

# URGENT ACTION

## SAFETY AND HEALTH OF SOMALI REFUGEE AT RISK

**A 23-year-old Somali refugee, allegedly raped in July on the island nation of Nauru, in the Central Pacific, is now 15 weeks pregnant. She is in urgent need of an abortion and mental health care. After bringing her to Australia to terminate her pregnancy, which was not carried out, the government of Australia unlawfully returned her to Nauru, where her safety and health are at risk.**

**Abyan** (not her real name), a 23-year-old Somali refugee, requested the Australian authorities to allow her into Australia to have an abortion after falling pregnant as a result of an alleged rape in July in Nauru, an island nation in the Central Pacific. Abortion services are not available in Nauru and abortion is criminalized.

In 2013 Abyan tried to reach Australia by boat to seek asylum and arrived on Christmas Island (a territory of Australia in the Indian Ocean) in October 2013. As part of its "offshore processing" policy, the Australian government forcibly transferred her to Nauru for her asylum claim to be determined there. At the time of the alleged rape, in July 2015, Abyan was living in Nauru after having been recognised as a refugee.

Following several requests to the Australian authorities, the Australian government brought her to Australia to terminate her pregnancy on 11 October and held her at the Villawood Immigration Detention Centre in Sydney. As she missed a medical appointment, on 16 October the Australian government flew her back to Nauru, where her safety and health are at risk.

The government of Australia claims that Abyan changed her mind about terminating her pregnancy while in Australia. She denies the claims and has made clear that she still wants an abortion. The Australian government unlawfully returned her to Nauru without giving her the possibility to challenge her transfer in court.

### **Please write immediately in English or your own language:**

- Urging the Australian authorities to ensure Abyan's health and safety by immediately transferring her to Australia;
- Calling on them to ensure that Abyan has access to all appropriate medical and psychological services, including access to comprehensive sexual and reproductive health information in a language she understands and in accordance with her wishes;
- Calling on them to guarantee Abyan's right to information about, and access to, safe and legal abortion services in accordance with her wishes.

### **PLEASE SEND APPEALS BEFORE 3 DECEMBER 2015 TO:**

#### Prime Minister

The Hon. Malcolm Turnbull, MP  
Parliament House  
Canberra ACT 2600  
Australia  
Fax: +61 2 6277 4100  
Twitter: @TurnbullMalcolm

**Salutation: Dear Prime Minister**

#### Minister for Immigration and Border

Protection  
The Hon. Peter Dutton MP  
Parliament House  
Canberra ACT 2600  
Australia  
Fax: +61 2 6277 4100  
Email: minister@border.gov.au  
Twitter: @PeterDutton\_MP

**Salutation: Dear Minister**

#### **For Twitter posts:**

#IstandwithAbyan

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

At a minimum, abortion services should be made available where pregnancy is the result of a 'sexual crime' such as rape. This service should be offered to any woman presenting herself to medical staff requesting a termination of pregnancy on these grounds, without being compelled to undergo unnecessary administrative or judicial procedures, such as pressing charges against the perpetrator or identifying the rapist. Denying Abyan an abortion in these circumstances violates the right to privacy and to health and the right to be free from torture and other ill-treatment.

In November 2012, the government of Australia announced that asylum-seekers arriving in Australia by boat would be "processed" (i.e. their asylum claim would be determined) in the offshore migration detention centres on Manus Island (Papua New Guinea) and Nauru. Australia started transferring asylum-seekers to the two facilities immediately.

According to official statistics, as of 31 August 2015, 653 people (446 men, 114 women and 93 children, including infants) were detained at the Nauru migration detention centre.

A recent Australian government review by Australia's former integrity commissioner Philip Moss (the Moss Review) detailed allegations of sexual harassment and sexual and physical violence at the Nauru migration detention centre. The Moss Review found that, since the reopening of the centre on Nauru in August 2012 the facility has operated without appropriate policies and procedures to protect detainees from physical and sexual assault. The review detailed numerous allegations of sexual exploitation, sexual harassment and sexual assault within the centre, including cases of rape. Victims of sexual assault included women and children, and highlighted that many asylum-seekers detained in the centre hold concerns about their personal safety and privacy within the facility.

When their claim for asylum is determined, refugees in Nauru are allowed to leave the detention centre. They are not, however, allowed to relocate to Australia, where they intended to seek asylum in the first place.

Several asylum seekers and refugees have publicly reported concerns about their safety on Nauru. According to media sources, there have been at least 20 sexual assaults on asylum seekers and refugees in Nauru in the past year.

On 5 October the government of Nauru declared that the centre would become an "open centre" and that detention of all asylum seekers would be ended. Nauran authorities have refused entry to international media and human rights organizations, making it impossible to verify the situation.

Since early 2014, Amnesty International has requested three times permission from the government of Nauru to visit. The first request was denied and subsequent requests have not been responded to.

Abortion is criminalized under the domestic legislation of Nauru. The Criminal Code of Nauru punishes abortion with fourteen years of imprisonment with hard labour (Article 224); a woman who causes or allows her own miscarriage or abortion is liable to imprisonment with hard labour for seven years.

Name: Abyan (not her real name)

Gender m/f: f