

Evading Medical Care: Australia's Refugee Arrangements with Taiwan

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Asia-Pacific Research, June 24, 2018

Region: [East Asia](#), [Oceania](#)

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It is a credit to the venality of Australia's refugee policy that much time is spent on letting others do what that particular country ought to be doing. For a state so obsessed with the idea of a "rule-based order", breaking those rules comes naturally – all in the national interest, of course.

Canberra's policy makers, since the 1990s, have been earning their morally tainted fare evading international law with an insistence bordering on the pathological. The reasons for doing so have been cruel and vapid: target the market of people smuggling by moving it to other regions; harden the Australian electorate against dissolute "queue jumpers" who don't know their place in the international refugee system; and speak to the idea of saving people who would otherwise drown.

In a tradition reminiscent of secret treaties, clandestine compacts underhand arrangements, Australia has done well for itself. The Turnbull government, spear tipped by the one-dimensional former policeman **Peter Dutton** of the Home Affairs Department, has shown itself to be obsessed with the clandestine when it comes to dealing with asylum seekers and refugees. Its invidious sea operation, termed Operation Sovereign Borders, continues to deter refugee-carrying boats approaching Australia. Last month, it took the revelations of a Taiwanese official to [The Guardian](#) to show that Australia had forged a deal with Taiwan on treating some of the most dire medical conditions afflicting refugees on Nauru.

The memorandum of understanding was made with Taipei in September last year. Since then, some five refugees have been flown to the state – some 5,500 kilometres – to receive treatment.

"The government has been clear," came the cold, unchanging line from [a spokeswoman](#) for the Department of Home Affairs, "that people subject to regional processing arrangements will not be settled in Australia."

The punitive dimension here has been stressed. Medical transfer would not be used as "a pathway to settlement in Australia". Besides, Taiwan's medical system was more than adequate, being "consistently ranked as having some of the best hospitals and medical technology in the world".

There is an element of the police state grotesque about this, a whiff of the tyrant in search of satisfying a sadistic whim. Those who have found their way to treatment in Taiwan have been in particularly acute medical distress. There have been questions about incomplete

understanding on the part of patients, and problems with informed consent. But such vulnerability is not one to prompt Australia's officials to well up. No excuse will be accepted in permitting resettlement in Australia.

Such conduct continues to rattle human rights advocates who continue skirmishing with the Home Affairs department. Refugee lawyer [David Manne](#) sums up the issue.

"The fundamental concern must be the person's need for medical treatment. Once again, we see the absurd spectacle of the Australian government searching the globe to hive off its basic obligations... to properly care for people subject to its policies which inflict such devastating harm."

To that end, such individuals as an Iranian woman in need of critical heart surgery was sent to Taiwan to be treated, after which she was returned to Nauru. (This resembles, in part, the ailing person awaiting execution treated to ensure his good health on being hanged.) A 63-year-old Afghan man has been offered a similar option in terms of treating his lung cancer, but has been eminently sensible, and damned for that reason, for wanting to go to Australia.

The scrap over outsourcing medical care to third countries, and not merely the processing and housing of refugees, has also received attention in the Australian Federal Court. Lawyers from the National Justice Project this month [won a bid](#) to prevent a 30-year-old Somali woman from being sent to Taiwan. The lady in question had been a victim of female genital mutilation, and was seeking an abortion.

Expert evidence was given that the Royal Women's Hospital in Melbourne, or the Westmead Hospital in Sydney, would be appropriate venues to treat victims of infibulation. The Taiwan Adventist Hospital, it was suggested, would not be up to scratch to supply either the medical expertise or the psychological ballast for the patient. Taiwanese physician **Dr Sheng Chiang** [told the court](#) that experience in performing pregnancy terminations on women with female genital mutilation was conspicuously absent in Taiwan.

In **Justice Alan Robertson's** words,

"infibulation carries significant emotional and psychological implications and those aspects of care need to be expertly managed."

Risks also came with later terminations, becoming "increasingly complex and dangerous".

As for Taiwan's side of the bargain, **Shyang-yun Cheng**, deputy representative of the Taipei Representative Office in the UK, has [written glowingly](#) about Taiwan's commitment "to cooperating with like-minded countries to provide high-quality medical support and humanitarian assistance." Encouraging, indeed, if for the obvious point that is permits Australia to evade its obligations while showing Taipei to be a good international citizen.

It is about time that Australia withdraws from the Refugee Convention and cognate documents protecting refugees and asylum seekers. In making arrangements with Taiwan, a non-signatory to the Refugee Convention, the point is clear enough. At the very least, it would be an honest admission that the legal order of the time is up for dissolution and repudiation. While US President Donald Trump scours the world for deals to abolish and

arrangements to upend, Australia can be looked upon as a prime example of disruption in a field that is now crowded with contenders from the United States to Hungary. A disturbing accolade indeed.

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