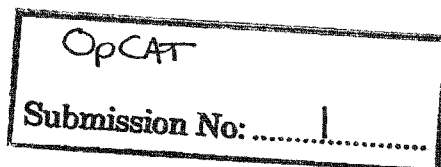


The Law Society of New South Wales



170 Phillip Street
Sydney NSW 2000
DX 362 Sydney
Phone (02) 9926 0333
Fax (02) 9231 5809
ACN 000 030 599

Our Ref: MM1207872
(Please quote our reference on all correspondence)
Direct Line: 9926 0310



10 December 2003

Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Dear Committee Secretary,

Re: Inquiry into The Optional Protocol to the Convention Against Torture and Other Cruel, and Inhuman or Degrading Treatment or Punishment was

Thank you for the opportunity to contribute to this Inquiry.

The Law Society of New South Wales supports the ratification of the United Nations Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ adopted in December 2002.

The Society wrote to the Foreign Minister on 22 September of this year to encourage the Federal Government to ratify the Optional Protocol. The Minister replied to the Law Society on 15 October 2003 stating that Australia had concerns about the way the Optional Protocol was adopted as well as its substance.

According to Article 1 of the Optional Protocol the objective is to:

"...establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment."

The Law Society fully supports this objective. Ratification of the Optional Protocol would continue to strengthen Australia's stance on human rights and send a clear message to the international community that Australia remains a leading nation in the advancement of human rights.

The Law Society understands the Government has concerns that "...becoming a party to the OP would constitute a standing invitation to the Sub-Committee established under the

¹ (General Assembly res. A/RES/57/199, adopted Dec. 18, 2002).

*Protocol to visit Australia*².” As a progressive nation, Australia ought to welcome international scrutiny of our practices regarding those deprived of liberty. If deficiencies are identified in the treatment of those persons, Australia should be willing to address them. Visits by the Sub-Committee Against Torture should be regarded by Australia as a fair and impartial review of human rights standards in Australia for those imprisoned or otherwise deprived of liberty.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robert Benjamin', with a long horizontal stroke extending to the right.

Robert Benjamin
President

² Letter from the Foreign Minister, Mr. Downer, to the Law Society of New South Wales, 15 October 2003.