29th May 2017

Ms. Catalina Devandas Aguilar

Special Rapporteur on the Rights of Persons with Disabilities

Office of the High Commissioner for Human Rights

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Dear Ms. Aguilar

Re: Questionnaire: The right to liberty and security of persons with disabilities

Thank you for your invitation to respond to this questionnaire. We write to you as Australian child and adolescent psychiatrists and as co-convenors of the Asylum-Seekers Advocacy Group (ASAG). ASAG, which was established in 2001, is an Australian network of professionals and experts who pursue and support just and humane treatment for people seeking asylum and those found to be refugees, with a particular focus on the mental health and wellbeing of children and adults.

We have only lately become aware of the questionnaire. We do not know the answers to your questions regarding mental health facilities, but have forwarded the questionnaire to our National Mental Health Commission as a peak body that should have access to such information. We also imagine that heads of mental health services at a state and a Local Health District level could be provided with this questionnaire and requested to complete it in an acceptable timeframe.

We wish to draw your attention to the situation of asylum-seekers detained by the Australian Government, hoping that they are ‘in frame’ for the purpose of this inquiry.

Because of extreme secrecy, data about asylum-seekers detained onshore or offshore is hard to obtain. However our knowledge and experience of this area leads us to observe that there are very significant concerns for anyone with disability – physical, mental or intellectual - in immigration detention. Australia though signatory to various human rights covenants and conventions, does not have a bill of rights, and no transparent guidelines exist in relation to people’s rights in immigration detention. Access to centres (and offshore centres in particular) is very difficult in this regard, and there is no true independent monitoring of health and mental health concerns. There is evidence of seclusion being used inappropriately. To our knowledge, there are no provisions to prevent, address or ameliorate the deprivation of liberty for those with disabilities. Some of our ASAG group have intimate (firsthand) knowledge of the awful predicament, even torment of people with multiple (mental and/or physical and/or intellectual) disabilities in immigration detention. Recommendations of multiple enquiries by various UN bodies on the issue of detained asylum-seekers have been ignored, and even ridiculed.

Please contact us if you require further information about these matters.

Yours sincerely

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