



23rd February 2023

Committee Secretary
Legal and Constitutional Affairs Legislation Committee
Department of the Senate
PO Box 6100
Parliament House
Australia Canberra ACT

Dear Committee Secretary.

Re: Inquiry into the Migration Amendment (Evacuation to Safety) Bill 2023

Médecins Sans Frontières/Doctors Without Borders (MSF) Australia welcomes the opportunity to contribute to the Committee's inquiry into the *Migration Amendment (Evacuation to Safety) Bill 2023* (the Bill).

MSF is a non-profit, self-governing, member-based international medical organisation that provides healthcare to people affected by conflict, epidemics, disasters, or healthcare exclusion. Our tens of thousands of health professionals, logistics and administrative staff are bound by a charter based on medical ethics, and the principles of impartiality, independence, and neutrality. We do not receive Official Development Assistance, so that when we identify a critical issue that requires us to speak out, we do so from a position of independence, presenting an evidence-based assessment that has been informed by over fifty years of medical expertise, focused on the rights and wellbeing of patients.

MSF makes this submission on the urgent need to implement the Bill to evacuate the asylum seeker and refugee (ASR) populations of Nauru and Papua New Guinea (PNG) to Australia, based on the insights and data gathered while providing mental health services to detainees on Nauru.

MSF operations in Nauru took place over 11 months - beginning in November 2017 - under a Memorandum of Understanding (MoU) with the Government of Nauru that MSF would provide free psychological and psychiatric treatment to both Nauruan Nationals, and the ASR cohort on Nauru held under the 'Offshore Processing' policy. Despite the cessation of these services in October 2018 resulting from an edict by the Nauruan Government, and in violation of the MoU, the medical data MSF gathered was illustrative of an uncontrolled mental health crisis that was reaching a critical juncture.

The collected MSF data and clinical conclusions drawn from our operations on Nauru are detailed in the report, 'Indefinite Despair',¹ included as an annex to this submission.

¹ Médecins Sans Frontières, 'Indefinite Despair: The tragic mental health consequences of offshore processing on Nauru' (Report, December 2018) <<https://www.msf.org/indefinite-despair-report-and-executive-summary-nauru>>



The degree and severity of mental conditions among MSF patients in Nauru was among the worst the organisation has ever observed globally, including in MSF programs providing care for torture victims and victims of human trafficking. The medical facilities on Nauru ensure that detainees are unable to access the quality of care to the standard that a person in Australia might expect to receive, and are grossly ill-equipped to address the complex physical and mental health needs that plague the ASR population. Preventable health conditions, like poor nutritional health, are widespread and compounded by already exacerbated and uncontrolled pre-existing physical and mental conditions. MSF's determinations are echoed in the findings of neglect and abuse by the Australasian College of Emergency Medicine, and the Royal Australian College of General Practitioners, among others.²

Of the 208 refugee and asylum seekers MSF treated, 62% were diagnosed with moderate to severe depression, with 25% suffering anxiety disorder, and a further 18% experiencing post-traumatic stress disorder. Twelve patients were diagnosed with the rare psychiatric condition, 'resignation syndrome,' requiring constant medical care to keep them alive. Almost two thirds of patients had suicidal ideation and/or engaged in self-harm or suicidal acts, with one third having attempted suicide. Children as young as nine were found to have self-harmed, experienced suicidal ideation, or attempted suicide. On the Global Assessment of Functioning (GAF) scale, measuring mental health severity by the extent to which patients' symptoms affect daily life, the median response of ASR patients demonstrated 'major impairment in multiple areas of life simultaneously,' while the majority fell far below that even that degree of severity.³

The morbidities identified above are serious mental health conditions that require long term, specialised care, requiring both high quality inpatient and outpatient mental health care. The services on Nauru – including those provided by MSF – were far below the standard to meet that need, or even significantly stabilise their decline. While 75% of all ASR patients on Nauru reported experiencing traumatic events in their country of origin or during their migration journey, the indefinite nature of the Australian Government's policy was consistently reported as a primary stressor on their lives and mental wellbeing.

Following the repeal of *Home Affairs Legislation Amendment (Miscellaneous Measures) Act* (the Medevac Act) in 2019,⁴ MSF initiated tele-mental health services for ASR in Port Moresby, PNG, in an effort to alleviate and prevent further deterioration of mental health conditions. MSF psychologists and cultural mediators conducted over a hundred hours of counselling sessions with ASR in Port Moresby, reporting on the devastating long term physical and mental health impacts of seven years of indefinite detention. Patient case

² Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *Serious Allegations of Abuse, Self-harm and Neglect of Asylum Seekers in relation to the Nauru Regional Processing Centre, and any like Allegations in relation to the Manus Regional Processing Centre* (Report, April 2017) 3.32- 3.43
<www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/NauruandManusRPCs/Report>

³ GAF is measured on a 1-100 scale, with 70 and above considered 'healthy,' while 40 represents 'major impairment in multiple areas of life simultaneously.' Patient median GAF was 40, majority 31-40.

⁴ *Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019* (Cth), as modified by the *Migration Amendment (Repairing Medical Transfers) Act 2019* (Cth).



histories reveal a significant deterioration, from moderate to severe mental health disorders, with little impact possible through our remote counselling services. Many of our patients were in such poor mental health that they were effectively incapable of engaging with the necessary processes for applying for resettlement. While they remain in PNG with no pathway to resettlement or permanent residency, they will not get better. In fact, in the absence of access to adequate health care, further deterioration for many is life threatening.

MSF data and medical experience with patients on Nauru and PNG indicates that these catastrophic impacts on mental health are a predictable and expected consequence of indefinite detention, and will continue to escalate for so long as Australia's current approach to border protection policies is maintained. Ultimately, there is no therapeutic solution for asylum seekers and refugees until they are resettled in a place of safety.

The incumbent Government was elected on a platform committed to ensuring that migrants would not be punished for the 'irregular' mode of their arrival, and that the medical transfer process would be improved, engaging with independent medical advice to ensure that the rights to healthcare access for detained ASR are afforded according to their needs.⁵

MSF's data clearly demonstrates:

- The high prevalence of severe mental health morbidities amongst ASR are a direct and predictable result of indefinite detention.
- The available mental health services are not equipped to deal with this level of mental health crisis.
- Curative treatment for the overwhelming majority of cases is not possible while subject to the key stressors innate to the experience of ASR on Nauru and PNG.

MSF calls on the Australian Government to pass the Bill, to safeguard the rights and wellbeing of ASR detainees on PNG and Nauru by urgently transferring them to Australia, ensuring immediate access to quality medical care.

Yours sincerely

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Médecins Sans Frontières

⁵ Australian Labor Party, 'ALP National Platform: As adopted at the 2021 Special Platform Conference' (March 2021)
<<https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf>>