND BORDER PROTECTION**

Ref No: MC15-278955

Mr Fred Grimm
Head of Regional Delegation in the Pacific
International Committee of the Red Cross
PO Box 15565
Suva

Dear Mr Grimm

Thank you for your correspondence of 20 November 2015 containing s. 33(a)(iii)

s. 33(a)(iii)

I am pleased to provide the Department's response to your reports. I understand that the Secretary of my Department and the Commissioner of the Australian Border Force met with you in recent times. The Department will soon invite members of your team to discuss the report findings with relevant subject matter experts in further detail. Your report assists the Department in its support to the governments of Nauru and PNG to deliver on their humanitarian obligations.

Yours sincerely

PETER DUTTON

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s. 33(a)(iii)

FOI Document L

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s. 33(a)(iii)

FOI Document L

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s. 33(a)(iii)

FOI Document L

s. 33(a)(iii)

FOI Document L

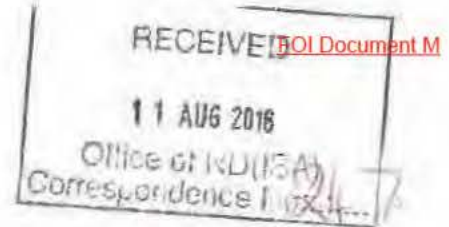
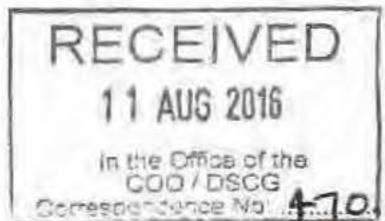
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s. 33(a)(iii)

FOI Document ID: A66365

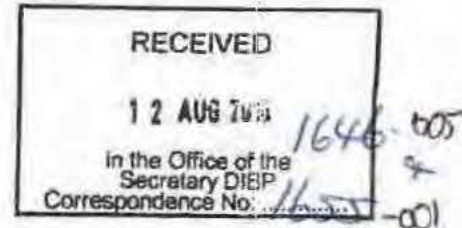
s. 33(a)(iii)

FOI Document L



~~PROTECTED Sensitive~~

MINUTE



To: Secretary
Through: Deputy Secretary, Corporate Group *NR 12/8/16*
Cc: Com ABF, Dep Com Support, Dep Com Operations, FAS Executive Division, CMO
Date: 10 August 2016

SEC DIBP 1646/2016 AMNESTY INTERNATIONAL HUMAN RIGHTS WATCH JOINT PRESS RELEASE

Timing

Not applicable.

Purpose

To:

1. Provide you with advice in response to your question: "Urgent advice on allegations – are any new to us?" (correspondence No: 1646 refers at Attachment A).

Background

2. On 4 August 2016, you asked for urgent advice on the allegations made in the Amnesty International Human Rights Watch Joint Press Release, specifically "are any new to us?"
3. An initial response to your question was provided by the Detention Assurance Branch (DAB) on 4 and 5 August 2016 (see Attachment B).
4. The DAB has liaised with relevant business areas in the Department and ABF to obtain information on the allegations raised in the Amnesty report.

Issues

5. The Amnesty report contained limited information for identifying cases with any accuracy. However, some level of case specific detail allowed the Department to identify possible links to cases known to the Department.
6. It is important to note:
 - a. An individual's commentary around an incident or their medical condition may not necessarily align with what is recorded in departmental and contracted service provider systems, or the clinical requirements IHMS has reported to ABF for example.

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s. 33(a)(iii), s. 47E(d)

EC Document M

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Consultation

17. Consultation was undertaken with Children, Community and Settlement Services, Detention Services, Detention, Compliance and Removals, Chief Medical Officer, and Executive Division.

Recommendation

It is recommended that you:

Note the contents of this Minute

Noted / Please discuss

s. 22(1)(a)(ii)

Stéphane Hayward

First Assistant Secretary

Integrity, Security and Assurance Division

s. 22(1)(a)(ii)

11/08/2016

Contact Officer: Justine Jones, AS Detention Assurance Branch

Phone: s. 22(1)(a)(ii)

Michael Pezzullo

Secretary

Attachments:

A: SEC1646 Amnesty International Human Rights Watch Joint Press Release

B: Initial responses to your question provided by the DAB on 4 & 5 August 2016

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① COO/Daflec → ② FASISA

RECEIVED

84 AUG 2016

26 of the
DIBP**AMNESTY INTERNATIONAL
HUMAN RIGHTS WATCH
JOINT PRESS RELEASE**

3 August, 2016

Under strict embargo: 06:01 in Sydney, Wednesday, 3 August, 2016

Urgent advice on
allegations - are any
new to us?

MP

Australia: Appalling abuse, neglect of refugees on Nauru*Investigation on remote Pacific island finds deliberate abuse hidden behind wall of secrecy*

4/08/2016

(Sydney, 3 August, 2016)—About 1,200 men, women, and children who sought refuge in Australia and were forcibly transferred to the remote Pacific island nation of Nauru suffer severe abuse, inhumane treatment, and neglect, Human Rights Watch and Amnesty International said today. The Australian government's failure to address serious abuses appears to be a deliberate policy to deter further asylum seekers from arriving in the country by boat.

Refugees and asylum seekers on Nauru, most of whom have been held there for three years, routinely face neglect by health workers and other service providers who have been hired by the Australian government, as well as frequent unpunished assaults by local Nauruans. They endure unnecessary delays and at times denial of medical care, even for life-threatening conditions. Many have dire mental health problems and suffer overwhelming despair—self-harm and suicide attempts are frequent. All face prolonged uncertainty about their future.

"Australia's policy of exiling asylum seekers who arrive by boat is cruel in the extreme," said Anna Neistat, Senior Director for Research at Amnesty International, who conducted the investigation on the island for the organization.

"Few other countries go to such lengths to deliberately inflict suffering on people seeking safety and freedom."

Australian authorities are well aware of the abuses on Nauru. The Australian Human Rights Commission (AHRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), a Senate Select Committee, and a government-appointed independent expert have each highlighted many of these practices, and called on the government to change them. The Australian government's persistent failure to address abuses committed under its authority on Nauru strongly suggests that they are adopted or condoned as a matter of policy.

By forcibly transferring refugees and people seeking asylum to Nauru, detaining them for prolonged periods in inhuman conditions, denying them appropriate medical care, and in other ways structuring its operations so that many experience a serious degradation of their mental health, the Australian government has violated the rights to be free from torture and other ill-treatment, and from arbitrary detention, as well as other fundamental protections, Human Rights Watch and Amnesty International said.

"Australia's atrocious treatment of the refugees on Nauru over the past three years has taken an enormous toll on their well-being," said Michael Bochenek, Senior Counsel on

Children's Rights at Human Rights Watch, who conducted the investigation on the island for the organization.

"Driving adult and even child refugees to the breaking point with sustained abuse appears to be one of Australia's aims on Nauru."

Australia and Nauru impose strict secrecy on the processing of asylum seekers on Nauru and refuse most requests to visit from journalists or researchers. Nevertheless, an Amnesty International researcher and a Human Rights Watch researcher were able to enter Nauru legally and remain for a total of 12 days in July 2016. They were not asked about their organizational affiliations when they completed entry formalities. They interviewed 84 refugees and asylum seekers from Iran, Iraq, Pakistan, Somalia, Bangladesh, Kuwait, and Afghanistan, including stateless Kurds who had been living in Iran or Iraq. Twenty-nine were women. Five were girls, and four were boys. The researchers also interviewed several service providers, who agreed to share information despite risking prosecution for providing information.

Nauru, a tiny, impoverished island of 21 square kilometres, or eight square miles, is smaller than Melbourne's airport. The population is 10,000. The island's interior, devastated by 40 years of phosphate mining, is mostly uninhabitable and uncultivable. Employment opportunities are scarce, and basic services, such as health and education, are largely inadequate.

Australia has been forcibly transferring families with children, unaccompanied children, and single men and women to Nauru since September 2012 under Memorandums of Understanding between the two countries. Australia agreed to cover all costs associated with the offshore detention and processing of the asylum seekers and refugees. The Australian government spent 415 million Australian dollars (US\$314 million) on its Nauru operations in the fiscal year ending on April 30, 2015, nearly \$350,000 for each person held on the island in that year alone.

Those transferred to Nauru initially spent a year or more housed in cramped vinyl tents in a detention facility called the "Regional Processing Centre" (RPC), with temperatures indoors regularly reaching 45 to 50 degrees Celsius (113 to 122 degrees Fahrenheit), and torrential rains and flooding.

Refugees and asylum seekers described conditions in these detention camps as "prison-like," with regular searches of their tents by the guards, confiscation of "prohibited" items—including food and sewing needles—two-minute showers, and filthy toilets.

The RPC is run by a private company hired by the Australian government, which has effective control of the facility and is responsible for ensuring the health and welfare of the asylum seekers detained there. Australia shares responsibility with Nauru for human rights violations committed against the refugees and asylum seekers.

Those the Australian and Nauru governments recognize as refugees are generally provided accommodation in open camps or other housing throughout the island. Families are generally assigned prefabricated units or converted containers, and single men are placed in rooms with space only for a bed and a small shelf. About one-third of the 1,200 refugees and asylum seekers on Nauru remain in the tents, people interviewed said.

Since October 2015 Nauru has allowed asylum seekers greater freedom of movement around the island, a step widely interpreted as a response to litigation in Australia challenging the lawfulness of asylum seekers' detention. But those who remain in the tents may not bring smartphones into the centre, are monitored by guards, and face other

restrictions on their liberty.

Prolonged detention in appalling conditions exacerbated the trauma many had suffered from persecution in their home countries and the abuses and other hazards they faced on their journeys to Australia, as the Australian Human Rights Commission and UNHCR, among others, have found.

Refugees and asylum seekers interviewed said they have developed severe anxiety, inability to sleep, mood swings, prolonged depression, and short-term memory loss on the island. Children have begun to wet their beds, suffered from nightmares, and engaged in disruptive and other troubling behavior. Adults and children spoke openly of having wanted to end their lives. However, refugees on Nauru do not receive adequate support or mental health treatment.

The standard of medical care for refugees and asylum seekers on Nauru is also poor. Medical equipment is rudimentary, and specialist medical attention is not regularly available. Dental services are largely limited to tooth extraction.

Refugees and asylum seekers described long delays on seeing specialists for serious conditions or for being transferred to medical facilities outside Nauru for care not available there. Under new policies, those transferred to Australia for care must go without their family members in most cases, an apparent attempt to force them to return to Nauru.

When Amnesty International and Human Rights Watch put these concerns about medical care to International Health and Medical Services, the company hired by the Australian government to provide medical services on Nauru, senior staff denied that care was poor.

The physical safety of those held on Nauru is a serious concern, Human Rights Watch and Amnesty International said. Many asylum seekers had been beaten and robbed. Every woman interviewed said she could not go out alone. Interviewees said that local police made little or no effort to investigate attacks against them.

Children who attend local schools described frequent bullying and harassment from Nauruan students, who tell them to go back to their home countries. Many have stopped attending classes altogether.

Some refugees and asylum seekers said that the abuses they endured gave them little option but to accept or request return to countries where they face a real risk of persecution or other serious harm.

The Australian government should immediately resettle the refugees in Australia and close the Nauru offshore processing centre. While refugees and asylum seekers remain on Nauru, Australia should ensure that they receive quality medical and mental health care. Nauru should allow independent human rights monitors and journalists access to the island, and Australia should do likewise for its "processing centres" for asylum seekers.

Ends

For more detailed research findings on refugees and asylum seekers on Nauru, please see below.

For more Human Rights Watch reporting on Australia, please visit: www.hrw.org/asia/australia

For more Amnesty International reporting on Australia's offshore detention of refugees and

asylum seekers, please visit: <https://www.amnesty.org/en/countries/asia-and-the-pacific/australia/>

For more information and to arrange interviews, please contact:

In Sydney, for Human Rights Watch - contact Elaine Pearson (English): [+61-400-505-186](tel:+61400505186) (mobile); or pearsoe@hrw.org. Twitter @pearsonelaine.

In Sydney, for Amnesty International - contact Anita Harvey [+61 423 280 658](tel:+61423280658) or anita.harvey@amnesty.org.au



Anita Harvey, Media Coordinator
t: [+61 2 8396 7622](tel:+61283967622) m: [+61 423 280 658](tel:+61423280658)
e: Level 1, 79 Myrtle Street Chippendale NSW 2008

AMNESTY INTERNATIONAL HUMAN RIGHTS WATCH

ADDITIONAL BACKGROUND AND TESTIMONIES

A wall of secrecy

The Australian government's offshore operation on Nauru is surrounded by a wall of secrecy, with both Australia and Nauru going to great lengths to prevent the flow of information off the island. Service providers and others who work on the island face criminal charges and civil penalties under Australian law if they disclose information about conditions for asylum seekers and refugees held offshore. Nauru has banned Facebook on the island and has enacted vaguely worded laws against threats to public order that legal experts fear could be used to criminalize protests by refugees and asylum seekers.

Journalists in particular face severe restrictions on entry, with an \$8,000 non-refundable visa fee and a protracted application process. Nauru has granted visas to just two media outlets since January 2014. Other requests have been rebuffed or met with no response. UN officials have been denied entry or in some cases have concluded that a visit would be impractical due to severe limitations on their access.

Attacks, sexual violence, and impunity

Every refugee and asylum seeker interviewed reported intimidation, harassment, or violence directed at them or family members by Nauruans acting alone or in groups. They said the assailants cursed and spat on them, threw bottles and stones, swerved vehicles in their direction as they walked or rode on motorbikes, or broke their windows or destroyed other property.

Human Rights Watch and Amnesty International documented cases in which Nauruans, alone or in groups, assaulted and robbed refugees and asylum seekers, sometimes at knifepoint, during daylight or in the evening. In all, more than 20 of those interviewed said they had been attacked by Nauruans.

A refugee from Bangladesh suffered serious head trauma in May when a Nauruan man threw a large rock at him, kicked the refugee off his motorbike, and beat him after he fell. A Somali woman reported that several Nauruan men attacked her husband in March, hitting him on the head with a machete. The following night, a group of Nauruans tried to break into the family's housing. A Somali man said a Nauruan man robbed him when he attempted to hitchhike to a store.

Many others spoke of being attacked by Nauruan men, who stole their money, mobile phones, and motorbikes, as the refugees went to work or bought food. A service provider confirmed that such assaults happen "several times a week, especially over the weekend."

As a result, refugees and asylum seekers said they were afraid to leave their accommodations, particularly at night. Women said they almost never left the camps and then only in groups,

or with male companions.

Six women described sexual assault or harassment, including groping, touching, explicit threats, demands for sex, and attempted rape. One woman said that on two occasions Nauruan men tried to drive her to the jungle when she was catching a ride with them, clearly intending to rape her. She also said that at one point she got a job at a shop on the island but had to quit after the first day because other employees kept touching her.

One young woman said she married for protection after being released into the community:

"After I left the camp, I felt very unsafe, I could not go out. I decided to marry a man who is 15 years older, just to have protection. If you are alone, everything is a struggle. At least he could go shopping or accompany me. Now he is in the hospital and I have to rely on my case manager if I need to go out of the house."

Another woman said:

"We are always scared, all the time. I am always checking the door to see if it is locked. We can't go out alone. A lot of times, some Nauruans get drunk and come near the entrance by the road and shout at us."

Refugees and asylum seekers said that Nauruan police disregard their complaints and sometimes discourage them from filing reports. Police have dismissed some complaints as "made for media exposure only," a news report said. Several refugees provided Human Rights Watch and Amnesty International with copies of reports they filed with local police following the attacks, saying that police had done nothing to investigate or apprehend the attackers, even if the victims were able to identify them. Service providers, who said they often have to accompany refugees to file police reports, confirmed these statements.

Nauru's former chief justice, Geoffrey Ames, QC, testified before an Australian Senate Select Committee in July 2015 that "there is a serious question about [police] independence and about their willingness to investigate allegations against Nauruans who are charged with assaults of non-Nauruans." (Ames, an Australian national, was forced out of office after Nauruan authorities revoked his visa in January 2014.)

Medical care

International Health and Medical Services (IHMS), a company hired by the Australian government, is the main health service provider for refugees and asylum seekers. Some of its staff have publicly condemned the appalling treatment of refugees on Nauru, raising concerns about the company's operations there. Specialized medical equipment and staff are not available on Nauru; Nauruans who require more than basic medical care are sent to Australia or Fiji. Refugees and asylum seekers reported that the hospital lacks even basic supplies, such as bandages or sterile gloves.

Refugees and asylum seekers reported that both the IHMS medical staff and Nauru's hospital often refuse to take their complaints seriously, and in most cases reported to Human Rights Watch and Amnesty International prescribe nothing but painkillers. Some of those interviewed said that they had developed serious medical problems in Nauru and that they

had received virtually no specialized medical attention. They had heart and kidney diseases, diabetes accompanied by weight loss and rapidly deteriorating eyesight, and back problems leading to reduced mobility, among other conditions. When Amnesty International and Human Rights Watch raised these concerns with senior IHMS staff in Australia, they "strongly refuted" allegations of poor quality medical care.

Parents were particularly critical of services available to women during pregnancy and childbirth and said that newborns suffered from persistent infections and other medical conditions.

An asylum seeker described conditions while his wife was in labour:

"I saw my wife lying under the bed. The bed didn't have a mattress. . . . I saw the nurse, an Australian nurse, playing on her tablet. My wife was crying. I said, 'Please do something for my wife. This is like a jail, not a delivery room.' The bathroom didn't have tissue or handwashing liquid. I went out to buy handwashing liquid and rolls of tissue."

Because they cannot leave the island without authorization, they are completely dependent on the Australian authorities and service providers to arrange for them to be transferred to medical facilities outside Nauru. Interviewees described long delays while suffering with serious conditions, without any information, before eventually being transferred to hospitals in Papua New Guinea or Australia for tests or surgery.

One father said:

"My son has kidney problems. We have been visiting IHMS for two years now, and they keep promising he would see a regular doctor, but it hasn't happened. They just take tests, but do not prescribe any treatment. My daughter has been having such problems with her eyesight that she cannot see the blackboard in school and has to ask her classmates for help—but there is no way to get glasses, or even get her eyesight properly tested here."

A young man with diabetes said that after he lost 27 kilogrammes (60 pounds), he went to the IHMS manager. The manager told him that such weight loss is "normal" and that he only would be "moderately worried" if the weight loss continued. The family recorded the conversation on a mobile phone and provided a copy to researchers.

A young woman who had been forced to undergo genital mutilation in her home country said that as a result, she was experiencing severe pain and was not able to have sexual intercourse. She has received no treatment for her condition in her time on Nauru. She said:

"For five months, they just kept referring me to a mental health specialist. I had no idea what was wrong with me, and just kept blaming myself for everything. I've been able to see a gynecologist a few times since, but there is nothing they can do here for my condition, and for a year and [a] half now they keep telling me that I need to be transferred for treatment, but so far it has not happened."

Refugees and asylum seekers reported multiple situations in which they tried calling an ambulance when their friends or family members needed urgent help, but the hospital

refused to send one. A service provider confirmed these accounts:

"When people call [an] ambulance, or even when we call, they sometimes come, and sometimes not, sometimes in 20 minutes and sometimes in 3 hours. But we are also not allowed to call ambulances for our clients, or transport them to the hospital in our vehicles—because it is considered 'advocacy', and we are supposed to help our clients be 'independent'. We often have people discharged while they are still sick, sometimes half-conscious; once a patient still had needles in the hands. We are not allowed to ask the hospital why they are being discharged, or what medication they've been prescribed, or for their medical records."

Even getting a pair of glasses can be an ordeal—one woman reported that she waited nine months for her prescription to be filled from Australia.

Denial of access to medical records

At least five refugees and asylum seekers reported that their personal requests for their medical records have been denied or have yielded partial records—lacking information on surgery they had undergone, for example. In some instances, they received pages that were blank except for their name and age and the doctor's initials.

In several of the cases Human Rights Watch and Amnesty International reviewed, doctors made written requests in medical reports for overseas treatment for refugees and asylum seekers because the hospital lacked the necessary expertise or equipment. Those referred for overseas treatment may wait for months before they are transferred.

Medical transfers to Australia, Papua New Guinea

Medical transfers are frequently carried out with little notice, often separating family members. In one case, a man was told that his wife would need prolonged specialized treatment for her mental health condition, which they asked him to authorize without giving him any information about when she would be transferred:

"The next thing I heard was, 'Oh, we sent your wife to Australia on an emergency flight'. That was the next day. My son took it very bad. He was in shock. He wasn't able to say goodbye to his mother. [On arrival in Australia] my wife woke up, and she didn't have any information; she didn't even know she was in Australia. . . .

"I am really worried about my son. For the last 40 days, he hasn't left his room. He had a special relationship with his mother. Now he doesn't talk. He's very angry, and he doesn't talk. I can't control his behaviour. Everything has changed about him."

His 13-year-old son was having nightmares, had begun wetting his bed, and was hostile to and refused to interact with anybody other than his father, the man said.

Returns to Nauru following medical care in Australia are even more abrupt, and are sometimes carried out in a deeply humiliating and traumatizing way. A man who had been in Brisbane with his wife while she gave birth said:

"They handcuffed my wife and me and said we had to go back to Nauru. My wife wasn't

ready. She wasn't dressed. She was sleeping. It was not good. Why did they need to do it like this? If we have to go back to Nauru, that's not a big deal. Why early in the morning, and with handcuffs? They took us from the room at 7am and took the baby from us. We didn't see the baby until after 7pm"

In another case, a woman said:

"I was sound asleep, and the door was locked. Suddenly there was an officer in front of my face, with a camera. He said, 'Wake up!' I couldn't move. I didn't know where I was. There was an officer on each side of me holding my arms, and more officers behind me. My legs were shaking. My heart was pounding. I lost my footing, but they dragged me into a room. They didn't even allow me to put on my glasses. They didn't care about what the doctor had to say. They put me on the airplane. I'm still scared. When I try to sleep, I'm still remembering this."

Some said they were brought back to Nauru even though doctors had advised immigration authorities that they should not travel in their condition.

Others described having serious chronic conditions requiring transfers for treatment, which has sometimes been cut short by their forcible return to Nauru. In one such case, a young woman who developed lumps in her breasts, throat, and uterus and was also diagnosed with ulcers, said that she was sent for treatment first to Australia and later to Papua New Guinea:

"When I was in Australia, my doctor told immigration that I needed surgery for my breasts, but they still sent me back. My problems deteriorated, and a year later sent me to Papua New Guinea for endoscopy and colonoscopy, but then returned me again. They gave me some pills, but they are not working, and I am in constant pain and cannot eat anything."

In another case, a man who suffered a heart attack after a year on the island was eventually sent to Australia, where he stayed for four months:

"When they came to take me back to Nauru, IHMS people were there, and I tried to plead with them and the security, but they just took me and my family. I was scared, because the doctors found a blood clot in my heart, and clogged arteries, and said it was very dangerous. When I arrived, an IHMS doctor saw my file and said, 'I cannot be responsible for you, they should not have sent you back'. I had another heart attack since, and the doctors keep saying that they cannot do anything here, that I need professional treatment and a proper hospital."

When Amnesty International and Human Rights Watch asked IHMS if they had any medical concerns about the timing and manner of transfers, senior medical staff replied that the organizations would have to ask the Australian Department of Immigration about this issue.

Beginning in February 2016, Australian immigration authorities have insisted on medical transfers to Papua New Guinea rather than Australia, service providers said. In cases in which the transfer to Australia is still deemed necessary, Australian immigration officials usually authorize transfer of the patient alone. Service providers said that this new practice was introduced after lawyers in Australia were successful in preventing the returns of some of the refugees to Nauru following medical treatment. "Now that their families remain on the island,

they have no choice but to return," one said.

Mental health

Refugees and asylum seekers suffering psychological trauma and severe mental health conditions do not receive adequate support or treatment. Only two types of mental health services are available. International Health and Medical Services (IHMS), the private contractor hired by the Australian government which is the main health service provider for refugees and asylum seekers, appears to make heavy use of strong sedative and anti-psychotic medication—for children as well as adults—to address mental health issues. Refugees and asylum seekers said that these medications have severe side effects but provide little relief. IHMS senior staff in Australia "strongly refuted" allegations of poor quality care, including the charge that prescriptions were inappropriate, when Amnesty International and Human Rights Watch spoke with them in advance of publication.

Another agency, Offshore Service for Survivors of Torture and Trauma (OSSTT), officially deals only with previous trauma.

Families can wait for months to have their children seen by a visiting specialist.

Nearly all interviewees reported mental health issues of some kind—high levels of anxiety, trouble sleeping, mood swings, and feelings of listlessness and despondency were most commonly mentioned—that they said began when they were transferred to Nauru. In many cases, the consequences appeared to be severe—they repeatedly self-harmed, cutting their hands or banging their heads against the wall, did not speak to anybody for months, did not recognize their relatives, and stayed in bed for weeks, refusing to go outside or take showers. One woman told researchers that during her time on Nauru she had begun to wash her hands compulsively, hundreds of times a day.

Family members said that children also began to wet their beds, suffer nightmares, act out, and in some instances had stopped interacting with or even speaking to people outside of their immediate families.

Even so, refugees and asylum seekers sometimes received diagnoses that were not reached on the basis of full psychiatric evaluations and did not appear to take into account their experiences of trauma in their home countries, their prolonged detention on Nauru, and their uncertainty about their future.

Many of the interviewees said that when they reported their own or their relatives' mental problems to the IHMS, the complaints were often dismissed, and in some cases they were accused of acting and "mimicking" the conditions that they had seen in other asylum seekers and refugees who have been transferred to Australia for mental health treatments.

Moreover, patients whose mental health issues were apparently severe enough to justify their transfer to Australia were returned several months later into the same conditions that doctors had identified as contributing to their trauma.

A service provider reported being aware of more than 20 such cases, some of which led to

tragedy. For example, Hodan Yasin, a Somali woman who was considered suicidal, was admitted to a hospital in Australia for several months, then forcibly returned to Nauru. She was still considered highly suicidal and placed in a special ward in one of the camps, which was supposed to have 24-hour observation. However, she managed to escape, buy gasoline, and set herself on fire, burning 86% of her body.

More than a dozen of the adults interviewed said they had tried to kill themselves by overdosing on medication, swallowing bleach, other cleaning products, or razors, hanging or strangling themselves, or setting themselves on fire, and many more said that they had seriously considered ending their lives. Some children had injured themselves with lighters, razor blades, or in other ways.

Nearly all made references to Omid Masoulmali, a 23-year-old Iranian man who died in May after setting himself alight, and to Yasin, who set herself on fire the following week. "I have the oil ready", one man stated matter-of-factly. "I'm tired of my life", said a 15-year-old girl, who said she had tried to commit suicide twice.

A woman whose husband had been transferred to Australia for urgent medical treatment said that their nine-year-old son had repeatedly talked about suicide after the family had been separated: "Two weeks ago, my son took the lighter. He said, 'I want to burn myself. Why should I be alive? I want my daddy. I miss my daddy.' I look in his eyes and I see sadness."

Conditions in the processing centre

For months and sometimes years after their arrival in Nauru, asylum seekers have been held in prison-like camps in the Nauru Regional Processing Centre (RPC), surrounded by fences and guarded by security services. They live in crowded tents where the heat is unbearable, even after some basic fans were installed. With humidity between 75 and 90%, mould grows quickly on tent walls and ceilings, and skin rashes and other infections spread rapidly. Sudden, torrential rains flood roads and pool on the tent floors. On several occasions, rains have also uncovered unexploded World War II ordnance on the detention centre grounds.

Food is distributed at set times, and no one is allowed to bring any food into the tents, even for young children. Living conditions in the RPC improved after October 2015, when Nauru allowed most of those housed there greater freedom of movement.

Until early 2015, the asylum seekers could take one two-minute shower a day. Several of the women interviewed cried recalling how guards forced them out of the shower after two minutes, shampoo still in their hair. There were long lines for toilets that quickly became so dirty that cleaners refused to clean them. They could use the internet once a week at most, and could not leave the camp.

Most of the approximately 400 refugees and asylum seekers who remain in the RPC are allowed to leave during the day, although they must observe curfews and are subject to monitoring by guards and other restrictions on their liberty. Smartphones are prohibited inside the camp.

One male asylum seeker said:

"When we came to this place, we found tents in a jungle. They put eight families together,

with six kids, young kids, under one tent. Every day, every night, we had no rest. No sleep. Every day, the kids would fight because they were so close together. Most of the day, they kept the water locked up. They just gave us a small amount. It wasn't enough, with the strong sun. Sometimes we couldn't shower for two or three days. The kids started getting bad skin. We suffered these problems for two years."

A woman recalled:

"The tents were terrible. It was too hot, so hot you felt you couldn't breathe. The children always felt bad because it was too hot for them. There wasn't enough water to drink. For the shower, we had a specific time. If the children needed to take a shower at a different time, they couldn't. Security wouldn't let them take showers except at the specific time. After three years, children in that bad situation have mental problems. Bedwetting. Nightmares."

At the end of May, according to Australia's [Department of Immigration and Border Protection](#), 466 people, including 50 children, were housed in the RPC. Most, if not all, continued to be housed in tents, asylum seekers said.

Immigration Department records say that the agency had completed refugee status determinations for 1,194 people held on the island, of whom 915 were recognized as refugees. The remaining 279 received negative determinations. Most recognized refugees are now housed in other camps or in houses in the community. Human Rights Watch heard from refugees and asylum seekers, but some remain in the camp while they await housing assignments. Most of those rejected for refugee status are still on the island and in the tents, although refugees and asylum seekers reported that a handful had accepted return to their home countries.

Bullying, harassment in school

Parents and children reported that students from families of refugees and asylum seekers are frequently bullied by Nauruan students. A 15-year-old girl said that she stopped going to school because Nauruan children always tried to pull off her headscarf and constantly taunted her.

One mother said:

"When they go to school, the Nauruan children call our children 'refugee,' not by name. People have names. They say, 'Why are you here? This is our country. You should leave. We don't like you staying here.'"

A 10-year-old girl gave a similar account:

"All the kids at school, they say, 'Refugee, refugee, refugee.' They don't say our names. They hit us. And when we try to talk to the teachers, they don't say, 'Why are you Nauruan kids hitting the other kids?' They say to us, 'Why are you fighting with the Nauruan kids?' We try to explain, but they don't listen."

Two brothers, 13 and 14 years old, said they went to school for a month initially, but then stopped and haven't attended school for almost three years. The older brother said:

"Local kids kept attacking us, and even throwing stones. When we complained to the principal, the kids were made to say 'sorry' to us. But when we left the principal's office, they got even angrier at us."

Save the Children Australia estimates that 85 percent of asylum seeker and refugee children on Nauru do not attend local schools, in part because of the prevalence of bullying and harassment.

Corporate responsibility for abuse

Australia's operations on Nauru rely on private companies and service providers. These service providers face penalties if they speak out, and some staff members have taken a considerable risk to do so to expose the conditions on the island. The companies that provide services on Nauru are aware of the situation and the impact on refugees and asylum seekers. The companies' involvement facilitates the continuation of the abusive situation. The Australian and Nauruan governments would have great difficulty maintaining their Memorandum of Understanding and the offshore processing centre without their services. Most are working directly on behalf of the Australian Department of Immigration and Border Protection.

Amnesty International and Human Rights Watch sought comment from the two key companies contracted by the Australian government to provide services for its Nauru operation, Broadspectrum, the company that runs the RPC, and IHMS, the main medical service provider. Broadspectrum responded to Amnesty International and Human Rights Watch's summary of findings that it "firmly rejected" any suggestion that the company did not respect human rights. IHMS stated that its role was to deliver services, and not to engage in Australian government policy, and "strongly refuted" the allegations put to it by Amnesty International and Human Rights Watch.

Dr. Peter Young, a psychiatrist who was until July 2014 IHMS's director of mental health, commented:

"It is a basic ethical requirement for doctors and other health care workers to advocate for the best health interests of their patients and to speak out against policies and practices that do harm to health. The Australian government has followed a deliberate policy to cause suffering to asylum seekers coming to Australia by boat. Being subject to abuses, lack of health services, delays in treatment, and inhumane procedures are necessary components of coercing returns and deterring others.

"Health providers who accept this and do not speak out, collude with secrecy and harmful practices causing harm to health. They are caught in an irresolvable conflict of interest, breach their ethical obligations and fail to provide a satisfactory standard of care. Full clinical independence, public reporting of health data and proper independent oversight are necessary minimum standards to provide safe and ethical services."

Amnesty International and Human Rights Watch believe that their ongoing involvement in the

Nauru centre amounts to complicity in violations of the rights of refugees and asylum seekers. These businesses are profiting from an abusive context, and based on Amnesty International and Human Rights Watch's investigations on the island, some are directly responsible for serious abuse and the failure to provide appropriate medical care.

An uncertain future

All of the refugees and asylum seekers interviewed reported that when they were sent to Nauru, immigration authorities told them they were being transferred for "processing" and would be then resettled in a third country. They said that Australian immigration authorities' description of the time they would be held on Nauru has changed frequently since August 2013—with every new version of the timetable accompanied by a denial that Australian officials had ever announced a different version.

At this point, even those who have received positive refugee status determinations have no idea what to expect and are unable to receive any clear answers from Nauruan or Australian authorities. They have no way of leaving the island, even if they have financial means to do so, and even when they have been issued "travel documents." Researchers saw travel documents issued by the government of Nauru to some refugees. These papers described the nationality of the individuals as "refugee", and refugees who have tried to apply for visas to go to other countries are rejected.

One man said:

"They didn't say how long we have refugee status for. When I came to Nauru, they said it would be five years maximum. They said within that time we would go to another country. Not Australia. After two years, they said, 'You will stay in Nauru for 10 years or go to Cambodia'."

Another man said:

"Even if they had said when I came to Nauru that it would be 10 years, no problem. But they said it would be a maximum of five years and then we would go to another country. Which country, I don't know. But after two years in Nauru, the government said 10 years here or Cambodia or return home."

Another man said:

"Refugee status in Nauru is not permanent. The government has only offered us temporary resettlement. They give us a travel document which is useless, because we cannot leave here. We are still in prison. We cannot leave this island."

And a woman said:

"People here don't have a real life. We are just surviving. We are dead souls in living bodies. We are just husks. We don't have any hope or motivation."

Ends/

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Australian Government

Department of Immigration and Border Protection

Corporate Group

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04 AUG 2016

in the Office of the
Secretary DIBP
Correspondence No. 1646-cc1

DepSec c/

Coo

Please discuss.

MP

Date: 04/08/2016

4/8/2016

Secretary Correspondence No: 1646

AMNESTY INTERNATIONAL HUMAN RIGHTS WATCH JOINT PRESS RELEASE 03
AUGUST 2016

In response to Secretary's question: Urgent advice on allegations – are any new to us?

Response

s. 33(a)(iii), s. 47E(d)

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As a priority, the DAB will progress detailed investigation into the allegations raised, particularly for those aspects where a DAB Review has not been undertaken, in close collaboration with relevant business areas of the ABF.

Author:	s. 22(1)(a)(ii), DAT Assistant Director s. 22(1)(a)(ii)
SES Clearance:	s. 22(1)(a)(ii), A/AS Detention Assurance s. 22(1)(a)(ii)
Through:	Stephen Hayward, FAS ISA, Corporate Group
Consultation:	CMO
Copied to:	Sec DIBP, Com ABF

<u>Attachment A</u> (Original tasking)	SEC1646 Amnesty International Human Rights Watch Joint Press Release
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Freedom of Information Act 1982

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Australian Government
Immigration and
Border Protection Portfolio

From
Chief Operating Officer
Deputy Secretary Corporate

Secretary

Re Annette's report,
p15 that an
updated holding
response attached.

We hope to get
a fuller response
to you very early
next week.

Regards

s. 22(1)(a)(ii)

JH



Thanks. As discussed
on 8/08.

MP



Australian Government
Immigration and
Border Protection Portfolio

8/08/2016

From
Integrity, Security and Assurance Division

JH,

I think we have

now mobilised

the ABF to

a) Read the report

b) determine what
impact it means
if any remediation

c) That the Sec
actually is ask-1,
not DAB.

Monday, I hope to
have more detail.

6/5/8

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Australian Government

Department of Immigration and Border Protection

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- 5 AUG 2016

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C. J. DSCG
Correspondence No 470

Noted.

Corporate Group

Discussed w Asst Sec C/COO

on 8/08.

MP

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in the Office of the
Secretary DIBP
Correspondence No:.....

Date: 05/08/2016

Secretary Correspondence No: 1646

AMNESTY INTERNATIONAL HUMAN RIGHTS WATCH JOINT PRESS RELEASE 03
AUGUST 2016

8/08/2016

Update – Response to Secretary's question: Urgent advice on allegations – are any new to us?

Response

s. 47E(d), s. 33(a)(iii)

The DAB is working towards having a final response to you outlining outcomes of the investigation by Monday 8 August 2016.

Author:	s. 22(1)(a)(ii) DAT Assistant Director	s. 22(1)(a)(ii)
SES Clearance:	s. 22(1)(a)(ii) A/AS Detention Assurance	s. 22(1)(a)(ii)
Through:	Stephen Hayward, FAS ISA, Corporate Group	

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Consultation:	Regional Processing Support, Offshore Operational Coordination, CMO
Copied to:	Sec DIBP, Com ABF

<u>Attachment A</u> (Original tasking)	SEC1646 Amnesty International Human Rights Watch Joint Press Release
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03 Aug 2016
Sydney Morning Herald, Sydney

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Classification: Capital City Daily • Audience: 102,512 • Page: 9
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04 AUG 2016

in the Office of
COO/DSCG 469
Correspondence No:.....

Nauru Amnesty International report

Genital mutilation sufferer 'denied care'

Nicole Hasham
Immigration correspondent

A woman in severe pain after suffering genital mutilation has been denied medical treatment at Nauru and a patient was discharged from the island's hospital with needles still lodged in their hands, according to damning findings by human rights researchers who gained rare access to the island.

However IHMS, the organisation contracted to provide health-care to asylum seekers at Nauru, rejected the claims as "unsubstantiated".

Two researchers from Amnesty International and Human Rights Watch spent 12 days at Nauru last month and interviewed 84 asylum seekers and refugees, as well as workers who risked prosecution by disclosing information.

A young woman at Nauru who suffered genital mutilation in her home country told Amnesty International's senior director of research, Anna Neistat, that she experienced severe pain and could not have sexual intercourse as a result. The woman reported

receiving no treatment for her condition.

"For five months they kept telling her to relax and breathe ... she was in huge distress," Ms Neistat told Fairfax Media.

Ms Neistat said dental care was largely limited to tooth extraction.

"I spoke to people who said the fillings are performed in such a way that eventually it makes people lose their teeth. I spoke to one guy who lost five teeth like that," she said.

A nurse at the island's hospital told Ms Neistat the facility lacked basic supplies such as bandages and sterile gloves.

An asylum seeker reported that when his wife was in labour "the bed didn't have a mattress ... I saw the nurse, an Australian nurse, playing on her tablet [computer]. My wife was crying. I said: 'Please do something for my wife!'"

The researchers heard that on numerous occasions the hospital refused to send an ambulance when refugees and asylum seekers urgently requested one.

A worker the researchers spoke to reportedly confirmed this, and added: "We often have people dis-

charged while they are still sick, sometimes half-conscious; once a patient still had needles in [their] hands."

One man reported his son, who suffered kidney problems, had not been treated in two years. His daughter reportedly had eye problems and could not see the blackboard at school, but had not had her eyes tested.

A young man with diabetes lost 27 kilograms and was reportedly told by a manager from IHMS that such weight loss was "normal".

Of those transferred to Australia for medical treatment, many were reportedly returned to Nauru against medical advice. One man with heart problems was reportedly told by a doctor at Nauru: "I cannot be responsible for you, they should not have sent you back." He had since suffered a heart attack, the report said.

In a statement, IHMS rejected the claims and said: "We are concerned that Amnesty International chose not to visit the IHMS medical facilities, meet with staff or seek to clarify individual case concerns and are therefore reporting from an unsubstantiated perspective."

Answers on specific allegations
raised in this article - cob.

MP

4/08/2016

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Freedom of Information Act 1982