



The Royal Australasian  
College of Physicians

## RACP Statement: The Health of People Seeking Asylum

August 2013

This statement has been endorsed by:



The Royal Australian College  
of General Practitioners



The Australasian College  
for Emergency Medicine



The Royal Australasian  
College of Physicians

## Statement on the health of people seeking asylum

### Key points

The Royal Australasian College of Physicians believes that:

- Health is a basic human right of all people, including those seeking asylum.
- Conditions in off-shore detention facilities and regional processing centres compromise the right to health of asylum seekers.
- Prolonged detention has severe detrimental effects on health that can be long-term.
- Detaining children can have profound negative impacts on the health and development of an already highly vulnerable group.
- Urgent attention to the health of people seeking asylum is required.

The Royal Australasian College of Physicians (RACP) considers unequivocally that the right to health is a fundamental human right. Health is defined by the World Health Organization as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”.<sup>1</sup> The United Nations Committee on Economic, Social and Cultural Rights’ recognises that health is influenced by many determinants, including food, nutrition, housing, water and sanitation and a healthy environment.<sup>2</sup>

The RACP is concerned that Australia is in breach of its obligation to respect health as a human right, as provided for in the relevant international instruments to which Australia is a signatory, by prolonged detention of people seeking asylum.<sup>3</sup> This is especially relevant with respect to the health of those detained in off-shore detention facilities and the regional processing centres located on Manus Island in Papua New Guinea (PNG) and Nauru. This is an increasingly urgent issue, with 8521 people, including 1731 children, in Australian immigration detention facilities or alternative places of detention at 31 May 2013.<sup>4</sup>

The RACP is particularly concerned that detention of children seeking asylum is contrary to Australia’s human rights obligations. Australia is a signatory to the United Nations *Convention on the Rights of the Child*, which notes specifically the rights of children to be protected from discrimination based on their parents opinion, that the best interests of the child will be a primary consideration, and that children have rights to health, education, play, and rights to protection from physical and mental violence, injury, abuse, neglect and maltreatment.<sup>5</sup>

While the Australian Government has committed to providing health care services that are “broadly comparable with health services available within the Australian community”,<sup>6</sup> the RACP is concerned that this standard is often not met due to environmental factors in regional processing centres located in PNG and Nauru. People seeking asylum who are detained in these facilities are exposed to a number of environmental and infrastructural deficiencies which adversely affect their health, such as:

- A lack of adequate health services in remote and offshore detention facilities.<sup>7,8</sup>

- A limited capacity to receive adequate psychiatric care, which is especially important given many people seeking asylum are survivors of torture and/or trauma<sup>9,10</sup> and that detention is proven to have a detrimental impact on the mental health of detainees.<sup>11- 20</sup>
- A lack of engaging and meaningful activity, such as education and employment opportunities.
- An increased risk of many communicable diseases including multi-drug resistant tuberculosis, typhoid and hepatitis A in PNG.<sup>21</sup> The increased risk of tuberculosis is particularly problematic for a population group with high levels of latent tuberculosis infection, with evidence indicating that 27 to 55 per cent of refugee/asylum seeker background cohorts in Australia have latent tuberculosis infection.<sup>22</sup> Latent infection increases the chance of reactivation and development of active tuberculosis disease, and close living conditions will only amplify this risk.
- Malaria is of particular concern as reports indicate that 94 per cent of the PNG population is at high risk of transmission of malaria.<sup>23</sup> The most common form of malaria in PNG, plasmodium falciparum, has a high mortality rate. There is therefore a potential risk of death for pregnant women and young babies for whom preventive treatment is unsafe.<sup>24</sup> Standard environmental avoidance measures such as repellent sprays, treated mosquito nets and staying inside after dusk are challenging in temporary accommodation settings such as tents.
- A lack of access to clean drinking water, particularly on Nauru.<sup>25</sup> The health consequences of an inconsistent supply of clean water are especially concerning.
- A lack of medical accountability, exacerbated by the absence of performance measures to assess the appropriateness and standard of care being provided.<sup>26</sup>
- Limited capacity for health care professionals to act autonomously and in the best interests of the patient.

There is a large body of evidence to suggest that prolonged detention, particularly in isolated locations with poor access to health and social services combined with an uncertainty as to the outcome asylum seeker claims, has severe and detrimental effects on health outcomes. These long-term effects include damage to social and emotional functioning, especially in those who have experienced torture or trauma, and the worsening of existing mental health problems.

The RACP has particular concern for children and young people seeking asylum who are in detention. Children and young people have generally not made the decision to seek asylum independently, and are being deprived of their liberty as a result.

The RACP recognises that children and adolescents seeking asylum are particularly vulnerable to the effects of detention. Australia's Human Rights Commission has found that "many children in detention have suffered from a range of mental health problems including anxiety, bed-wetting, nightmares, emotional numbing, hopelessness, disassociation, and suicidal ideation".<sup>27</sup> There is also strong evidence to indicate that detention, especially for prolonged periods, has a profound negative impact on children's development.<sup>28</sup>

Health problems will be exacerbated for those children held in off-shore detention facilities or the regional processing centres located on Manus Island and Nauru. The RACP is extremely concerned for the health and welfare of children seeking asylum who arrive in Australia without a visa, given recent announcements that they will be detained in regional processing centres on Manus Island and Nauru.<sup>29,30</sup>

Child health screening is a specific area of concern. The detention health check is analogous to the offshore visa health assessment,<sup>31</sup> which includes only a medical assessment (but no specific health screening) for children aged less than 11 years. In Australia, post arrival refugee health screening is recommended in addition to offshore screening.<sup>32,33</sup> The limited nature of current detention health assessments is not appropriate for the long-term health care needs of asylum seekers, especially children.

Access to immunisation is a significant determinant of health, and children who are held in regional processing centres on Manus Island and Nauru will not have access to appropriate vaccinations as

per Australia's immunisation schedule. The PNG and Nauru immunisation schedules do not include key vaccinations such as mumps, varicella, human papilloma virus or pneumococcal vaccines recommended by the Australian Immunisation Schedule.<sup>34-36</sup> It is unclear how issues regarding access and cost will be addressed. The issue of vaccine delivery including maintaining a 'cold chain' is also a challenging one. Large numbers of people living in close proximity presents a real risk for transmission of vaccine preventable diseases.

Maternal, newborn and child health are additional areas of concern for those detained on Manus Island and Nauru. Significant resources will be required for antenatal, newborn and early childhood health care in countries where the under five years mortality is 40/1000 (Nauru)<sup>37</sup> and 58/1000 (PNG)<sup>38</sup> and the maternal mortality rate is 230/100,000 births (PNG).<sup>39</sup>

The health concerns for children seeking asylum are exacerbated for unaccompanied minors who experience the burden of detention without familial support.<sup>40</sup> A key issue impacting on the wellbeing of unaccompanied minors seeking asylum is the automatic appointment of the Minister of Immigration as their legal guardian. In this capacity, the Minister is responsible for protecting the child and their best interests, however the Minister is also responsible for placing children in immigration detention. The RACP considers that immigration detention is not in the best interests of any child, and echoes concerns that there is a potential conflict between these dual responsibilities.<sup>41</sup>

To ensure Australia adheres to its international human rights obligations, the RACP calls for:

- An increase in the capacity for placing children or adolescents and their families in community residence, and for this to be the standard model of care for all children. Under no circumstances should children be separated from their families.
- No children to be held in regional processing centres on Manus Island and Nauru.
- The immediate transfer of children seeking asylum and their families to a community setting.
- The establishment of an independent mechanism for the oversight and management of health care services available in off-shore detention facilities and regional processing centres.
- The establishment of an advisory group within the Department of Immigration and Citizenship Detention Health Branch to review the health and rights of children seeking asylum.
- The appointment of an independent legal guardian to protect the best interests of unaccompanied minors.
- Immediate and sustained efforts to improve the efficacy and speed of the refugee status assessment process for all detainees to eliminate prolonged detention.

**About The Royal Australasian College of Physicians (RACP):** The RACP trains, educates and advocates on behalf of more than 14,000 physicians - often referred to as medical specialists - and 6,000 Trainee members across Australia and New Zealand. The College represents more than 32 medical specialties including paediatrics & child health, cardiology, respiratory medicine, neurology, oncology and public health medicine, occupational & environmental medicine, palliative medicine, sexual health medicine, rehabilitation medicine and addiction medicine. Beyond the drive for medical excellence, the RACP is committed to developing health and social policies which bring vital improvements to the wellbeing of patients. [www.racp.edu.au](http://www.racp.edu.au)

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- <sup>1</sup> World Health Organisation (1946) *Constitution of the World Health Organisation*  
<http://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf>
- <sup>2</sup> United Nations Committee on Economic, Social and Cultural Rights (2000) *General Comment 14: The right to the highest attainable standard of health*  
[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358b0e2c1256915005090be?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/40d009901358b0e2c1256915005090be?Opendocument)
- <sup>3</sup> Australia is a signatory to the United Nations Human Rights Commission's *Convention and Protocol relating to the Status of Refugees* and the *Universal Declaration of Human Rights*, both of which impart obligations on Australia to respect the right of all people to seek asylum and to respect and uphold the human rights of people seeking asylum.
- <sup>4</sup> Department of Immigration and Citizenship (2013) *Immigration Detention Statistics Summary 31 May 2013* [http://www.immi.gov.au/managing-australias-borders/detention/\\_pdf/immigration-detention-statistics-may2013.pdf](http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-may2013.pdf)
- <sup>5</sup> Australian Treaty Series 1991 No 4. Convention on the Rights of the Child. 1995(18 August 2013).
- <sup>6</sup> Parliamentary Library of Australia (2013) *Health care for asylum seekers on Nauru and Manus Island* 28 June 2013  
[http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/2552945/upload\\_binary/2552945.pdf;fileType=application/pdf](http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/2552945/upload_binary/2552945.pdf;fileType=application/pdf)
- <sup>7</sup> Newman, L., Proctor, N., & Dudley, M. (2013) 'Seeking Asylum in Australia: immigration detention, human rights and mental health care' *Australasian Psychiatry* Published online before print 26 July 2013 <http://apy.sagepub.com/content/early/2013/06/26/1039856213491991.full.pdf+html>
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[http://www0.health.nsw.gov.au/policies/pd/2011/pdf/PD2011\\_014.pdf](http://www0.health.nsw.gov.au/policies/pd/2011/pdf/PD2011_014.pdf)
- <sup>11</sup> Human Rights and Equal Opportunities Commission (2004) *A Last Resort? The report of the national inquiry into children in immigration detention*  
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<https://www.humanrights.gov.au/publications/those-who've-come-across-seas-detention-unauthorised-arrivals-1998>
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- <sup>14</sup> Dudley, M., Steel, Z., Mares, S. & Newman, L. (2012) Children and young people in immigration detention. *Current Opinion in Psychiatry* 25(4): 285-92
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- <sup>21</sup> Parliamentary Library of Australia (2013) *Health care for asylum seekers on Nauru and Manus Island* 28 June 2013
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- <sup>30</sup> The Liberal Party & The National Party of Australia (2013) *The Coalition's Operation Sovereign Borders Policy* <http://www.tonyabbott.com.au/LinkClick.aspx?fileticket=XIIJzrhE0BA%3d&tabid=86>
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- <sup>36</sup> Australian National Immunisation Program Schedule  
<http://www.immunise.health.gov.au/internet/immunise/publishing.nsf/Content/nips-ctn>
- <sup>37</sup> World Health Organisation Country Profile: Nauru

<http://www.who.int/countries/nru/en/>

<sup>38</sup> World Health Organisation Country Profile: Papua New Guinea

<http://www.who.int/countries/png/en/>

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